

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: Sifton Properties Limited
3480 Morgan Avenue
City File: Z-9531 Ward 10
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 Sifton Properties Limited relating to the property located at 3480 Morgan Avenue:

- (a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone, **TO** a Residential R8 Special Provision (R8-4(_)) Zone, **BE REFUSED** for the following reason:
- i) The Application did not include Holding Provisions, a number of holding provisions are considered necessary to address a range of planning and servicing issues associated with the proposed development.
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting May 16, 2023, to amend Zoning By-law No. Z.-1, in conformity with *The London Plan*, to change the zoning of the subject property **FROM** an Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone, **TO** an Holding Residential R8 Special Provision (h*h-95*h-100*h-105*h-198*R8-4(_)*H14) Zone.

Executive Summary

Summary of Request

Staff recommendation for a zone change from a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone to a Holding Residential R8 Special Provision (h*h-95*h-100*h-105*h-198*R8-4(_)*H14) Zone to facilitate the development of stacked townhouses.

A R8-4(_) Special Provision Zone has been requested to accommodate for the following:

- Minimum front yard setback of 3.3 metres;
- Minimum interior side yard setback of 2.2 metres;
- Minimum rear yard setback of 4.5 metres;
- Minimum landscaped open space of 27%;
- Maximum height of 14.0 metres; and,
- Density of 87 units per hectares.

Refusal of the submitted application for a zone change from a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone to a Residential R8 Special Provision (R8-4(_)) Zone to facilitate the development of stacked townhouses.

Purpose and Effect of the Recommended Action

The purpose and effect are to recommend that Municipal Council approve the recommended zoning by-law amendment.

Rationale of Recommended Action

APPROVAL of the recommended Zoning By-law amendment because:

1. The recommended zoning by-law amendment is consistent with the Provincial Policy Statement.
2. The recommended zoning conforms to the in-force policies of *The London Plan*, including, but not limited to, the Shopping Area Place Type, City Building and Design, Our Tools, and all other applicable *The London Plan* policies.
3. The zoning will permit development that is considered appropriate and compatible with the existing and future land uses surrounding the subject lands.

REFUSAL of the requested Zoning By-law Amendment because:

1. The Application did not include Holding Provisions, a number of holding provisions are considered necessary to address a range of planning and servicing issues associated with the proposed development.

Linkage to the Corporate Strategic Plan

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

Climate Emergency

On April 23, 2019, Municipal Council declared a Climate Emergency. Through this declaration the City, is committed to reducing and mitigating Climate Change. Please refer to Appendix "F" for further details on the characteristics of the proposed Application relates to the City's climate action objectives.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

April 25, 2005 – Report to Planning Committee regarding the Bostwick East Area Plan (O-6872)

May 9, 2005 – Report to Planning Committee regarding the Bostwick East Area Plan (O-6872)

May 30, 2005 – Report to Planning Committee regarding the Bostwick East Area Plan (O-6872)

September 12, 2005 – Report to Planning Committee regarding the Bostwick East Area Plan (O-6872)

May 6, 2009 – Report to Planning Committee on application from Sifton Properties Limited for Draft Plan of Subdivision Approval, Official Plan Amendment and Zoning By-law Amendment (39T-07510/Z-7457/O-7466)

November 26, 2012 – Report to Planning and Environment Committee regarding special provisions for the Subdivision Agreement for Andover Phase 4 (39T-07510)

January 22, 2013 – Report to the Planning and Environment Committee regarding a one-year Draft Plan Extension (39T-07510)

July 22, 2016 – Report to London Consent Authority regarding a consent application (B.011/16)

November 24, 2022 - Report to London Committee of Adjustment regarding a consent application (B.026/22)

1.2 Planning History

The subject lands comprise part of the Bostwick East Planning Area. In 2003, the City of London and Sifton Properties Limited initiated the Bostwick East Area Plan as a developer-led community plan to guide development for the lands bounded by Southdale Road West, Wharncliffe Road South and Wonderland Road South. City Council adopted Official Plan Amendments in 2005 to implement the Area Plan. The lands are now subject to the *Southwest Area Secondary Plan (SWAP)*, and more specifically the policies for the Central Longwoods Residential Neighbourhood. *SWAP* was approved by the Ontario Municipal Board on April 29, 2014, and is intended to provide a comprehensive land use plan, servicing requirements and servicing strategy for the lands south of Southdale Road, east of the Dingman Creek and north of the Highway 401/402 corridor. The subject lands are designated as Commercial under *SWAP*.

In October of 2007, Sifton Properties Limited submitted applications for a Draft Plan of Subdivision, Official Plan Amendments and Zoning By-law Amendments to facilitate the creation of: two multi-family, medium density residential blocks; two multi-family, high density residential blocks; two restricted service commercial blocks; two park blocks; and, a new secondary collector road on the subject lands. Staff recommended approval of the Official Plan Amendment, a revised Zoning By-law Amendment and a red-lined Draft Plan of Subdivision. The Zoning By-law Amendment and Draft Plan of Subdivisions initially submitted by the Applicant were recommended for refusal for the following reasons:

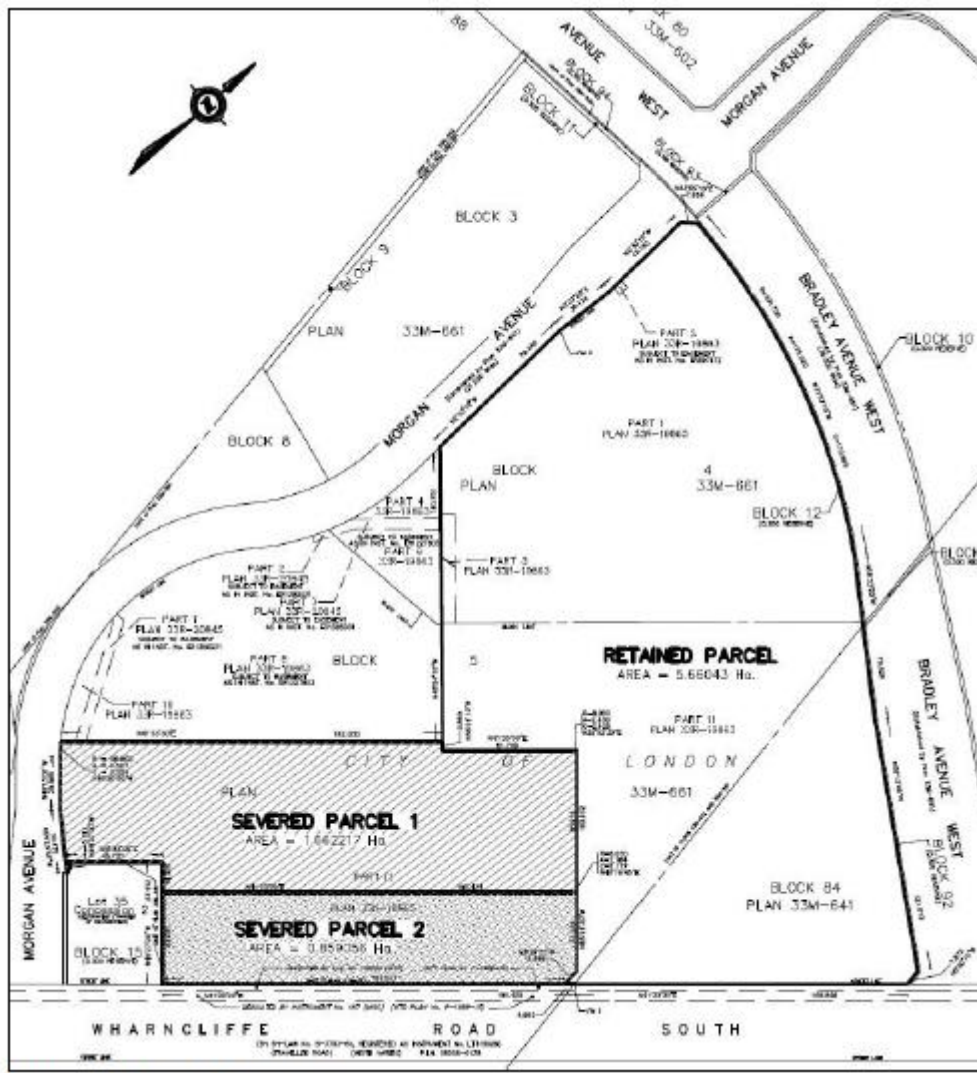
1. Additional road reserve blocks were required to restrict vehicular access to Bradley Avenue. A holding provision would have been necessary for the Applicant to submit an Access Management Plan to serve the commercial and office blocks on Wharncliffe Road South and Bradley Avenue West.
2. The Applicant did not request any holding provisions, but a number would have been considered necessary to address a range of planning and servicing issues associated with the proposed development to implement servicing and urban design issues.
3. Special provisions of the Restricted Service Commercial Zone were necessary to prohibit certain industrial type uses from being in proximity to sensitive land uses.

Draft Approval was granted to the Plan of Subdivision on August 19, 2009, with a three-year draft approval period, and no appeals were received. On August 1, 2012, an emergency extension was granted with a lapse date of February 19, 2013. The Applicant also requested an amendment to a condition of Draft Approval, pursuant to Section 51(44) of the *Planning Act*, pertaining to parkland dedication to allow for the required cash-in-lieu payment at the time of issuance of the first permit for each block, as has been standard practice with most plans of subdivision. The Applicant and Parks Planning agreed on the revised wording, and approval was granted on November 14, 2012. An additional request for Draft Plan extension was granted in February of 2013, with a new lapse date of February 19, 2014, and Final Approval was granted in July of 2014.

In 2016, an application was made by Sifton Properties Limited to sever what is now 3400 Morgan Avenue from what is now 3480 Morgan Avenue. Provisional Consent, subject to conditions, was granted on July 28th, 2016, and the conditions were cleared by

July 24, 2017. A long-term care facility is now located at 3400 Morgan Avenue. An additional consent application was submitted by Sifton Properties Limited in 2022 to sever two additional properties, one of which is the lands subject to this Application. Figure 1, seen below, shows the lands to be severed and the lands to be retained. Severed Parcel 1 are the lands subject to this Application. Provisional Consent, subject to conditions, was granted on November 24, 2022, with a lapse date of November 24, 2024.

Figure 1: 2022 Consent Application – Lands to be severed and retained.



1.3 Property Description

The subject property is generally located south of Wharncliffe Road South and east of Wonderland Road South. The site has a mix of built or proposed low and medium density residential to the north and south, Green Space is located to the west, and Urban Reserve and Commercial Industrial to the east. The requested Zoning By-law Amendment would permit the construction of six (6) stacked townhouse buildings with 144 units on Block 5 of Registered Plan 33M-661. This site is currently vacant and approximately 1.67 hectares (4.12 acres) in size. The site would have access to municipal services and is in an area planned for growth.

1.4 Current Planning Information

- *The London Plan* Place Type – Shopping Area
- *Southwest Area Secondary Plan* - Commercial
- Existing Zoning – h*11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)

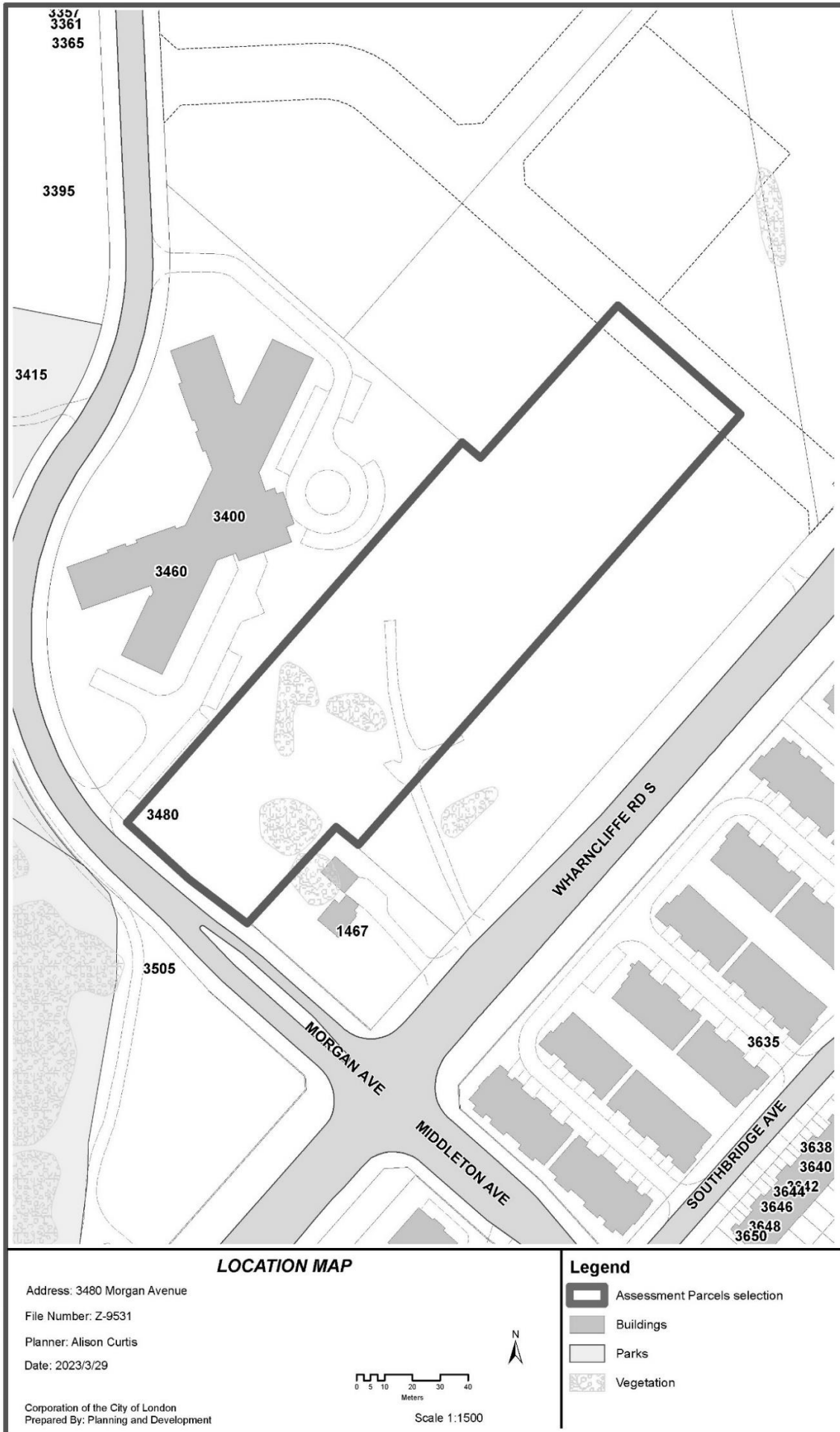
1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 62.3 metres
- Depth – Varies
- Area – 1.67 hectares
- Shape – Rectangular

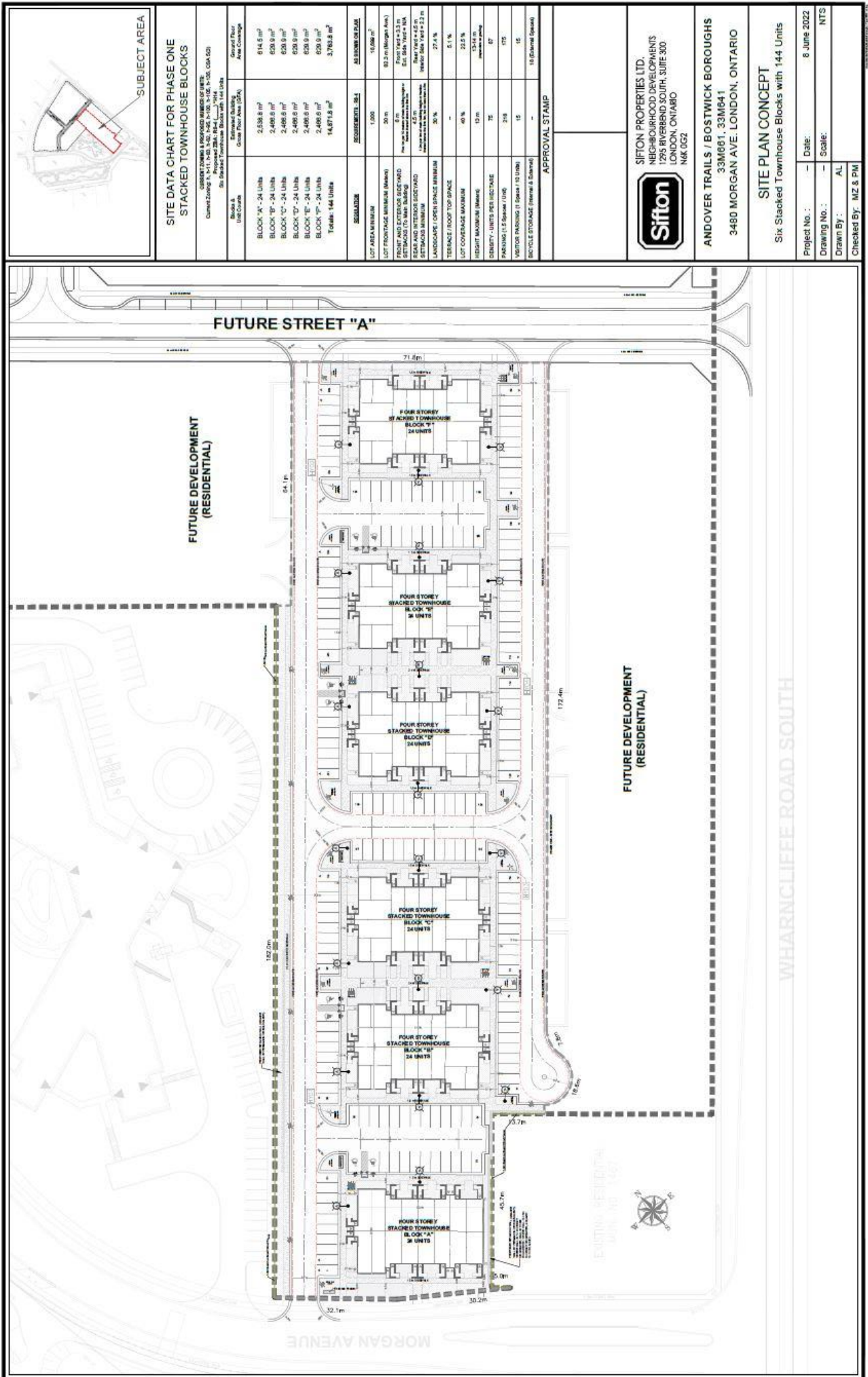
1.6 Surrounding Land Uses

- North – Residential
- East – Residential and Commercial Industrial
- South – Residential
- West – Green Space and Residential

1.7 Location Map



1.8 Site Concept



SITE DATA CHART FOR PHASE ONE STACKED TOWNHOUSE BLOCKS

CURRENT ZONING & PROPOSED NAMED LOT METERS:
 Current Zoning: R-10 (Residential Single Detached)
 Proposed Zoning: R-10 (Residential Single Detached)
 Proposed Zoning: R-10 (Residential Single Detached)

Block & Units	Block Area (sq ft)	Block Area (sq m)	Block Area (sq ft)	Block Area (sq m)	Block Area (sq ft)	Block Area (sq m)	Block Area (sq ft)	Block Area (sq m)	Block Area (sq ft)	Block Area (sq m)	Block Area (sq ft)	Block Area (sq m)
Block "A" - 24 Units	2,538.8	235.8	2,538.8	235.8	2,538.8	235.8	2,538.8	235.8	2,538.8	235.8	2,538.8	235.8
Block "B" - 24 Units	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2
Block "C" - 24 Units	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2
Block "D" - 24 Units	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2
Block "E" - 24 Units	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2
Block "F" - 24 Units	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2	2,498.8	229.2
Total - 144 Units	14,871.8	1374.6	14,871.8	1374.6	14,871.8	1374.6	14,871.8	1374.6	14,871.8	1374.6	14,871.8	1374.6

REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS
LOT AREA MINIMUM	1,000	92.9	10,000	929	100,000	9,290	1,000	92.9	10,000	929	100,000	9,290
LOT FRONTAGE MINIMUM (Meters)	30	30	30	30	30	30	30	30	30	30	30	30
FRONT AND SIDE/REAR SETBACKS TO MAIN BUILDING	5	5	5	5	5	5	5	5	5	5	5	5
SETBACKS TO SIDE/REAR SETBACKS TO MAIN BUILDING	5	5	5	5	5	5	5	5	5	5	5	5
LANDSCAPE COVER SPACE MINIMUM	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
TERACE / ROOF TOP SPACE	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%	5.1%
LOT COVERAGE MAXIMUM	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%
HEIGHT MAXIMUM (Meters)	15	15	15	15	15	15	15	15	15	15	15	15
DENSITY - UNITS PER HECTARE	72	72	72	72	72	72	72	72	72	72	72	72
PARKING (1 Space / 10 Units)	15	15	15	15	15	15	15	15	15	15	15	15
VEHICLE STORAGE (Storage & Garages)	15	15	15	15	15	15	15	15	15	15	15	15
BIKE STORAGE (Storage & Garages)	15	15	15	15	15	15	15	15	15	15	15	15

APPROVAL STAMP

Sifton
 SIFTON PROPERTIES LTD.
 NEIGHBORHOOD DEVELOPMENTS
 1295 RIVERBEND SOUTH, SUITE 800
 LONDON, ONTARIO
 N4K 0G2

ANDOVER TRAILS / BOSTWICK BOROUGHES
 33M861, 33M841
 3480 MORGAN AVE. LONDON, ONTARIO

SITE PLAN CONCEPT

Six Stacked Townhouse Blocks with 144 Units

Project No. :	—	Date:	8 June 2022
Drawing No. :	—	Scale:	NTS
Drawn By :	AL	Checked By :	MZ & PM

2.0 Discussion and Considerations

2.1 Requested Amendment

The Applicant has requested consideration of a Zoning By-law Amendment to rezone the lands from a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone to a Residential R8 Special Provision (R8-4(_)) Zone. Staff are recommending a Holding Residential R8 Special Provision(h*h-95*h-100*h-105*h-198*R8-4(_)*H14) Zone. This amendment has been requested to facilitate the future development of six (6) stacked townhouse buildings, each containing 24 units for a total of 144 units. The current Holding Community Shopping Area Special Provision Zone permits a wide range of community-scale retail and personal services uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community, or a number of neighbourhoods located within convenient walking and/or driving distance. The proposed change to the R8-4 Zone would permit low rise apartments buildings, which will vary in form depending on the adjacent land uses.

A R8-4 Special Provision Zone has been requested by the Applicant to accommodate for the following:

- Minimum front yard setback of 3.3 metres;
- Minimum interior side yard setback of 2.2 metres;
- Minimum rear yard setback of 4.5 metres;
- Minimum landscaped open space of 27%;
- Maximum height of 14.0 metres; and,
- Density of 87 units per hectares.

At the time the Application was submitted and accepted, the off-street parking requirements outlined in the Z.-1 Zoning By-law were under review and the Applicant requested a special provision for a parking reduction of 1 space per unit. Since then, the review has completed, and the parking requirements revised to 0.5 spaces per stacked townhouse unit and the special provision is no longer required.

2.2 Community Engagement

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

- Notice of Public Participation Meeting was sent to property owners within 120 metres of the subject property and on published in the Public Notices and Bidding Opportunities section of The Londoner April 13th, 2022.
- Notice of Application was sent to property owners within 120 metres of the subject property on August 4th, 2022.
- Information about the Application was posted on the website on April 13th, 2022.

Comments from external agencies are included in Appendix C. Two comments were received from the public. Comments/concerns received are summarized as follows:

- Paper use associated with mail-out notices;
- Setbacks being inconsistent with surrounding development;
- Reduction in parking;
- Capacity within existing schools to accommodate development; and,
- Building design appeal and sustainability.

3.0 Financial Impact/Considerations

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

4.0 Policy Context (see more detail in Appendix D)

Provincial Policy Statement (PPS)

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest as identified in Section 2 of the *Planning Act*. In accordance with Section 3 of the *Planning Act*, all planning decision shall be consistent with the *PPS* and the land use planning policies:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and,
3. Protecting Public Health and Safety.

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

The London Plan

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

The subject lands are located within the “Shopping Area” Place Type, which is intended to provide a wide range of retail, service, business, recreational, social, educational, and government uses within easy walking distance for neighbourhoods. Over the long-term these areas will become more pedestrian, cycling and, transit-oriented, and less automobile-dominated.

Permitted uses within the Shopping Area Place Type include a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses (877). *The London Plan* further notes that where a Shopping Area Place Type abuts a Neighbourhoods Place Type, the City Design policies of the *Plan* will be applied to ensure that a positive interface is created between commercial and residential uses (877). The proposed ZBA to permit residential land uses on the subject lands is consistent with the permitted uses and the Applicant has incorporated building design and streetscape orientation to ensure there is a positive interface with adjacent lands in the Neighbourhoods Place Type.

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

Southwest Area Secondary Plan (SWAP)

This site forms part of the *Southwest Area Secondary Plan* and is subject to the development vision and detailed policies of the *Secondary Plan*. Additionally, the site forms part of the ‘Central Longwoods Neighbourhood’ within the greater *Plan*. This *Secondary Plan* sets out policy and guidance to create neighbourhoods that have the

following features: a mix of uses and diverse mix of residential housing; an emphasis on design parameters with placemaking features; walkability within and between neighbourhoods; an integration of the Natural Heritage System as an opportunity for residents to enjoy; and, Neighbourhood Central Activity Nodes as destination places in the neighbourhood. The requested amendment has been reviewed with the applicable policies contained in the *SWAP* and the analysis can be found in Appendix D.

Z.-1 Zoning By-law

The appropriateness of the proposed zone change, the permitted uses and regulations have been reviewed against that regulatory requirement of Zoning By-law Z.-1. The lands are currently zoned Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)). This Zone permits a wide range of community-scale retail and personal services uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community, or a number of neighbourhoods located within convenient walking and/or driving distance. A zoning map excerpt from the Z.-1 Zoning By-law Schedule A is found in Appendix E.

5.0 Key Issues and Considerations

Zoning Amendment applications to the City of London Zoning By-law are subject to the applicable policies in *The London Plan*. *The London Plan* requires the applications demonstrate that the proposal is sensitive to, and compatible with, its context and consider the Use, Intensity and Form of proposed amendments.

5.1 Use

Permitted uses within the R8 Zone include: apartment buildings; persons with accessibility needs apartment buildings; lodging house class 2; stacked townhousing; senior citizen apartments; emergency care establishments; and continuum-of-care facilities. The recommended zoning would permit medium density residential development in the form of cluster stacked townhouses, at a maximum height of 14 metres (45.93 feet), which is a permitted use. Residential land uses are permitted in the Shopping Area Place Type of *The London Plan* to encourage mixed-use development and allow for more efficient use of these lands.

The proposed stacked-townhouse development would provide a mix of housing choices in compact form that is street oriented, which contributes to a safe pedestrian environment that promotes connectivity to adjacent lands within the Shopping Area and Commercial Industrial Place Types. Lands with the Neighbourhoods Place Type are located directly to the north, south and west, and there are additional lands further east within the Neighbourhoods Place Type. The recommended zoning and holding provisions are considered an appropriate use that is generally consistent with Z.-1 Zoning By-law and *The London Plan* and surrounding residential and commercial development.

5.2 Intensity

The subject lands are sufficient in size and configuration to accommodate the development of six (6) buildings and 144 stacked townhouse dwelling units. The Residential R8-4 Zone Variation requires a minimum lot area of 1000 metres squared and a minimum lot frontage of 30 metres. The subject lands have a frontage of 62.3 metres on Morgan Avenue and are 16,700 square metres in size, exceeding the minimum requirements and can accommodate the development.

Building heights within the Shopping Area Place Type shall not exceed four (4) storeys. Heights above this, to a maximum of six (6) storeys, may be permitted in conformity with the Our Tools policies of this plan relating to Zoning to the Upper Maximum Height

(878). Medium density development in the form of low-rise apartment buildings at a maximum height of 13 metres (42.7 feet) is currently permitted in the Residential R8 Zone. Heights within this zone shall not exceed 16 metres (52.5 feet) and heights over 13 metres (42.7 feet) shall be specifically applied on the Zoning Maps. The proposed ZBA would facilitate the development of residential land uses in the form of four and half (4.5) storey stacked townhomes, which is consistent with the Shopping Area Place Type and below the maximum height considered in the R8 Zone.

To allow for more intense and efficient use of the land with the Shopping Area Place Type, the redevelopment, expansion and introduction of residential development is considered (878). Appropriate scale, massing, material variation, landscaping and street orientation have all been considered to provide sufficient buffers and ensure compatibility with the adjacent uses (878). A maximum density of 75 units per hectare is permitted under the R8-4 Zone, and *The London Plan* does not identify a maximum limit for residential density. The recommended zoning would permit a maximum density of 87 units per hectare through a special provision. Lands on the opposite, south side of Wharnccliffe Road South permit a maximum density of 75 units per hectare and lands to the northwest permit a maximum density of 100 units per hectare through a density provision. In addition, The R8-4 Zone Variation does include similar special provisions for densities greater than 75 units per hectare. The recommended zoning and density are considered appropriate for the lands and in keeping with densities permitted on adjacent lands.

5.3 Form

As previously noted, the recommended zoning would permit medium density residential development in the form of cluster stacked townhouses. This is a permitted building form under the R8 Zone, and it can be accommodated on the lands. Residential land uses are permitted in the Shopping Area Place Type of *The London Plan* to encourage mixed-use development and allow for more efficient use of these lands. Policy 876, Subsection 5 notes that mid-rise residential development should be introduced into the Shopping Area Place Type to intensify their use, promote activity on these sites outside of shopping hours, and strengthen their role as neighbourhood centers. The recommended zoning would facilitate the development of mid-rise development, which aligns with the form identified as appropriate in *The London Plan* and is designed with street and pedestrian orientation in mind to promote connectivity. This connectivity could contribute to walkability to support adjacent Shopping Area and Commercial Industrial Lands. Residential development south of Wharnccliffe Road South and north of Bradley Avenue consists of townhouses and single-detached dwelling units at a maximum height of two (2) storeys. The lands at the southwest corner of Bradley Avenue and Morgan Avenue are currently being developed for a twelve (12) storey apartment building, a fourteen (14) storey apartment building, and two (2) storey townhouse dwellings. The recommended zoning, special provisions and holding provisions are considered an appropriate form that is generally consistent with the existing and proposed future development surrounding.

5.4 Zoning

The Applicant has requested consideration of a Zoning By-law Amendment to rezone the lands from a Holding Community Shopping Area Special Provision (H-11-63-82-95-100-105-135-CSA5(3)) Zone to a Residential R8 Special Provision (R8-4()) Zone. Staff are recommending a Holding Residential R8 Special Provision (H-95-100-105-198-R8-4()) H14) Zone. This amendment has been requested to facilitate future development of six (6) stacked townhouse buildings, each containing 24 units for a total of 144 units.

The Holding Provisions that are proposed to form part of the recommended zone are to ensure the following:

- orderly development and adequate provision of municipal services through an approved Development Agreement (h);

- ensure the urban design concepts established through the Official Plan and/or Zoning By-law Amendment review process are implemented (h-95);
- there is adequate water services and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer (h-100);
- a comprehensive storm drainage and stormwater management report is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility (h-105); and,
- street-oriented development and discouragement of noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan (h-198).

Not all of the holding provisions included in the current zoning are applicable to the proposed development, and they are not included in Staff's recommended zoning. A summary of the rationale is provided in Appendix D – Policy Context.

The requested Residential R8 (R8-4) Zone provides for, and regulates, medium density development in the form of low-rise apartment buildings, which will vary in form depending on adjacent land uses, but in no case shall exceed 16 metres (52.5 feet). A maximum density of 75 units per hectare on lots with a minimum area of 1000 metres squared are permitted with the (R8-4) Zone Variation. Special provisions are outlined below.

Reduced Front Yard Setback of 3.3 metres (Minimum)

Front yard setbacks are intended to ensure adequate space between buildings and lot lines to ensure there are adequate sight lines, landscaping, and space to accommodate future road-widening, should it be required. The requested reduced front yard setback helps to facilitate development that is street and pedestrian oriented by helping to establish a strong street edge and an active street front, while still allowing sufficient space for sight lines and landscaping.

Reduced Interior Side Yard Setback of 2.2 metres (Minimum)

Interior Side Yard Setbacks are intended to ensure there is sufficient separation between new and existing development to potentially mitigate negative impacts, while also provided access to the interior yard space. For the subject lands, the interior side yards are located adjacent the lands to the northwest and southeast. The proposed development locates the buildings interior to the site, with parking surrounding, which would provide sufficient distance between the proposed and any existing development and there is sufficient access to the interior side yard.

Reduced Rear Side Yard Setback of 4.5 metres (Minimum)

Rear Yard Setbacks are intended to ensure there is sufficient separation between new and existing development, to potentially mitigate negative impacts while also provided access to the interior yard space. For the subject lands, the rear yard is located adjacent the lands to the northeast, which are subject to a Draft Plan of Subdivision. It is anticipated that the subject lands will connect with a future street proposed in the Draft Plan of Subdivision for the adjacent lands. The requested reduced rear yard setback helps to facilitate development that is street and pedestrian oriented by helping to establish a strong street edge and an active street front, while still allowing sufficient space for sight lines and landscaping, along the future street.

Landscaped Open Space of 27 per cent (Minimum)

The Z.-1 Zoning By-law defines Landscaped Open Space as open space which is used for the growth and maintenance of grass, flowers, shrubbery, and other landscaping and includes any surfaced walk, patio, swimming pool or similar area, but does not include

any access driveway or ramp, parking area, bus parking area, roof-top area or any open space beneath or within any building or structure. A minimum of 30 per cent is required under the Residential R8-4 Zone Variation. The requested special provision is minor in nature and a similar amount of Landscaped Open Space must be provided on the subject lands.

Maximum Height of 14 metres

The Residential R8 Zone permits a maximum height of 13 metres (42.7 feet), and further stipulates that heights shall not exceed 16 metres (52.5 feet). Heights over 13 metres (42.7 feet) shall be site specifically applied on the Zoning Maps. The requested special provision for a maximum height of 14 metres (45.9 feet) is below the stipulation for heights not exceeding 16 metres (52.5 feet).

Maximum Density of 87 units per hectare

As noted in Section 5.2 Intensity, the Residential R8-4 Zone Variation requires a minimum lot area of 1000 metres squared and a minimum lot frontage of 30 metres. The subject lands have a frontage of 62.3 metres on Morgan Avenue and is 16, 700 square metres in size, exceeding the minimum requirements and can accommodate the development.

To allow for more intense and efficient use of the land within the Shopping Area Place Type, the redevelopment, expansion and introduction of residential development is considered (878), and *The London Plan* does not identify a maximum limit for residential density within that Place Type. Lands on the opposite, south side of Wharncliffe Road South permit a maximum density of 75 units per hectare and lands to the northwest permit a maximum density of 100 units per hectare through a density provision. The recommended zoning and density are considered appropriate for the lands and in keeping with densities permitted on adjacent lands.

5.5 Public Concerns

Setbacks are inconsistent with surrounding development

As noted in the previous section, setbacks are required to ensure there is adequate: space between buildings; sight lines; landscaping; space to accommodate future road-widening; and, access to side yards to help mitigate potential negative impacts on new development. The requested reduced front and rear yard setbacks help to facilitate development that is street and pedestrian oriented by helping to establish a strong street edge and an active street front, while still allowing sufficient space for sight lines and landscaping.

Reduction in parking

As previously noted, at the time the Application was submitted and accepted, the off-street parking requirements outlined in the Z.-1 Zoning By-law were under review and the Applicant requested a special provision for a parking reduction of 1 space per unit. Since then, the review has completed, and the parking requirements revised to 0.5 spaces per stacked townhouse unit and the special provision is no longer required.

The proposal includes a total of 190 parking spaces, 175 of which for residents and 15 are for visitors. This is a rate of 1.21 spaces per unit, which is in excess of the minimum requirements. A parking study was prepared and submitted with the Application, which concluded that the proposed parking supply is sufficient, noting that the proposed development would have access to transit routes and includes pedestrian connections to the municipal network to potentially promote active and public transportation.

Capacity within existing schools to accommodate development

School Blocks have been incorporated and appropriately zoned as part of Plans of Subdivision west of Bostwick Road to accommodate new schools in southwest London.

Local School Boards are circulated on Planning and Development Applications and Pre-Application Consultations to provide comments based on their mandate. No comments were received from the School Board for this Zoning By-law Amendment.

Building design and sustainability

Holding provisions are included in the zoning to ensure urban design concepts established through the Official Plan and/or Zoning By-law Amendment review process are implemented (h-95), and to ensure that new development is designed and approved consistent with the *Southwest Area Secondary Plan* (h-198). The proposed development is also subject to a Site Plan Approval Application.

Conclusion

The zoning amendment recommended for approval by Staff is consistent with the *Provincial Policy Statement* and conforms with *The London Plan* and the *Southwest Area Secondary Plan*. The recommended zoning and special provisions will permit stacked townhouse units that are considered appropriate and compatible with existing and future land uses in the surrounding area. Therefore, staff are satisfied that the proposal represents good planning in the broad public interest and recommends approval.

Staff are recommending refusal of the requested Zoning By-law Amendment, submitted by Sifton Properties Limited, because the application did not include a number of holding provisions that are considered necessary to address a range of planning and servicing issues associated with the proposed development.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivision Planning

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

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

CC: Peter Kavcic, Manager, Subdivision and Development Inspections
Michael Pease, Manager, Site Plans
Matt Davenport, Manager, Subdivision Engineering

HM//BP/AC/ac

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3480 Morgan Ave, 1363 Wharnclyffe Rd S (MJ)

Appendix A: Amendment Schedule

Appendix "A"

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

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

A bylaw to amend By-law No. Z.-1 to
rezone lands located at 3480 Morgan
Avenue.

WHEREAS Sifton Properties has applied to rezone lands located at 3480 Morgan Avenue, 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 3480 Morgan Avenue as shown on the attached map comprising part of Key Map No. A111, from a Holding Community Shopping Area Special Provision (h-h-11-h-63-h-82-h-95-h-100-h-105-h-135-CSA5(3)) Zone to a Holding Residential R8 Special Provision (h-h-95-h-100-h-105-h-198-R8-4(_)-H14) Zone.
- 2) Section Number 12.4 of the Residential R8 Zone is amended by adding the following Special Provisions:
 -) R8-4(_)
 - a) Regulations:

i)	Front Yard Depth	3.3m (10.8ft)
	(Minimum)	
ii)	Interior Side Yard Depth	2.2m (7.2ft)
	(Minimum)	
iii)	Rear Yard Depth	4.5m (14.8ft)
	(Minimum)	
iv)	Landscaped Open Space	27%
	(Minimum)	
v)	Height	14m (45.9ft)
	(Maximum)	
vi)	Density	87 unit per hectare
	(Maximum)	

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

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

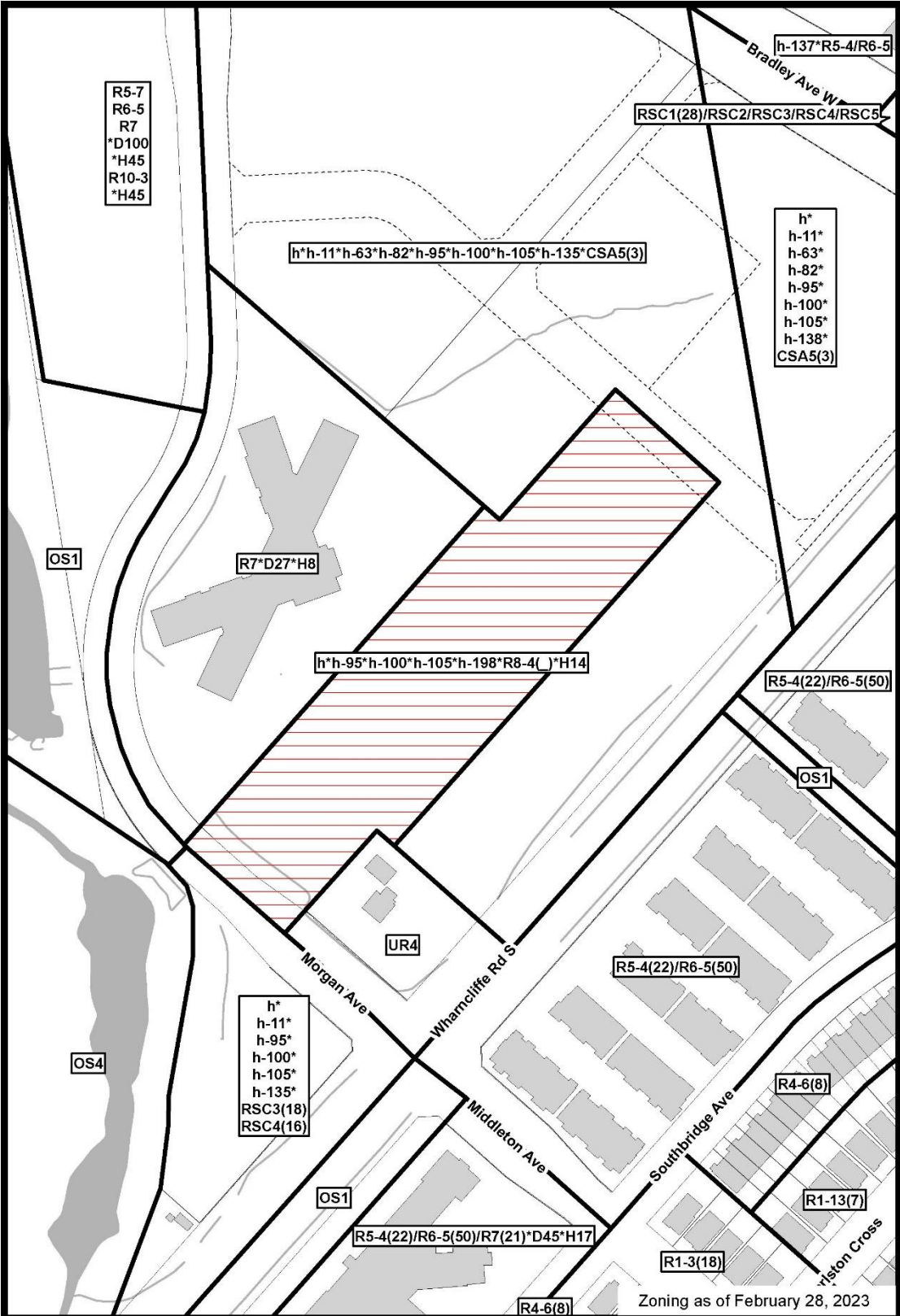
PASSED in Open Council on May 16, 2023

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)



File Number: Z-9531
Planner: AC
Date Prepared: 2023/03/28
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE

1:2,000

0 10 20 40 60 80 Meters



Appendix B: Community Engagement

Community Engagement

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

- Notice of Public Participation Meeting was sent to property owners within 120 metres of the subject property and on published in the Public Notices and Bidding Opportunities section of The Londoner April 13th, 2021.
- Notice of Application was sent to property owners within 120 metres of the subject property on August 4th, 2022.
- Information about the Application were posted on the website on April 13th, 2022.

Comments from external agencies are included in Appendix B. Two comments were received from the public. Comments/concerns received are summarized as follows:

- Paper use associated with mail-out notices;
- Setbacks being inconsistent with surrounding development;
- Reduction in parking;
- Capacity within existing schools to accommodate development; and,
- Building design appeal and sustainability.

Londoner Notice: 3480 Morgan Avenue, north side of Wharncliffe Road South, south of Bradley Avenue; approx. 1.67 hectares (4.12 acres) - The purpose and effect of this application is to consider a proposed Zoning By-law Amendment to allow residential uses, and to remove existing permitted commercial uses from the lands. Possible change to Zoning By-law Z.-1 FROM a Holding Community Shopping Area Special Provision (h•h-11•h-63•h-82•h-95•h-100•h-105•h-135•CSA5(3)) Zone; TO a Residential R8 Special Provision (R8-4(*)) Zone; to add apartment buildings, handicapped person's apartment buildings, lodging house class 2, stacked townhousing; senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities uses, and to remove commercial uses from the lands. Special Provisions are requested to permit: a minimum front yard setback of 3.3 metres; a minimum interior side yard setback of 2.2 metres; a minimum rear yard setback of 4.5 metres; a minimum landscaped open space of 27 percent; a maximum height of 14 metres; and, a maximum density of 87 units per hectare. The City may consider the use of holding provisions.

Public Comments

City of London
Development Services
PO Box 5035
300 Dufferin Avenue
London ON N6A 4L9

September 8, 2022

Attention: Mark Johnson

Re: File no. OZ-9100 and Z-9531

I am writing in response to the Notice of Planning Application that we received in August for planning amendments proposed by Sifton Properties Ltd. pertaining to lands bordered by Morgan Avenue, Bradley Avenue and Wharncliffe Road South. Much of this commentary is taken from my letter of September 3, 2019, in response to Sifton's first application. While the addition of green space and two new roads is encouraging, the basic plan for a ring of apartment buildings for the site remains unchanged. With no new concept drawing of the apartment buildings, I must assume that the plan is to erect the same properties that I addressed in general comment number 2 in my original letter (attached).

Should this zoning application go ahead I would like to see that the following specific changes are not permitted:

1. That the setbacks not be reduced to 3.3 metres for both proposed Zones. This is inconsistent with the setbacks required for other development in the area,

2. That the number of parking spaces not be reduced to 1.25 per unit for the R5-7 Zone,
3. That the number of parking spaces not be reduced to 1 per unit for the R9-4 Zone.
4. That the number of stories for the stacked townhouses be limited to 4.

I believe that the thrust of the three general comments in my original submission remain much the same today. Please review the original letter. The request for a maximum number of stories to be increased to 5 seems to me to essentially building more apartment blocks. Any set of connected structures that is 5 stories high could only be seen as an apartment building from a distance.

I would appreciate the opportunity to attend a public participation meeting.

Thank you for your attention to this matter and for the provision of the legible site plan.

Yours truly,

Stephen Firth

c.c. Coun. Paul Van Meerbergen

Hello gents,

Is it possible to transition from paper to email re the Subject line? What % of people even respond? Less than 1%?!

What a waste of paper, postage and time.

Thanks,

John

Appendix C: Agency and Departmental Comments

Departmental Comments

Urban Design

General Comments

- The applicant is commended for providing a design with the following elements: a modified grid network of streets and pedestrian linkages; a well-located and adequately-sized park space with adjacent on-street parking spaces; and for providing detailed concepts for each of the blocks.
- Reduce the number of dead-end drive aisles in favour of through aisles to improve the overall connectivity throughout the site.
- Reduce the amount of surface parking across the site in favour of underground parking;
- Provide a minimum 5.0m² per unit of accessible shared outdoor amenity space for all blocks.
- Explore new apartment building forms that are designed in less of a slab-like format.
- Any proposed below-grade units in stacked townhouses shall be designed as through units with one side having finished floor at or above the grade, or as two-storey units. Redesign the proposed sunken units to address this issue.
- Include a zoning provision with a **maximum** of 4.5m and a minimum of 1.0m for the front and exterior side yard setbacks.
- Surface parking lots should be located away from public street frontages, behind the proposed building(s). Screen any surface parking areas exposed to the public street(s) or park space with enhanced landscaping.
- Provide variety in the design and heights of the buildings throughout the development so they appear as unique while still being complimentary to one another in architectural detail and materials to avoid a 'cookie-cutter' style of architecture in like housing forms throughout the subdivision.

Phase 1

- Comments for this block have been provided through the SPC process. In conjunction with the comments provided through the SPC process, please address the following:
 - The current layout of the site includes a mass amount of surface parking, resulting in a majority of the buildings being surrounded by impermeable asphalt paved area. Reduce the mass amount of surface parking areas on the site in favour of more permeable green space. It is suggested the applicant explore the following to reduce the amount of surface parking:
 - Explore alternate building forms, such as low-rise apartment buildings with underground parking or street townhouses with rear lane garages.
 - Reduce the number of parking spaces provided for each unit.
 - Consolidate the parking areas to allow for larger green spaces and to have fewer buildings surrounded by asphalt paving.
 - Provide a larger common amenity area that is centrally located and easily accessible from all units.
 - Remove the stunted drive aisle between 'Block E' and 'Block F' in favour of a through aisle connecting to the main drive aisle off 'Street A'.
 - The edge of the parking area should be located behind the front face of 'Block A' along Morgan Avenue.
 - Provide enhanced landscaping to screen where the parking areas are exposed to 'Street A' and Morgan Avenue.

Zoning Comments

- Ensure the proposed zoning for each block implements the policies of the Southwest Area Secondary Plan (SWASP). This may include, but is not limited to: setbacks, orientation, garage maximum widths, minimum and maximum densities, etc.
 - Garages shall not project beyond the front face of dwelling or the façade of any porch, and not occupy more than 50% of the lot frontage **[SWASP 20.5.3.9 iii, e]**. Ensure the lots are large enough to accommodate this policy.
 - Ensure that the proposed building/built form is oriented to street frontages and establishes a pedestrian-oriented built edge with street-oriented units. **[SWASP 20.5.3.9 i a]**.
- Include either a holding provision or special provision in the zoning for all medium and high-density blocks to ensure orientation to the street, park, or open-space frontages.
- If any blocks are proposing zoning for buildings taller than 4-storeys, they are required to attend the Urban Design Peer Review Panel (UDPRP):
 - UDPRP meetings take place on the third Wednesday of every month. Once an Urban Design Brief is submitted as part of a complete application the application will be scheduled for an upcoming meeting and the assigned planner as well as the applicant's agent will be notified. If you have any questions relating to the UDPRP or the Urban Design Briefs, please contact Ryan Nemis at 519.661.2500 x7901 or by email at rnemis@london.ca.

Heritage

- The lands were reviewed as part of the approval process for the plan of subdivision Plan 33M-661), and no heritage or archaeological concerns were previously identified. As such, Heritage does not have any further comments or concerns with the file.

Ecology

- We have reviewed the draft Environmental Impact Study (EIS) and request that the following items be addressed in the subsequent submission in support of final approval. Please note that there are no comments that impact the OPA/ZBA as all features are proposed for removal.
 - Table of Contents and Section 1 – Appear to be missing, please include.
 - Section 2.4 – Please address the remainder of the Special Concern species noted in Table 1 as they relate to Special Concern and Rare Wildlife Species Habitat candidate Significant Wildlife Habitat (particularly Monarch as candidate habitat and Milkweed is present on the Subject Lands). Currently, only Snapping Turtle is addressed. Include any mitigation and/or compensation to address any potential impacts (ex. Overseeding of milkweed and native pollinator species in proposed tree compensation area for Monarch).
 - Table 5 – Please provide further justification for (+) NET POSITIVE EFFECT for 2.1 Loss of Vegetation and habitat or potentially revise assessment. While it is understood that appropriate tree compensation is proposed relating to relevant policy requirements, the planting of 110 trees likely does not provide a “net increase of native vegetation and provide additional habitat for wildlife species present within the vicinity of the Subject Lands” when a permanent loss of 1.43 Ha of cultural meadow and 1 Ha of cultural woodland that contains native vegetation in addition to trees as well as wildlife habitat is occurring.
 - Table 5 – Include any additional potential impacts to SWH that have been included resulting from Comment #2, if any.
 - Section 5 – Recommendation 6 – Include recommendation for a monitoring plan to ensure compensation plantings are successful including monitoring timelines and % survival rate.

- Section 6 – “Protection of the adjacent vegetation communities associated with the Pincombe Drain” – Not impacting adjacent Natural Heritage Features located outside of the Subject Lands is not justification for a net environmental benefit. These features are already currently “protected” as part of the City’s Natural Heritage System. Similar to Comment #3, further justification would be required to show a net environmental benefit with the permanent loss of 1.43 Ha of cultural meadow and 1 Ha of cultural woodland.

Tree Preservation

Z-9531: 3480 Morgan Avenue

- 11 Distinctive trees identified are protected by City’s Tree Protection Bylaw until removal is to satisfy a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- 1 potential Species at Risk was identified as dead and therefore not protected by ESA regulation. No further action is required;
- One correction to the Arborist Report is required as it pertains to the timing of tree removals. The following text needs to be included and followed with development:
 - All **tree removals** must take place between September 1 and April 1st to avoid disturbing nesting migratory birds. Tree may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994.
- Confirm ownership of all trees proposed for removal on or near the mutual property line shared with 1467 Wharnccliffe and provide explicit permission from the abutting land owner to remove off-site and boundary trees with Site Plan Application Documents. A professional survey must determine trunk growth in relation to the property line. Boundary trees are protected by the province’s Forestry Act 1998, c. 18, Sched. I, s. 21, and can’t be removed without written consent from co-owner. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes.

Engineering and Infrastructure

Z-9531

- There are no servicing comments. The TIA was reviewed as part of the Subdivision & OZ application (File: 39T-22503 & OZ-9100), that included 3480 Morgan Ave, and there are no further comments and recommendations are to be implemented.

Agency Comments

Upper Thames River Conservation Authority

- Comments to follow.

London Hydro

Z-9531

- 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.

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Appendix D: Policy Context

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

Provincial Policy Statement, 2020

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

The subject site is in the settlement area, and the requested amendment would help to facilitate the development of 144 stacked townhouse units. There is a mix of residential, open space, light industrial and commercial land uses adjacent to the property. This requested Zoning By-law Amendment is consistent with several *PPS* policies, which are outlined below.

Policy Sections 1.1.1, 1.1.3 and 1.6 requires land use within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. This contributes to resilient development and the creation of healthy, livable, and safe communities that encourage the use of active transportation and transit infrastructure available. The requested amendment would facilitate the development of a vacant site within the settlement area that has full access to municipal services, as well as provide a range of housing in compact form for current and future residents (Section 1.4). The subject lands are designated and intended, over the long term, to be used for retail, service, office, entertainment, recreational, education and institutional uses, but residential uses are considered.

Policy Section 1.3 speaks to employment and the promotion of economic development and competitiveness. Mixed-use and compact development that incorporates compatible employment uses are encouraged to support liveable and resilient communities (Section 1.3.1 c). Section 1.3.2.1 notes that employment areas should be protected, but they can be converted to non-employment uses where demonstrated through comprehensive review that demonstrates that the land is not required for employment purposes (Section 1.3.2.2). This ZBA would contribute to a mix of uses, in a compact form, that would support a liveable and resilient community. The Applicant has noted that commercial tenants have favoured more visible and accessible lands adjacent, resulting in the subject lands remaining vacant, and the recent COVID-19 Pandemic has reduced demand for commercial lands. In addition, the designation considers residential uses to support the commercial uses and other employment uses.

The compact form, mix of uses, and density of the proposal result in efficient and resilient development, and this will encourage the use of public and active transportation options. This will help to support energy conservation and help to improve air quality, which is consistent with Section 1.8 of the *PPS*. The site is also located outside of any natural or man-made hazards, which helps to protect public health and safety as prioritized in Section 3.0 of the *PPS*.

The London Plan

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

sensitive to, and compatible with, its context and consider the Use, Intensity and Form of proposed amendments.

City Building and Design Policies

The requested amendment is generally supportive of the policies laid out in the City Building section of *The London Plan*, which seeks to set a framework for the shape, form, and character of the City. The layout of the proposed development facilitated by the amendment contributes to neighbourhood character and identity by orienting buildings to the street and not creating blank walls along the street edge, which contributes to an active street front (202, 229, 259, 291). This layout also helps to create a safe pedestrian environment and promotes connectivity, within the development and the surrounding neighbourhoods, which offers opportunities for active mobility (213, 255, 259, 285, 291).

Shopping Area Place Type

The subject lands are located within the “Shopping Area” Place Type, which is intended to provide a wide range of retail, service, business, recreational, social, educational, and government uses within easy walking distance for neighbourhoods. Over the long-term these areas will become more pedestrian, cycling and, transit-oriented, and less automobile-dominated.

Permitted uses within the Shopping Area Place Type include a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses (877). *The London Plan* further notes that where a Shopping Area Place Type abuts a Neighborhood Place Type, the City Design policies of the *Plan* will be applied to ensure that a positive interface is created between commercial and residential uses (877). The proposed ZBA to permit residential land uses on the subject lands is consistent with the permitted uses and the Applicant has incorporated building design and streetscape orientation to ensure there is a positive interface with adjacent lands in the Neighbourhoods Place Type.

Buildings within this Place Type will not exceed four (4) storeys. Heights above this, to a maximum of six (6) storeys, may be permitted in conformity with the Our Tools policies of this plan relating to Zoning to the Upper Maximum Height (878). To allow for more intense and efficient use of the land with the Shopping Area Place Type, the redevelopment expansion and introduction of residential development is considered (878). The proposed ZBA would facilitate the development of residential land uses in the form of four and half (4.5) storey stacked townhomes as the first floor is partially below grade, which is consistent with the Shopping Area Place Type. Appropriate scale, massing, material variation, landscaping and street orientation have all been considered to provide sufficient buffers and ensure compatibility with the adjacent uses (878). The proposal incorporates off-street parking and reduced parking standards have been requested to limit surface parking to ensure there are no negative impacts on adjacent streets (878).

The form of development within this Place Type is expected to conform with the City Design Policies of *The London Plan* (879). A grid of driveways with sidewalks and trees are encouraged in this Place Type to allow for better connections through the site for pedestrians, cyclists, and transit users (879). Sidewalk connections have been provided throughout the site and between buildings to allow for pedestrians and cyclists to access the surrounding street network, multi-use pathways and public transit stops safely and easily. The *Plan* outlines that landscaping, street furniture, patios, and other amenities should be designed and provided on the site to attract pedestrian activity to the front of these buildings (879). Landscaping is included at the ground level to provide an attractive pedestrian environment, and terraces and rooftop patios are noted by the Applicant as integral features of the stacked townhouses.

Our Tools

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

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

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

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

Southwest Area Secondary Plan (SWAP)

This site forms part of the *Southwest Area Secondary Plan* and is subject to the development vision and detailed policies of the Secondary Plan. Additionally, the site forms part of the 'Central Longwoods Neighbourhood' within the greater *Plan*. This *Secondary Plan* sets out policy and guidance to create neighbourhoods that have the following features: a mix of uses and diverse mix of residential housing; an emphasis on design parameters with placemaking features; walkability within and between neighbourhoods; an integration of the Natural Heritage System as an opportunity for residents to enjoy; and, Neighbourhood Central Activity Nodes as destination places in the neighbourhood. The requested amendment has been reviewed with the applicable policies contained in the *SWAP*.

The proposed ZBA would facilitate the development of 144 stacked townhouse units, ranging from one (1) to three (3) bedroom units. Unique ownership forms, including leasehold townhomes, are being contemplated by the Applicant. This will contribute to a range of dwelling types in the area and could contribute to creating opportunities for affordable housing, as required in section 50.5.3.1 Housing. Stacked townhomes are a compact form of development, which could contribute to a reduction of land and energy, at set out in section 20.5.3.2 Sustainable/Green Development.

Section 20.5.3.9 of *SWAP* sets out urban design policies to promote high quality public realm that ingrates public and private spaces to create vibrant and dynamic neighbourhoods with a character that encourages social interaction. This is achieved through policies for development, design, and building and site design. Developments are to be designed in a compact, pedestrian oriented and transit friendly manner (20.5.3.9 i)). The proposed ZBA would facilitate the development of stacked townhouses in a compact form, which is pedestrian oriented through the inclusions of multiple sidewalk connections and transit friendly by providing intensity adjacent to transit routes on Wharncliffe Road. A "sense of enclosure" to the street is encouraged, and rear and side elevations of corner lots should take advantage of the extra visibility (20.5.3.9 iii) a) and d)). The proposed stacked townhouses are located close to the street to provide a "sense of enclosure" and have entrances on all sides. Off-street parking is dispersed around the buildings and shielded from the streets with sidewalks linking buildings, parking areas and amenities to the boundary street network to facilitate pedestrian and cycling connectivity (20.5.3.9 iii) g)). The proposed development also includes landscaping throughout the site and in islands within the surface parking areas to contribute to human-scale, enhancement of the pedestrian environment, and definition of public space and focal points (20.5.3.9 iii) i)).

The subject lands comprise part of the 'Central Longwoods Neighborhood' and are designated as Commercial. It should be noted that this section does not provide policies for commercial land use and development. The function and purpose of this Neighbourhood is to provide for residential development of an intensity that is generally

higher than that of other areas in the City, but less than the Bostwick Neighbourhood (20.5.10 i)). The focus of new development is on a mix of low- to mid-rise housing forms, ranging from single detached dwellings to low-rise apartment buildings (20.5.10 i)). This area will have characteristics similar to those found in the older areas of the City, reflecting compact development, a diversity of building types, and walkable amenities to enhance the day-to-day living experience (20.5.10 ii)). Low Density Residential development within the Central Longwoods Neighbourhood shall have a minimum density of 18 units per hectare and a maximum density of 35 units per hectares (20.5.10.1 iii) a)). Building heights shall not exceed four storeys and shall be sensitive to the scale of development in the surrounding neighbourhood (20.5.10.1 iii) a)). Medium Density Residential Development shall have a minimum of 30 units per hectare and a maximum of 75 units per hectare (20.5.10.1 iii) b)).

Policies within the Central Longwoods Neighbourhood do not provide direction for commercial land use or development, but as the proposal is new residential development, it should have consideration for the policies and provisions for residential designation. Lands on the southside of Wharncliffe, opposite this property are designated with the Medium Density Residential Designation. The proposed development meets the intended purpose and function as the proposed density is generally higher than that of suburban areas of the City. The proposed development is compact in form, contributes to a diversity of building types in the Neighbourhood, and is located with a walkable distance of amenities. A special provision for a maximum density of 87 units per hectare has been requested, which exceeds the maximum density of 75 units per hectare considered for Medium Density Residential Development, but is in keep with existing and proposed densities adjacent.

Z.1 Zoning By-law

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

The lands are currently zoned Holding Community Shopping Area Special Provision (h-11-h-63-h-82-h-95-h-100-h-105-h-135-CSA5(3)). This Zone permits a wide range of community-scale retail and personal services uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community, or a number of neighbourhoods located within convenient walking and/or driving distance.

Not all of the holding provisions included in the current zoning are applicable to the proposed development, and they are not included in Staff's recommended zoning. They include:

- Orderly development and adequate provision of municipal services through an approved Development Agreement (h-11). This Holding Provision was removed as the requirements are captured in the (h) Holding Provision.
- Ensure there are no land use conflicts between commercial and residential land uses through the implementation of all noise attenuation and design mitigation measures as recommended in a noise study, acceptable to the City (h-63). This Holding Provision was removed as the proposed zoning would no longer permit commercial development that would conflict with adjacent residential uses.
- Ensure that there is a consistent lotting pattern in this area and the part block has been consolidated with the adjacent lands (h-82). This Holding Provision has been removed as consent applications have severed the lands and a Plan of Subdivision is being processed on the adjacent lands to ensure a consistent lot pattern.
- Ensure that commercial development does not exceed a maximum interim floor area threshold of 15, 243 metres squared in draft plan 39T-07510, the symbol shall not be removed until a Traffic Impact Study is prepared, which demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes. This Holding Provision was removed

because commercial land uses are no longer proposed and would not be permitted under the recommended zoning.

The proposed amendment is to change to a Holding Residential R8 Special Provision (h-h-95-h-100-h-105-h-198-R8-4()*H14). This amendment has been requested to facilitate future development of six (6) stacked townhouse buildings, each containing 24 units for a total of 144 units. The Applicant has requested a R8-4 Special Provision Zone to accommodate for the following:

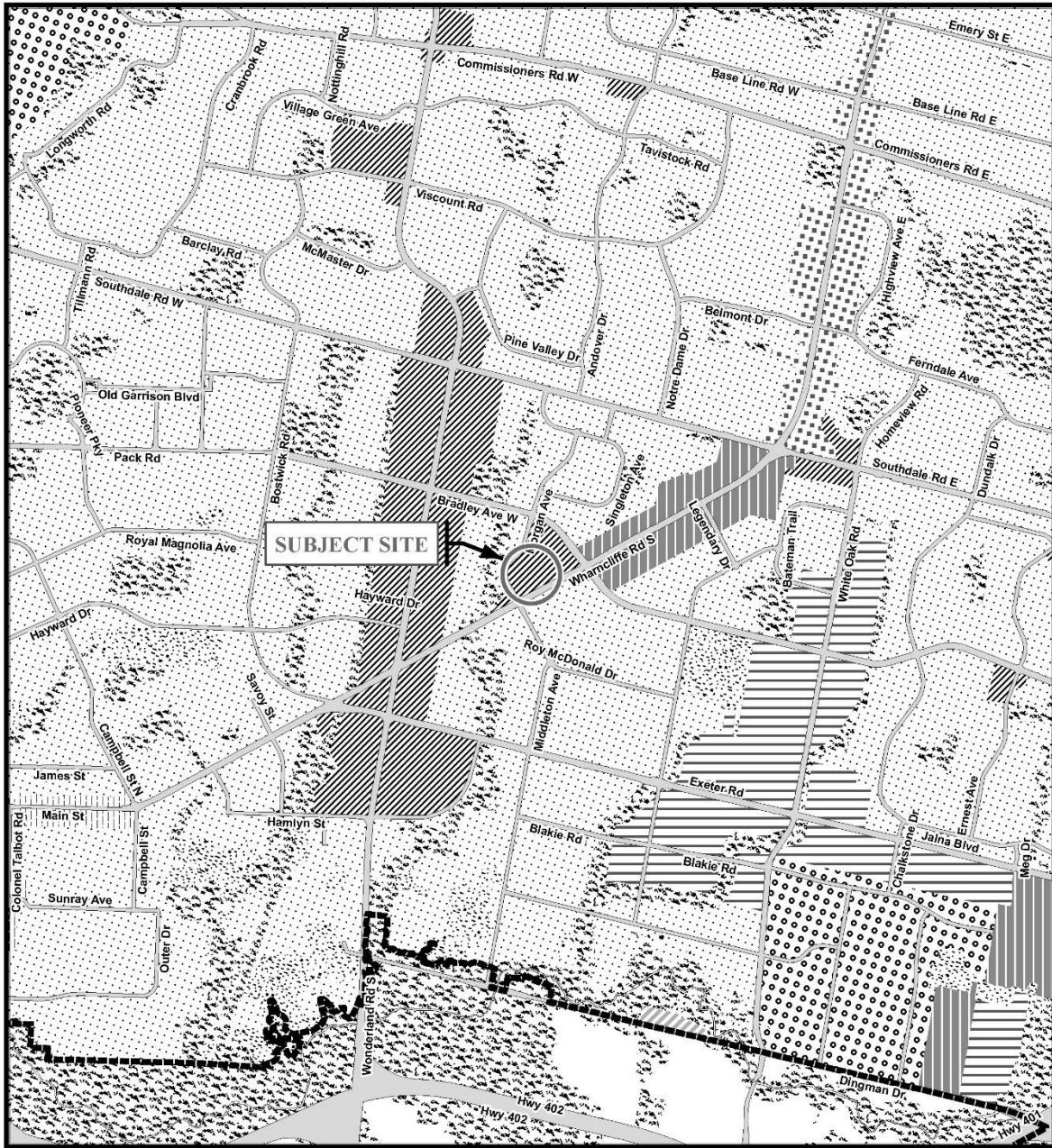
- Minimum front yard setback of 3.3 metres;
- Minimum interior side yard setback of 2.2 metres;
- Minimum rear yard setback of 4.5 metres;
- Minimum landscaped open space of 27%;
- Maximum height of 14.0 metres; and,
- Density of 87 units per hectares.

The Holding Provisions that are proposed to form part of the zone are to ensure the following:

- orderly development and adequate provision of municipal services through an approved Development Agreement (h);
- ensure the urban design concepts established through the Official Plan and/or Zoning By-law Amendment review process are implemented (h-95);
- there is adequate water services and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer (h-100);
- a comprehensive storm drainage and stormwater management report is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility (h-105); and,
- street-oriented development and discouragement of noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan (h-198).

Appendix E

London Plan Excerpt



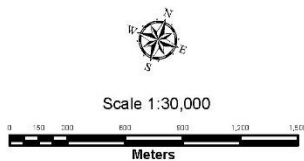
Legend

- | | | |
|------------------------|--------------------------|---|
| 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.

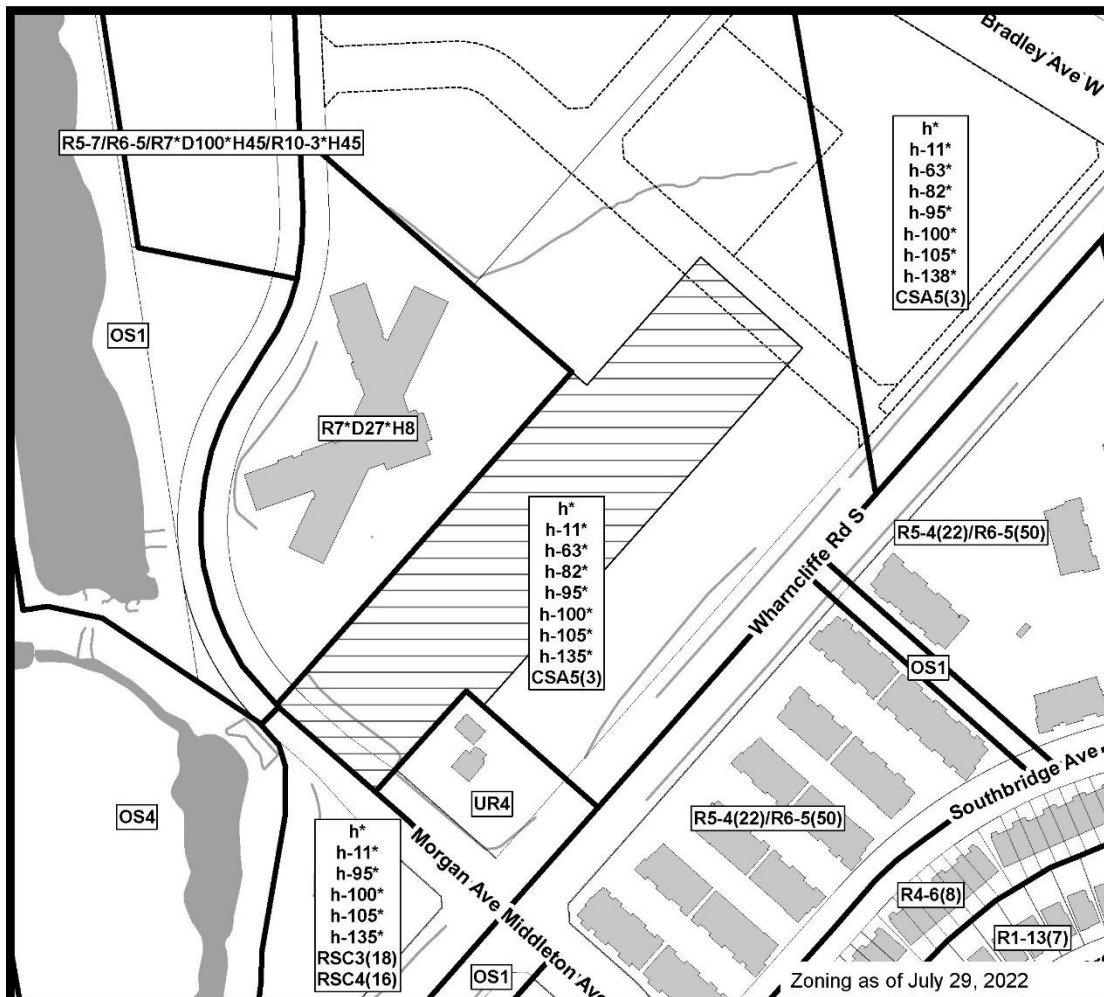
CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9531
Planner: AC
Technician: RC
Date: 2023/3/29

Zoning By-law Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI2

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



FILE NO:

Z-9531

AC

MAP PREPARED:

2023/03/28

RC

1:2,500

0 12.525 50 75 100 Meters

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

Appendix E – Climate Emergency

On April 23, 2019, Municipal 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 that are related to the City's climate action objectives.

Infill and Intensification

Located within the Built Area Boundary: **No**
Located within the Primary Transit Area: **No**
Net density change: **N/A**
Net change in affordable housing units: **N/A**

Reduce Auto-dependence

Proximity to the nearest London Transit stop: **0.3 km**
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: **0.2 km**
Secured bike parking spaces: **Yes**
Secured bike parking ratio: **1:9.7**
New electric vehicles charging stations: **Unknown**
Vehicle parking ratio: **1.2 spaces per unit for residential units**

Environmental Impacts

Net change in permeable surfaces: **Yes**
Net change in the number of trees: **Unknown**
Tree Protection Area: **No**
Landscape Plan considers and includes native and pollinator species: **Consideration through a future Site Plan Control Application**
Loss of natural heritage features: **No**
Species at Risk Habitat loss: **No**
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): **N/A**

Construction

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