



London
CANADA

P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

February 24, 2021

152400 Ontario Inc.
361 Richmond Street,
London, Ontario
N5A 3C2

I hereby certify that the Municipal Council, at its meeting held on February 23, 2021 resolved:

That, on the recommendation of the Director, Development Services, with respect to the application by 1524400 Ontario Inc., relating to the property located at 185 Horton Street East, the proposed revised, attached, by-law BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Arterial Commercial Special Provision (AC4(11)) Zone TO an Arterial Commercial Special Provision Bonus Zone (AC4(__)/B__) Zone;

the Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality mixed-use commercial/residential apartment building with a maximum density of 389 units per hectare and a maximum height of 51 metres (16-storeys) which substantially implements the Site Plan and Elevations appended to the staff report as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

- i) a high quality development which substantially implements the site plan and elevations as appended to the staff report as Schedule "1" to the amending by-law:

Building Design

- A) high quality architectural design (building/landscaping) including a common design theme for residential and commercial elements; and provision of structured parking facilities and screening for surface parking areas;

Underground Parking

- A) underground parking structure parking provided to reduce surface parking areas (a minimum of 27 subsurface spaces provided);

Outdoor Amenity and Landscaping

- A) common outdoor amenity area to be provided in the northeast quadrant of the site; and rooftop terraces above the 7th, 12th and 16th floors;
- B) landscape enhancements beyond City design standards, including theme lighting; and,
- C) landscape plans for common outdoor amenity areas to incorporate hard landscape elements and drought resistant landscaping to reduce water consumption;

Sustainability

- A) provides a pedestrian-oriented environment along Horton Street East, which facilitates passive surveillance of the streetscape and, ultimately, safer streets;
- B) fosters social interaction and facilitates active transportation and community connectivity with Downtown; and,
- C) the subject lands are close to public open space and parkland in the area, particularly Thames Park, Charles Hunt Park, and the Thames River Pathway system, which provides recreational opportunities for residents (passive and active);

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment to Zoning By-law Z.-1 is consistent with the 2020 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Homelessness Prevention and Housing policies, and City Design policies. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the fringe of the downtown area, and the recommended amendment would permit development at a magnitude that is suitable for the site adding a connection between the downtown and abutting neighbourhood;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Main Street Commercial Corridor designation. The recommended amendment would permit development at an intensity that is at the upper range of the maximum density for residential intensification within the Main Street Commercial Corridor designation but still ensures the nature of development is suitable for the site and the immediate neighbourhood. The recommended amendment would help to reach the objective of supplying additional institutional housing choices and options for students attending educational institutions in the downtown;
- the recommended Zoning By-law amendment is consistent with the SoHo (South of Horton Street) Community Improvement Plan with the redevelopment of the Mixed Use Mainstreet District along Horton Street by facilitating development that complements the Mainstreet District on Horton Street E one block east of the subject site; and,
- the subject lands represent an appropriate location for institutional and residential intensification, along Horton Street and the recommended amendment would permit an apartment/dormitory development at an intensity that is appropriate for the site and the surrounding neighbourhood. (2021-D08) (3.3/3/PEC)



C. Saunders
City Clerk
/ap

cc: G. Kotsifas, Managing Director, Development and Compliance Services and
Chief Building Official

P. Yeoman, Director, Development Services
M. Feldberg, Manager, Development Services (Subdivisions)
M. Tomazincic, Manager, Development Services
M. Pease, Manager, Development Planning
S. Meksula, Senior Planner, Development Services
M. Vivinetto, Executive Assistant to the Managing Director, Development and
Compliance Services and Chief Building Official
J. Rice-Gascon, Administrative Assistant, Development Services
Documentation Services Representative
List of External cc's on file in the City Clerk's Office

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2021

By-law No. C.P.-1284-
A by-law to amend the Official Plan for
the City of London, 1989 relating to 185
Horton Street East.

WHEREAS 1524400 Ontario Inc. applied to rezone an area of land located at 185 Horton Street East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 185 Horton Street East as shown on the attached map comprising part of Key Map No. A.107, from an Arterial Commercial Special Provision (AC4(11)) Zone, to an Arterial Commercial Special Provision Bonus Zone (AC4(__)/B__) Zone;

- 2) Section Number 26.4 of the Arterial Commercial (AC) zone is amended by adding the following Special Provision:

AC4(__) 185 Horton Street East

- a) Additional Permitted Use:
 - i) Dormitory building

- 3) Section 2.0, Definitions, to By-law No. Z.-1 is amended by adding the following definition:

"Dormitory" - Means a residential building in association with and ancillary to an educational institution where residents have exclusive use of a bedroom with a separate entrance from a common hall and share common facilities such as washrooms, kitchens, lounges, recreation rooms and study facilities.

- 4) Section Number 4.3 of the General Provision in Zoning By-law Z.-1 is amended by adding the following new Bonus Zone:

4.3) B(__) 185 Horton Street East

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality mixed-use commercial/dormitory apartment building with a maximum density of 389 units per hectare and a maximum height of 51 metres (16-storeys) which substantially implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

- (a) A high quality development which substantially implements the site plan and elevations as attached in Schedule "1" to the amending by-law:

Building Design

- i) High quality architectural design (building/landscaping) including a

common design theme for residential and commercial elements; and provision of structure parking facilities and screening for surface parking areas.

Underground Parking

- i) Underground Parking Structure parking provided to reduce surface parking areas (a minimum of 27 subsurface spaces provided).

Outdoor Amenity and Landscaping

- i) Common outdoor amenity area to be provided in the northeast quadrant of the site; and rooftop terraces above the 7th, 12th and 16th floors.
- ii) Landscape enhancements beyond City design standards, including theme lighting.
- iii) Landscape plans for common outdoor amenity areas to incorporate hard landscape elements and drought resistant landscaping to reduce water consumption.

Sustainability

- i) Provides a pedestrian-oriented environment along Horton Street East, which facilitates passive surveillance of the streetscape and, ultimately, safer streets.
- ii) Fosters social interaction and facilitates active transportation and community connectivity with Downtown.
- iii) The subject lands are close to public open space and parkland in the area, particularly Thames Park, Charles Hunt Park, and the Thames River Pathway system, which provides recreational opportunities for residents (passive and active).

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

a) Regulations:

i)	Density (maximum)	389 uph 3:1 ratio of 3 beds equals 1 dwelling unit, 296 beds converts to a density of 389 units per hectare
ii)	Height (maximum)	51 metres
iii)	Off Street Parking (minimum)	27 spaces
iv)	West Interior Side Yard Depth (maximum)	0.98m (3.2 ft)
v)	East Interior Side Yard Depth (maximum)	1.3m (4.3 ft)
vi)	Rear Yard Depth (maximum)	5.5m (18.0 ft)
vii)	Lot Coverage (maximum)	51%

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.

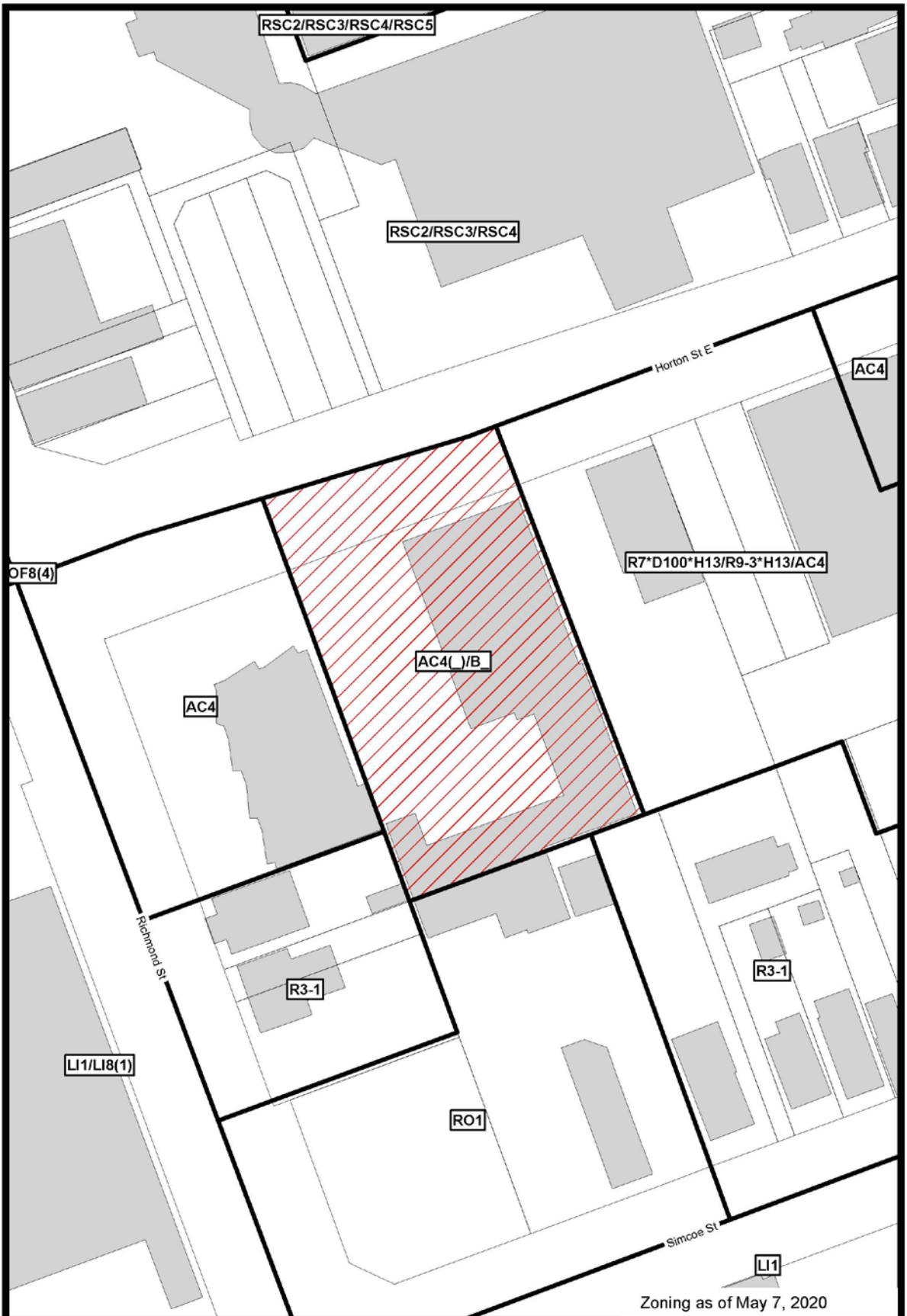
PASSED in Open Council on February 23, 2021

Ed Holder
Mayor


Catharine Saunders
City Clerk

First Reading – February 23, 2021
Second Reading – February 23, 2021
Third Reading – February 23, 2021

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



File Number: Z-9167
Planner: SM
Date Prepared: 2020/06/09
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

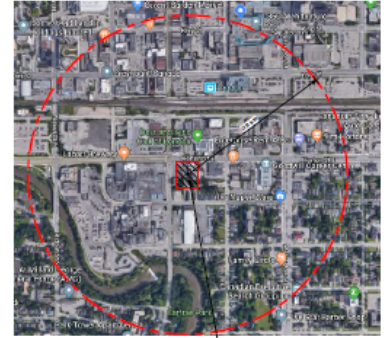
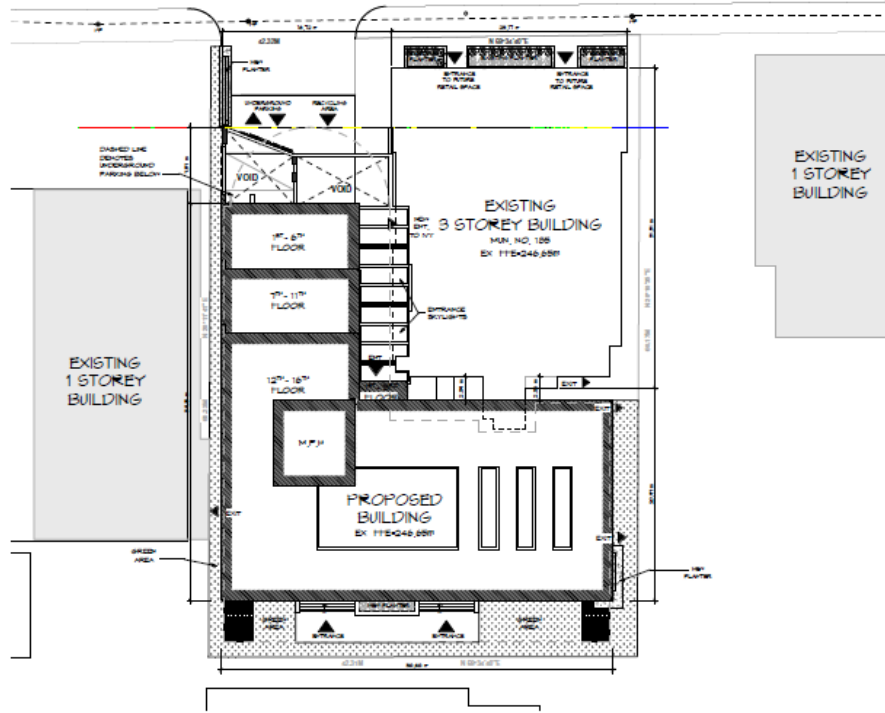
1:800

0 4 8 16 24 32 Meters



Schedule "1"

HORTON STREET EAST



SITE CONTEXT PLAN

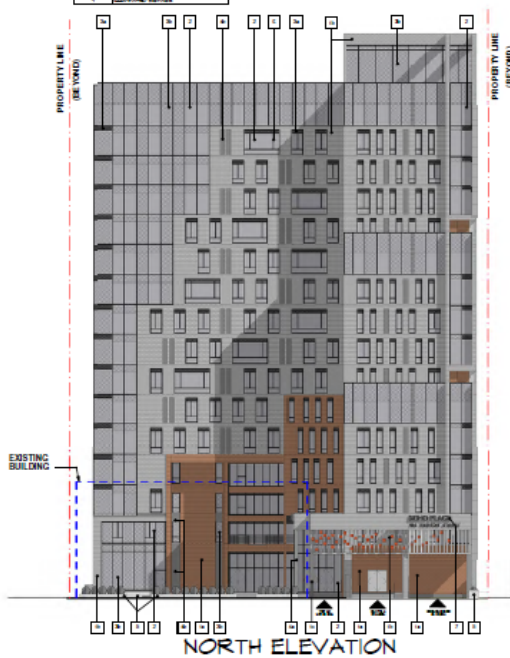


HORTON STREET VIEW

SITE PLAN



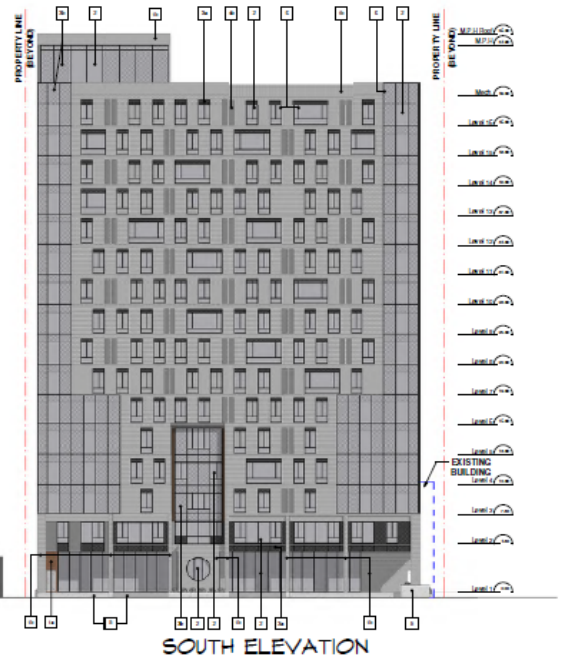
Item	Description
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3	GLASS
4	WOOD
5	STEEL
6	PAINT
7	LANDSCAPE
8	MECHANICAL
9	ELECTRICAL
10	PLUMBING
11	MECHANICAL
12	ELECTRICAL
13	PLUMBING
14	MECHANICAL
15	ELECTRICAL
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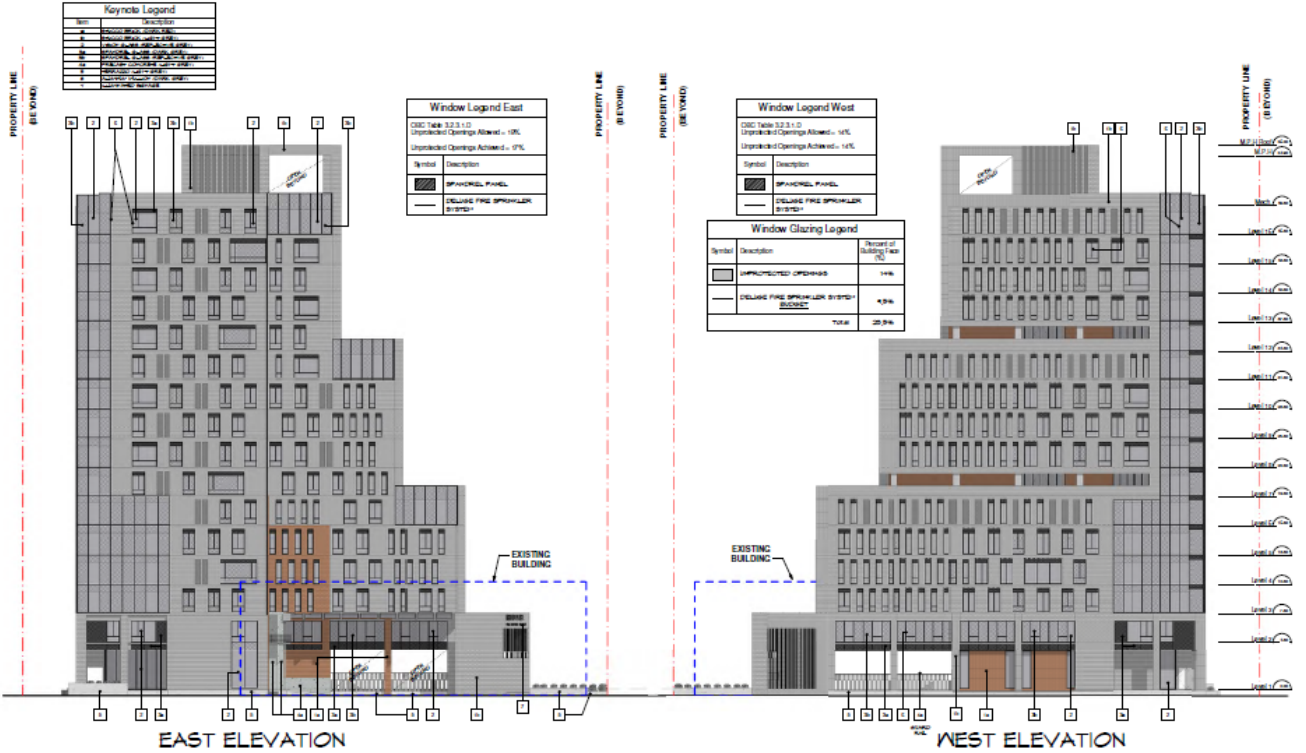
NORTH ELEVATION

Symbol	Description
[Symbol]	SPANDREL PANEL
[Symbol]	FRIG RATED GLASS

Symbol	Description
[Symbol]	SPANDREL PANEL
[Symbol]	FRIG RATED GLASS



SOUTH ELEVATION



VIEW FROM NORTHEAST



VIEW FROM NORTHWEST



VIEW FROM NORTHEAST



VIEW FROM NORTHWEST

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Application – 185 Horton Street East

- Councillor Squire: Thank you very much. Any technical questions for staff? Councillor Hopkins and Mayor Holder after that.
- Councillor Hopkins: Yes and thank you for the presentation. It, a question around the fire suppression system. You said that we're getting, we're going to have more, could you explain a little bit more what a fire suppression system is?
- Councillor Squire: Go ahead.
- Sean Meksula, Senior Planner: Through the Chair, the fire suppression system, because there's more openings on the building and because it's closer to the existing building to the east they'd have to have more sprinkler systems within the building to accommodate for that so they've gone forward and spent the extra money to accommodate the windows and the fire suppression at their cost which has been very supported by the City.
- Councillor Councillor Squire: Thank you.
- Councillor Councillor Hopkins: Thank you and I have one other technical question.
- Councillor Squire: Go ahead Councillor.
- Councillor Hopkins: It relates to the definition of what a dormitory is and it says that it is, it's an, it's an auxiliary to an educational institution where residents have exclusive use of a bedroom with a separate interest, etc., etc. My question is does it just pertain to an educational use, a dormitory, in other words can it be used for another means of allowing, if changes are made and it doesn't come to fruition, what this building is going to be used for, can it be used for opportunities to house, you know, people that need housing?
- Councillor Squire: Go ahead.
- Sean Meksula, Senior Planner: Through the Chair, throughout this process we've taken that into consideration and in the event that the building were to change hands in the future, the dormitory use would only be in existence for this use and any conversion of this building would be required to go through our Zoning By-law Amendment to allow for any apartment type use to, because of the density in this area. That being said, if they were to, Council could, they also can come back in and change the definition of dormitory or put a different definition in there so be it by another applicant but right now it's just for this specific use.
- Councillor Hopkins: I understand with that answer that it would require a zoning application to change the definition of what a dormitory is.
- Sean Meksula, Senior Planner: That's correct.
- Councillor Hopkins: Thank you.
- Councillor Squire: Thank you Councillor. Mr. Mayor you had a technical question? I think you're still on mute Mr. Mayor. Thank you.

- Mayor Holder: Thanks Chair. Staff have answered the question on fire suppression. Thank you.
- Councillor Squire: Thank you very much. If there's no other technical questions we'll go to the public for any presentations.
- Catharine Saunders, City Clerk: Mr. Chair, the agent for the applicant, Mr. Kulchycki is ready to speak.
- Councillor Squire: Go ahead sir.
- Thank you. Good evening Chair and Members of the Committee. My name is Casey Kulchycki, I'm a Planner with Zelinka Priamo Ltd. representing the applicant on this project, The London International Academy. First, I just want to say thanks to Sean and the staff of Development Services for their work on this. We have been working diligently with staff over the last year to get to this positive staff report tonight. We've reviewed the staff report and we are in agreement with its recommendation. I am joined by Paul Loretto of L360 Architecture, the architect on this project as well as Alex Neil from the London International Academy in case Committee Members have any questions that they might be able to address but we are in agreement with the recommendation and dial we look forward to working with staff through the site plan process. Thank you.
- Councillor Squire: Thank you very much. Any other public presentations?
- Catharine Saunders, City Clerk: Through you Mr. Chair, Mr. Turner, Scott Turner, who owns the building next door, I believe he wishes to speak.
- Councillor Squire: Is he on?
- Scott Turner, Perfomaxx Properties: Yes.
- Councillor Squire: Mr. Turner it's your opportunity to present. You could, you can speak for up to five minutes and you're starting right now.
- Scott Turner, Perfomaxx Properties: Thank you very much. Yes, I am President of Performaxx Properties. I own the five-unit single story property that's contiguous on the west side. Generally, I support the project. I think it's great for the city, the owner, great for the students and the immediate community; however, I have a few concerns as it relates to my building. To be honest I'm not really sure of the form to address my concerns. I don't know if it's now or at the site planning meeting or directly with the owner or designer/developer.
- Councillor Squire: If you ask the questions, we will try to get you answers to whether this is you we can answer today or whether there's another form.
- Scott Turner, Performaxx Properties: Perfect. On that note I do want to thank Sean and Michael, they've been excellent and helpful over the last few weeks and, and ten months ago when I first broached the issue with them. I have two areas of concern; one is related to the close proximity of this new building relative to mine. At the narrowest it's less than a meter between our buildings, so that's quite a narrow corridor between our buildings and as you know corridors can create problems. I'm not sure how they're planning on controlling the access or is it a thoroughfare; I don't know what the fencing plan is, how will it work vis a vis my property; I don't know if they've got a lighting plan, it is very dark, it invites some bad characters. I don't know if they're planning on having cameras there; unfortunately, with the Labatt's beer store across the street it sometimes attracts some problems with the homeless. I've had three broken windows and two

break and enters in the last year. I'm also worried about unauthorized access to my roof. I've had the copper stolen from one of my HVAQ units in the last year causing me six thousand dollars of damage. Shifting gears a little bit, I don't know what the tie back plan is. I know they've got an underground garage planned and again it's less than a meter from my building. My biggest issue is probably related to snow load; right now I basically have no snow as it blows off my property, blows off of my building I should say. I'm certainly not an expert on wind or snow accumulation but I do know that the closer the building is to mine the more I will get wind drifts and heavy snow build up on my roof. I'm not sure if a study has been done; if not, I think one should be. That's my first area of concern related to the proximity of the building. My second area of concern is really during the construction process and again it's more related to the close proximity of the building to mine but there are some issues during the construction such as dust, etcetera. I have got five HVAC units on my roof and I'm a bit concerned about the dust, also debris and damage to my building being so close. I'm not sure what their crane plan is or what their swing requirements, I'm not sure how the management of the contractors is going to work and as we know sadly accidents do happen. I have no information on any of these issues, I've had no contact with the owner and I found out through the City's public disclosure process. Just to summarize I'm not sure how or what form I can get some of my issues resolved so that's my five minutes. Thank you very much.

- Councillor Squire: Thank you. I will try to get you answers to your questions if you, if you stay around and listen I'll, I'll make sure that staff or the owner addresses those. Any other presentations? There are no other presentations I understand. I need a motion to close the public participation meeting. Before we go on I wonder if, if either staff and the applicant wants to help to answer the questions we heard and just so I understood, the first concern was proximity of the buildings and the lane way that it creates between the two in terms of the laneway in between and also the idea of there being wind, wind on top that might create a snow load so I'll start with staff and then maybe the applicant can help.
- Sean Meksula, Senior Planner: Through the Chair I think Mr. Kokkoros might be able to help with the snow load question. Thank you.
- Councillor Squire: Alright.
- Peter Kokkoros, Deputy Chief Building Official: Thank you Mr. Chair. The question, if I understood it correctly arose with respect to concerns the adjacent owner has on potential additional snow loading on the, what would become the lower roof as a result of this development. The Building Code does acknowledge snow drift loads when roofs have differences in elevation or when there are particular obstructions on the roof but the Building Code is basically concerned with the confines of the property itself so in other words if a property had two buildings and there were different elevations we would consider snow drift on the lower roof. In this particular case the Building Code does not go outside the confines of the particular property and this, in our opinion, would become a civil matter between two adjacent owners. In fact many years ago we consulted with the City of Toronto and that's not an issue unknown to them when it comes to this type of development. Basically what we have agreed to do is provide some type of notification on the drawings that would let the developer know that there may and I stress may be additional snow drift loading on the adjacent roof and that the developer it might be a good idea for them to contact the adjacent owner and sort of sort things out but the Building Code is clear under Section Eight of the *Building Code Act*, the Chief Building Official shall issue the building permit unless any applicable law is contravened or the regulation itself is contravened and in this case that specific item will not be deemed as a contravention of the Building Code.

- Councillor Squire: Thank you and then the other issues which were the close proximity causing unauthorized persons between the buildings and some unauthorized access to the roof, can staff help with that at all?
- Sean Meksula, Senior Planner: Through the Chair, through this development it would probably help with the abutting use because I imagine in this building the applicant would provide more lighting for the property for people walking in because I know there's an entrance at the back of the building so there would probably be a better lighting for individuals walking through there and fencing between the buildings. That may or may not be an issue of letting people up on top of the roof. I'm not sure what the developer has for plans for this, if they have any mitigations themselves because they would be impacted by the same issues I would imagine.
- Councillor Squire: Alright.
- Sean Meksula, Senior Planner: I don't know if they could answer that question.
- Councillor Squire: Okay, if the applicant, if you have any comments on that concern?
- Casey Kulchycki, Zelinka Priamo Ltd.: Just yes, certainly just with regards to the, to the separation distance property line to our building given the narrowness of that space, typically what we see through the site plan is we would block that off with some sort of a blockade fencing or bollard or some sort of other blockade, just because of those items that the adjacent landowner brought up; it's, it's a space that just it attracts trouble and so we try to mitigate access. In addition to that, this is going to be used as a dormitory so we really want accesses to the building and the amenity spaces to the building to be really secure for the residents given that they are high school age students, so again, that's, you know, we pretty much just want to focus access through the main entrances off the roadway and not have any ability to kind of circumvent those access points to get to the rear of the property through these narrow side yards. Through the site plan process I would be anticipating that those narrow distances between the building and the property lines would be blocked off to prevent those activities from occurring as best we can and just to kind of expand on Mr. Meksula's comments, this proposed building will bring additional lighting just through new exterior lighting and then also just lighting that spills out through the windows on the elevation so it will add some additional lighting to help, to again help deter those activities kind of during the evening hours. We're hoping through the site plan process will be able to address a lot of these concerns that the adjacent landowner has brought up.
- Councillor Squire: Thank you and just briefly if staff could just talk about the construction concerns in terms of dust, damage and debris, very briefly for this gentleman.
- Sean Meksula, Senior Planner: Sure. Through the Chair, during the construction process there will be mitigations put in place to control dust and debris to make sure it doesn't impact the abutting buildings and uses; that being said if stuff does happen and the neighbouring properties find there are issues with the construction they can always contact the City in which we would have somebody go out and deal with those issues.
- Councillor Squire: Thank you. I'm sorry Committee I just thought I would get those questions answered.