

Planning and Design Report

Copia Developments

1470-1474 Highbury Avenue North
London, ON



April 2022



Zelinka Priamo Ltd.

LAND USE PLANNERS

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INTRODUCTION

Copia Developments has made an application to the City of London to amend its Official Plan and Zoning By-Law to permit the redevelopment of the lands at 1470-1474 Highbury Avenue North (the “subject lands”), comprised of three residential towers (one 15-storey, one 16-storey, and one 18-storey) each above a 4-storey podium. A total of 400 residential units are proposed.

The purpose of the following Planning and Design Report is to provide design details and evaluate the proposed Official Plan Amendment and Zoning By-Law Amendment within the context of existing land use policies and regulations, including the 2020 Provincial Policy Statement, the 1989 City of London Official Plan, *The London Plan*, and the City of London Z.-1 Zoning By-Law.

SUBJECT LANDS

The subject lands are located on the east side of Highbury Avenue North, approximately 140m south of Kilally Road. The lands have a combined frontage of 73.2m (240ft) along Highbury Avenue North, a maximum depth of 291.7m (957ft), and a total lot area of 1.453ha (3.6ac) (Figure 1).

Figure 1 – Subject Lands



The lands currently contain a single detached dwelling on 1470 Highbury Avenue North. Another single detached dwelling was previously located on 1474 Highbury Avenue North, but has since been removed. The rear of the subject lands contain a portion of a pond and wooded area which extend into abutting properties. An oil pipeline and an associated easement bisects 1474 Highbury Avenue North (Figure 2). The subject lands are generally flat in topography and sporadic mature trees are also present throughout the subject lands.

Figure 2 – Aerial of Subject Lands and Approximate Location of Pipeline



Vehicular access is currently provided by two driveways associated with the existing and former single detached dwellings (Figure 3). A multi-use pathway on the east side of Highbury Avenue provides pedestrian connections to the subject lands. Access to public transit from the subject lands is available via a northbound and southbound bus stop (Route #25), provided 120m and 240m to the north, respectively.

An Imperial Oil pipeline runs through the center of the subject lands. Any new buildings on the subject lands are required to be set back a minimum of 20.0m from the centerline of the pipeline.

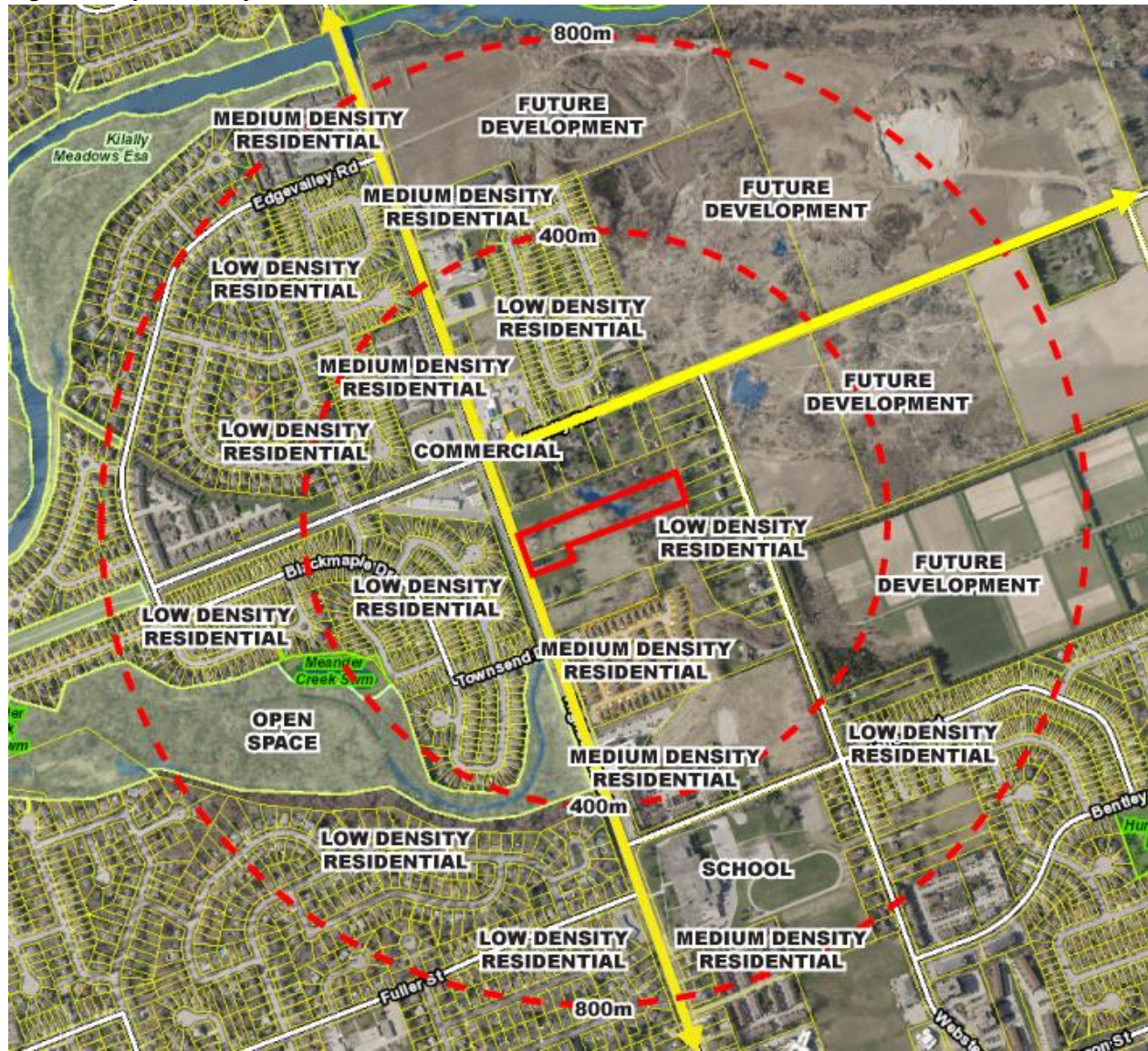
Figure 3 – Streetview of the Subject Lands (July 2019)



SPATIAL ANALYSIS AND NEIGHBOURHOOD CHARACTER

Figure 4 shows the subject lands, notable features, and land uses within 400m and 800m radii. Arterial roads are shown as yellow arrows. The two radii represent straight line walking distances of approximately 5 and 10 minutes, although due to sidewalk networks and other barriers, the circles may not represent true walking times.

Figure 4 – Spatial Analysis



Notable features within 400m include a range of residential uses, including low density residential uses in the form of single detached dwellings, and medium density residential uses in the form of townhouses and a long-term care apartment building. Commercial uses are located at the Highbury Avenue North and Kilally Road intersection, as well as a funeral home at the southeast corner.

Lands to the north and northeast were subject to a draft plan of subdivision (39T-05505), site plan approval (SPA18-072) and re-zoning (Z-7427) applications which would permit apartments, townhouses, and single detached dwellings.

Residential built form within 400m of the subject lands is comprised of 1 to 2-storey single detached dwellings, 2-storey townhouse dwellings, and a 4-storey long-term care facility (Figures 5-8).

Figure 5 – Single Detached Dwelling Built Form (Crosscreek Court)



Figure 6 – Single Detached Dwelling Built Form (Webster Street)



Figure 7 – Townhouse Built Form (Jensen Road)

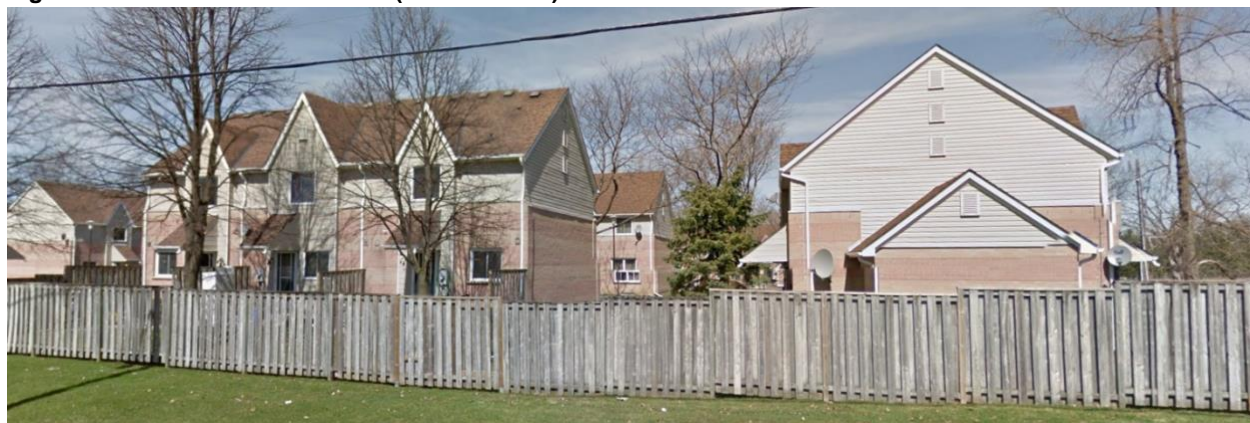


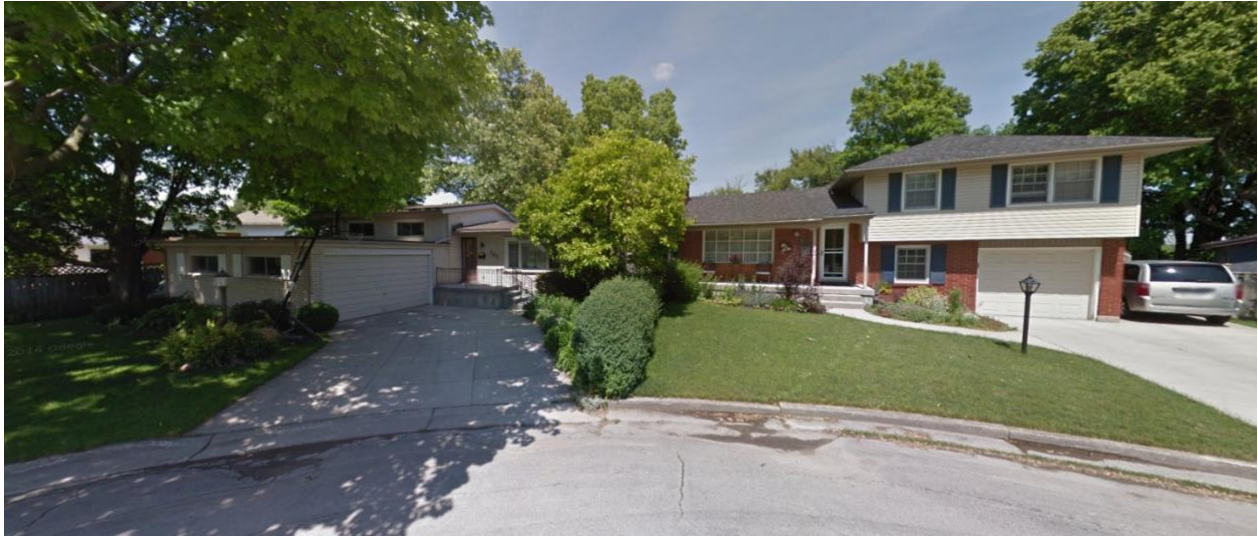
Figure 8 – Long-term Care Facility Built Form (Highbury Avenue North)



Exterior design and finish of single detached dwellings and townhouses is primarily of brick and masonry materials, with a range of vinyl siding and window treatments. The single detached dwellings to the north and west have typical front yard setbacks of approximately 7m; the single detached dwellings to the east are older homes, with larger lot sizes and front yard setbacks. The long-term care facility exterior design incorporates contemporary brick and masonry, with extensive glazing and architectural features at entrance ways near the street. This building has been placed close to the street, addressing the streetscape and public realm.

Lands within 800m are comprised of a wider mix of low density and medium density residential uses, as well as additional future development lands and open space. Low density residential uses, in the form of 1 to 2-storey single detached dwellings, are located to the northwest, west, southwest, and southeast, with additional medium density residential in the form of 1 to 2-storey townhouses to the northwest and southeast (Figure 9). Exterior design and finishes are similar to the residential uses within 400m of the subject lands. A wider variety of lot sizes, setbacks, and location of driveways present beyond 400m.

Figure 9 – Low Density Residential Built Form (Regal Court)



Highbury Avenue North, Crosscreek Crescent, Crosscreek Court, and Crosscreek Place are the municipal streets within 120m of the subject lands. Proximate streetscapes include the east and west side of Highbury Avenue North, the east side of Crosscreek Crescent, and the entirety of Crosscreek Court and Crosscreek Place (Figure 10).

Figure 10 – Streetscapes within 120m of the Subject Lands



This portion of Highbury Avenue North is characterized by a four-lane arterial roadway, a multi-use pathway on the east side, with a public sidewalk and a tree-lined, city-owned boulevard on the west side (Figure 11). Highbury Avenue North is intended to serve high volumes of traffic at moderate to high speeds. There is little activation of the streetscape and public realm. Houses to the west of Highbury Avenue North are rear-loted and do not address the street. Wooden fencing from residential rear yards dominate the west side, separating the rear yards of the single detached dwellings that front onto Crosscreek Court and Crosscreek Place. The east side of the streetscape is generally comprised of vacant land, mature trees, and sparsely located dwellings with limited connection to the street.

Figure 11 – Public Sidewalk and Tree-Lined, City Boulevard (West Side of Highbury, Looking South)



The multi-use pathway on the east side of Highbury Avenue North connects to the public sidewalk to the south of the subject lands. Additional public sidewalks are provided on the west side of Highbury Avenue North, both sides of Kilally Road (west of Highbury Avenue North), the north side of Kilally Road (east of Highbury Avenue North), and both sides of Townsend Drive. This public sidewalk network provides connections into the low density residential areas to the north, northwest, and west of the subject lands, as well as to the commercial uses at the Highbury Avenue North and Kilally Road intersection.

The commercial plaza at the southwest corner of the Highbury Avenue North and Kilally Road intersection provides pedestrian connections to the commercial uses to the rear of the lot; however, screening is minimal and garbage disposal and parking are highly visible from the streetscape (Figure 11).

Figure 11 – Commercial Plaza (Southwest Corner of Highbury Avenue North and Kilally Road)



The streetscape and public realm of Crosscreek Crescent, Crosscreek Court, and Crosscreek Place are characterized by newer tree plantings along the street, a public sidewalk along the east side of Crosscreek Crescent, and single detached dwellings with front yard driveways, lawns, and landscaping (Figure 12).

Figure 12 – Streetscape of Crosscreek Crescent and Crosscreek Court Intersection



SITE SPECIFIC SPATIAL ANALYSIS

Figure 13 below shows the relationship between the subject lands and abutting uses.

Figure 13 – Site Specific Spatial Analysis



There is an active frontage along Highbury Avenue North (arterial road frontage), shown in green. This location will have an active relationship with the abutting roadway, and should accommodate buildings close to the street. A noise fence informs the subject lands immediately across Highbury Avenue North to the west. The noise fence screens rear-lot single detached dwellings from an unactivated portion of Highbury Avenue North.

On the opposite side of the subject lands, the rear of the site interfaces with existing single detached dwellings. This interface is shown in purple. Given that this area is separated from the west portion of the site by the oil pipeline and pond, and contains a number of trees, it is unlikely that new buildings would be proposed in this area. The existing naturalized area is proposed to be maintained, if possible.

A future vehicular access point is identified with a yellow arrow.

DESIGN GOALS AND OBJECTIVES

Given the surrounding built form and land use context, the goal of the proposed development is to redevelop an underutilized parcel of residential land in a manner that provides an attractive, compatible, and complementary addition to the Highbury Avenue North streetscape, while making highly efficient use of land. The design goals are related to providing a visually interesting and notable architectural design with an animated street frontage to assist with the following:

- Create a landmark building which will enhance the Highbury Avenue North streetscape;
- Provide a built form that is sensitive to, and compatible with, the surrounding low and medium density residential uses;
- Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties;
- Visually integrate the new buildings into the surrounding environment and street frontage; and,
- Preserve on-site natural heritage features.

PROPOSED DEVELOPMENT

The subject lands are proposed to be redeveloped for three residential towers, interconnected by a 4-storey podium. Building 'A' is 16-storeys in height, Building 'B' is 18-storeys in height, and Building 'C' is 15-storeys in height (Figure 14).

Building 'A' and Building 'B' share the 4-storey podium on the north side of the subject lands. A total of 298 residential units are proposed between the shared podium and the two towers. Building 'C' is comprised of the 4-storey podium on the south side of subject lands and tower above. A total of 102 residential units are proposed for Building 'C'. Building 'A' and Building 'C' are connected with a skywalk over the access driveway. A total of 400 units are proposed for the site as a whole. With a lot size of 1.453 ha (3.6 ac), this equates to a gross residential density of 276 units per hectare (UPH). It is noted that as residential density is calculated using the area zoned for the use, the net residential density is approximately 455 UPH, based on the area outside of the "Open Space (OS1)" zone of approximately 0.88 ha (2.17 ac).

The majority of vehicular parking spaces will be accommodated in underground parking garages below the two podiums, with each access ramp proposed to the rear of each building. Additional surface and accessible parking is also available to rear of each building. Approximately 410 parking spaces are proposed. A minimum parking rate of 1 space per unit is proposed.

Figure 14 – Conceptual Rendering of Proposed Development

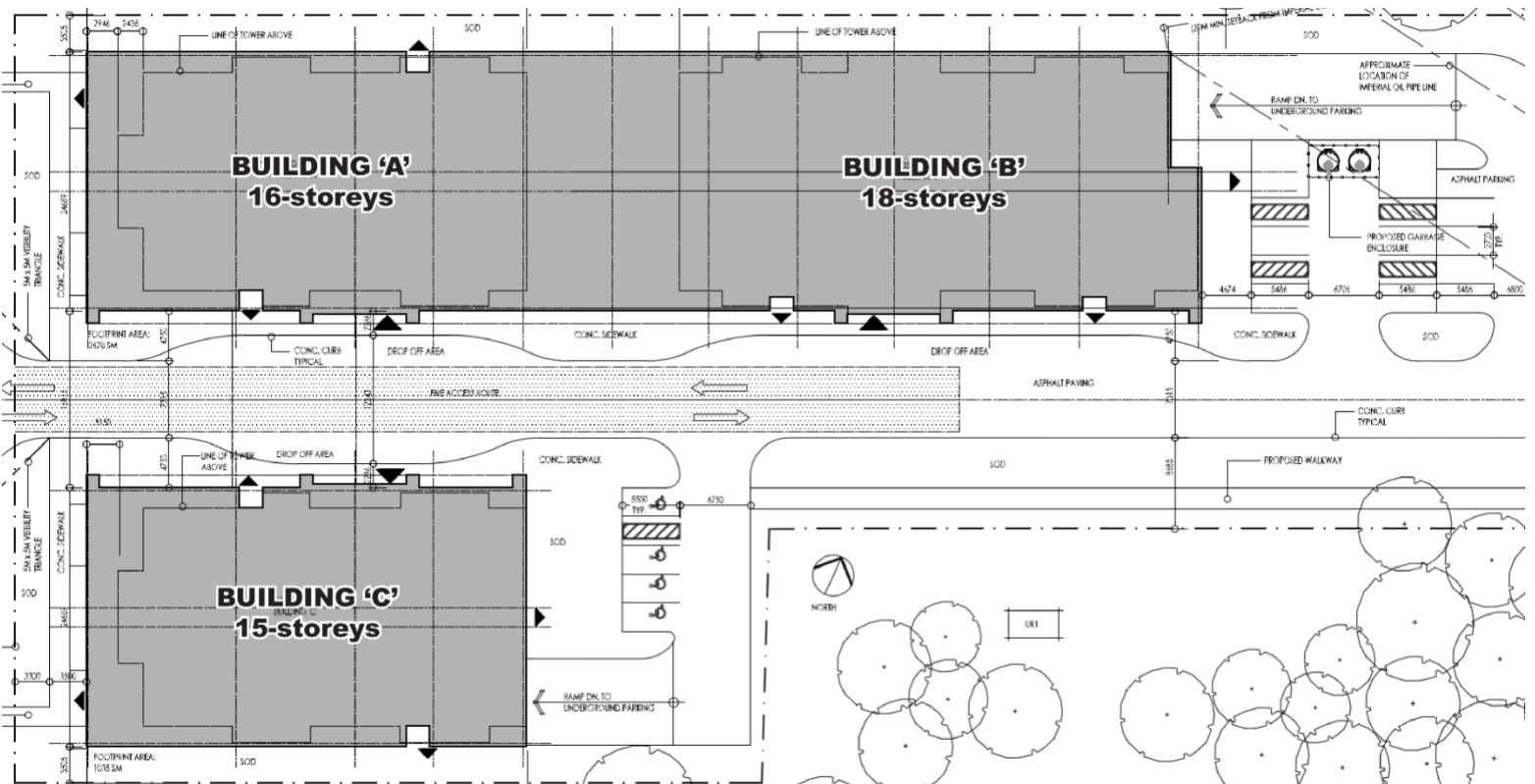


Vehicular access to the site is proposed to be provided from a single, full-turns driveway from Highbury Avenue North, located in the center of the subject lands (Figure 15). Each building is proposed to have a loading lay-by, connected to concrete sidewalks that provide connections to building entrances, public sidewalks to the front, and a walkway to the large, passive recreation/amenity area to the rear.

The proposed residential buildings are positioned close to, and oriented perpendicular to, the street to maximize the amount of space available to the rear of the subject lands for open passive recreation/amenity area. The rear of the subject lands is comprised of a portion of a large pond and a wooded area, which are proposed to be retained and may provide additional outdoor recreation/amenity area for future residents. It is noted that these lands could also be conveyed to the City for parkland purposes.

Common indoor amenity space is located at the front of each podium facing the street, as well as between the podiums on Floors 2-4. Extensive glazing for the common indoor amenity space is proposed along the front of the building, affording views into and out of the building, animating the streetscape, and providing passive surveillance of the public realm. Additionally, indoor garbage collection is proposed on the ground level for each tower, with convenient access to the exterior of the building and the proposed outdoor garbage enclosures (i.e. Molok containers) to the rear of Building 'A' and Building 'B'.

Figure 15 – Proposed Site Plan



The proposed buildings show notable architectural articulation and provide a distinct base, middle, and cap. Building elevations are provided in Figures 16 to 19.

Figure 16 – West Elevation (Front of Building ‘A’ [Left] and Building ‘C’ [Right]) Facing Highbury Ave. N.

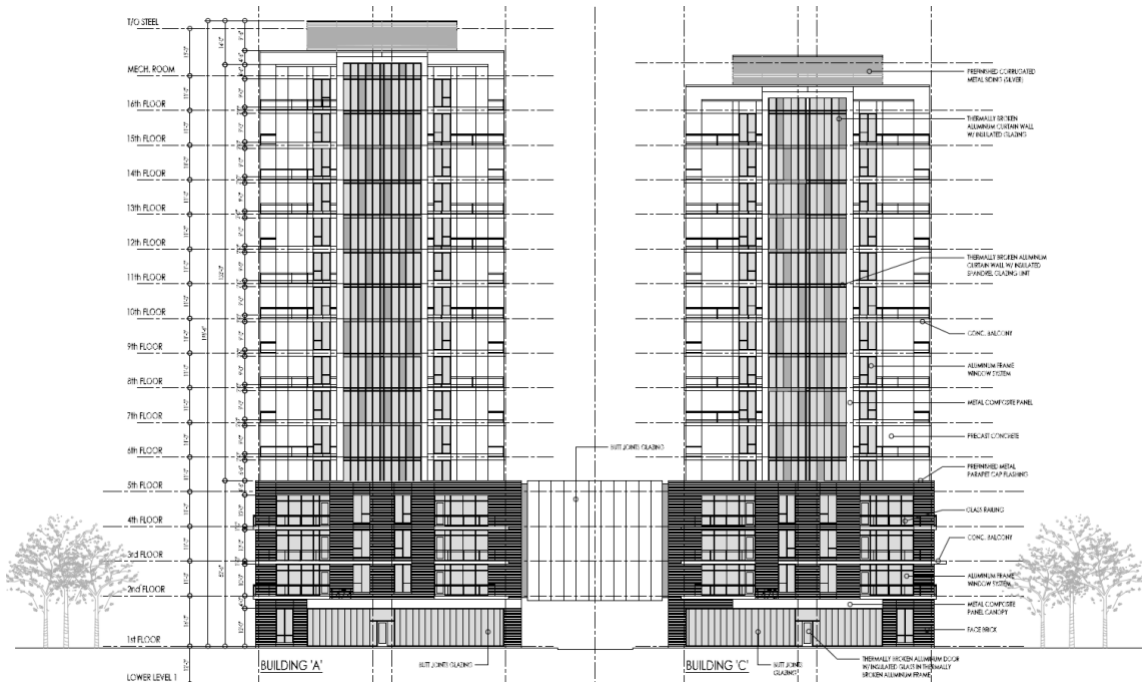


Figure 17 – East Elevation (Rear of Building ‘C’ [Left] and Building ‘B’ [Right])

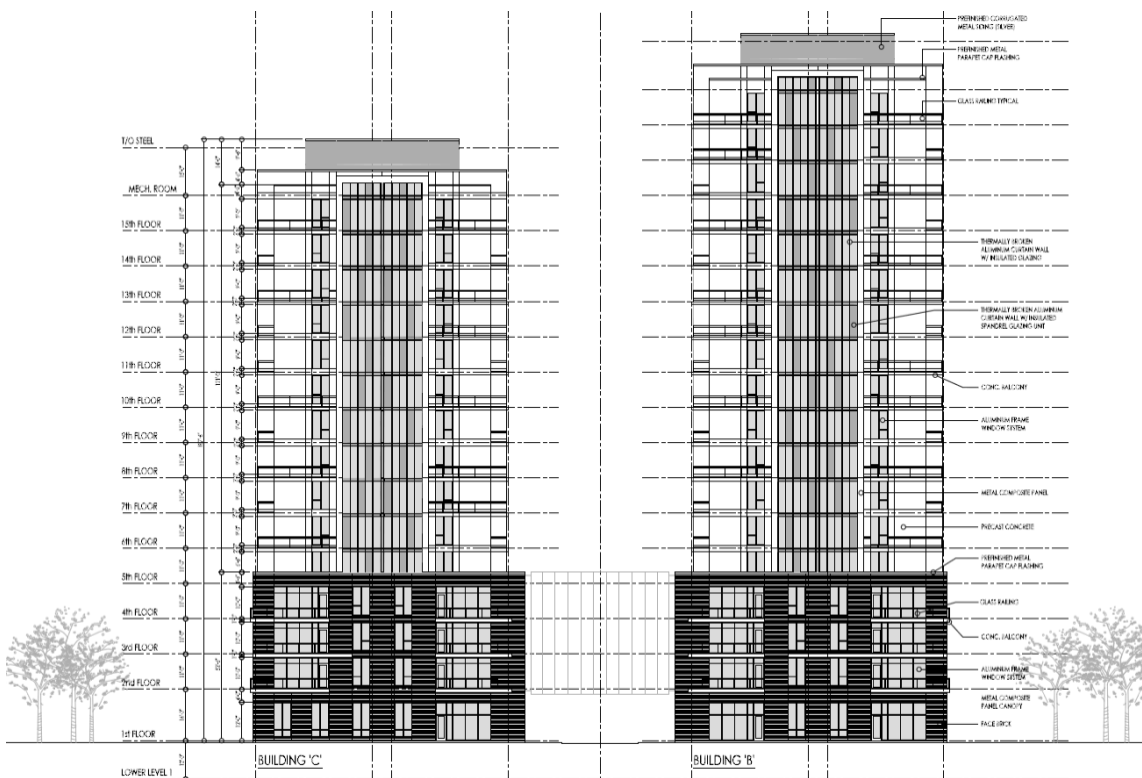


Figure 18 – South Elevation (Side of Building ‘C’ [Left] and Building ‘B’ [Right])

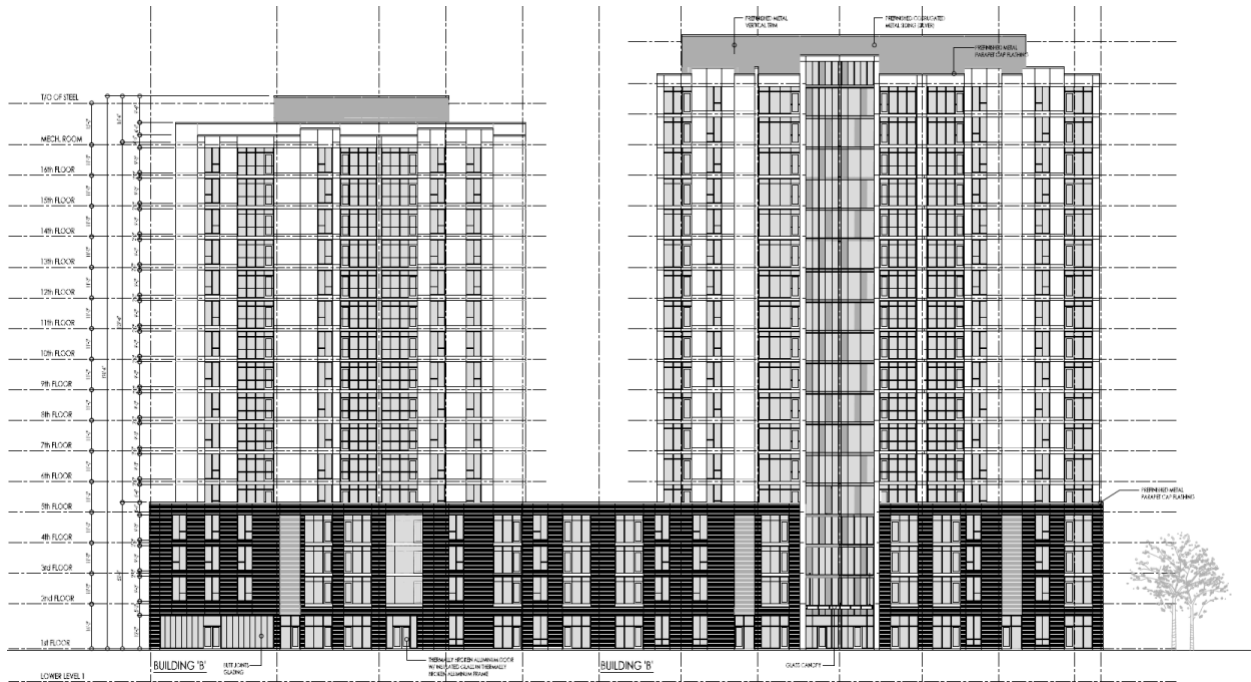
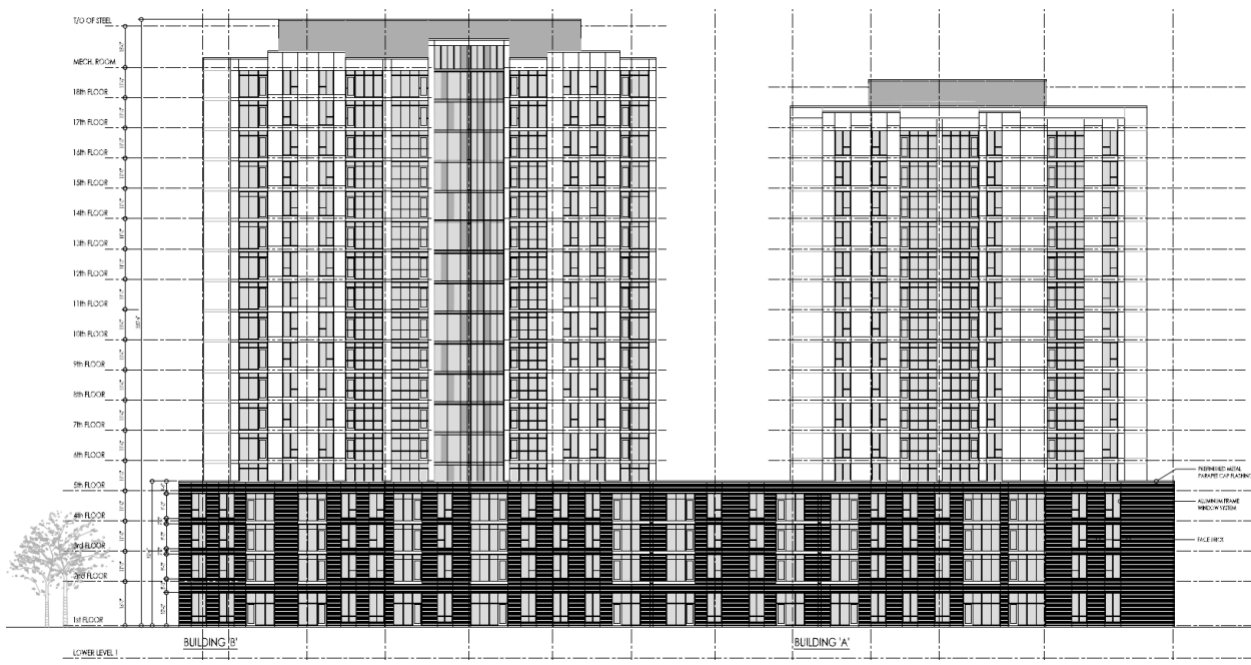


Figure 19 – North Elevation (Side of Building ‘B’ [Left] and Building ‘A’ [Right])



Cladding materials on the podium consist of extensive glazing on the ground level and on the skywalk on the west elevation, with a metal composite canopy above the building entrances that face the street. Dark grey brick is proposed for the remainder of the podium, with concrete balconies, vision glass railings, and aluminum framed windows. A metal parapet cap is proposed at the top of the podium to delineate the podium and tower above.

Cladding materials of the middle and cap (i.e. the tower and roof, respectively) consist of precast concrete, metal composite panels and siding, vision and spandrel glass, and aluminum framed windows. An aluminum curtain wall is located in the center of the Building 'A' and Building 'B' on the west elevation, Building 'B' and Building 'C' on the east elevation, Building 'B' on the south elevation, and Building 'B' on the north elevation, each containing a unique pattern of spandrel glass of varying opaqueness. These curtain walls are framed with a dark grey metal composite panel. The primary cladding material on the remainder of the tower is light coloured, precast concrete, with balconies consisting of concrete bases and vision glass railings provided along each elevation. Additionally, the top of each tower (mechanical penthouse) is clad in a silver, corrugated metal siding, which is setback from the front of the building and is not visible from the street.

As it is recognized that a bonus zone will be required for this development, the following bonusable features are proposed to be included in the proposed development:

- A portion of the units are proposed to be used for affordable housing (10% of the bonusable units);
- Underground parking is provided; and,
- The proposed development has a very high-quality design and architectural features.

While bonus zoning is being proposed, it is recognized that bonusing as a mechanism under the Planning Act may not be available to this development as it expires in September 2022. An alternative arrangement may be identified through the processing of this application to sufficiently address this issue.

COMPATIBILITY REPORT AND PUBLIC REALM

MASSING and BUILT FORM

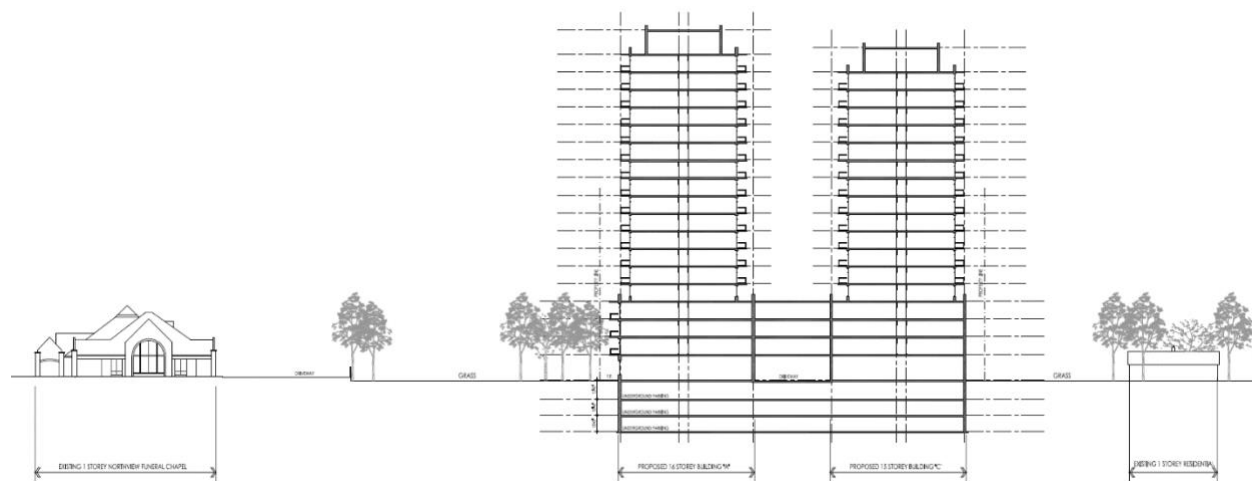
The pedestrian zone and public realm at the front of the building is defined by the 4-storey podiums that are similar in height to the existing long-term care facility to the south of the subject lands. The varying height of the proposed towers, as well as a tower stepback from the podium, allow for a more appropriate transition between the abutting low density residential lands in all directions. The towers of Building 'A' and Building 'C' provide a 3m to 4.5m stepback from the front of podium along Highbury Avenue North, and Building 'B' (the tallest of the three buildings) is located interior to the site, providing an appropriate transition in height from the street. Section drawings illustrating the above-noted relationship are provided in Figures 20 and 21.

The curtain wall/glass extension on the towers in the center of each elevation form a parapet wall, which contribute to the quality and character of building and provides unique views of the skyline from the ground.

Figure 20 – East-West Section



Figure 21 – North-South Section



ARTICULATION

There is variation in the design and articulation of each elevation of the proposed development from the varying locations and lengths of the balconies, as well as the unique pattern and opaqueness of the spandrel glass in each of the curtain walls. These design features provide visual interest. The design of the proposed building incorporates numerous horizontal and vertical elements that articulate the development. Horizontal articulation elements include the delineation of the podium and towers through the use of contrasting materials and colours; various lengths and locations of balconies along each elevation; and breaks in sections of spandrel glass along

the curtain walls of each elevations. Vertical articulation elements include the use of a metal composite panel that frames each curtain wall, as well as the use of different colours of pre-cast concrete to delineate units and balconies in the towers.

ARCHITECTURAL TREATMENT

The material palette is composed of four primary elements:

1. Brick/masonry defines the podium and human scale element of the proposed development, as well as anchors the base of the building.
2. Vision and spandrel glass provides transparency, openness, and lightness, particularly throughout the common indoor amenity space provided at the front of the podium and in between the podiums, creating an iconic look of the base elements. A pattern is proposed to be integrated into the vision glass in between the podiums. The intent is for the pattern to be in keeping with the passive recreation/amenity elements to the rear of the subject lands (i.e. the pond and the mature trees). The spandrel glass of varying opaqueness provides a unique design feature on each curtain wall to create a visual interest when viewed from the street.
3. Metal is used as passive solar shading devices through the use of horizontal sun shades along the front the proposed development, as well as the signage band for building numbering above the common indoor amenity space on the ground level.
4. Precast concrete of various neutral colours define the towers and the base of the balconies.

PUBLIC REALM

The public realm is defined by the west elevation that has frontage along Highbury Avenue North, which offers a unique experience for those passing by, pausing to relax, or enjoying the enhanced landscaping and/or physical design elements of the building.

A new, wider, concrete sidewalk along this portion of Highbury Avenue North will enhance the pedestrian experience as opposed existing, narrow multi-use pathway that abuts the roadway. The extensive glazing on the front of the common indoor amenity space will provide for an animated, vibrant public realm in the front of the building. As illustrated in the rendering in Figure 20, there are opportunities for seating and enhanced landscaping in the front of the building to help further define and enhance the public realm.

PROPOSED PLANNING ACT APPLICATIONS

OFFICIAL PLAN AMENDMENT

An Official Plan Amendment to *The London Plan* is required to permit the proposed building heights. It is therefore proposed that a specific area policy be implemented on the subject lands to permit the proposed building heights of up to 18 storeys. Additional or more specific policies may be identified through the application process to sufficiently address the aspects of bonus zoning that will no longer be available after September 2022, as noted below.

ZONING BY-LAW AMENDMENT

The proposed development is not currently permitted under the existing “*Neighbourhood Facility (NF1) Zone*”, the “*Urban Reserve (UR1) Zone*”, nor the “*Open Space (OS1) Zone*”. As such, the portions of the subject lands currently zoned *NF1* and *UR1* are proposed to be re-zoned to a site specific “*Residential (R9-7(_)) Zone*” and a “*Bonus (B-(_)) Zone*” to permit the proposed development. The *OS1* zone is proposed to be retained on the rear portion of 1474 Highbury Avenue North.

The site specific, special regulations sought for the “*Residential (R9-7(_))*” zone are as follows:

- *A minimum front yard depth of 6.8m;*
- *A minimum rear yard depth from Building ‘C’ of 22.2m;*
- *A minimum north and south interior side yard depth of 3.5m;*
- *A minimum parking supply of 1.0 space per unit; and,*
- *A maximum balcony encroachment of 1.5m that is 2.0m from the interior lot lines.*

The site specific, special regulations sought for the “*Bonus B-(_)*” zone are as follows:

- *A maximum density of 455 units per hectare; and,*
- *A maximum height of 74.0m.*

It is anticipated that the requirements for bonusing will be commensurate with the level of residential density increase sought for the subject lands. Details of the proposed bonusable features are provided in **1989 City of London Official Plan** section of this report.

As bonus zoning as a tool under the Planning Act will cease to exist as of September 2022, it is anticipated that an alternative mechanism to permit additional building height and/or density will be identified in the near future. As an Official Plan Amendment is proposed, special policies may be implemented to otherwise address the proposed zone, via a specific area policy, as noted above.

PLANNING POLICY ANALYSIS

2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “provides policy direction on matters of provincial interest related to land use planning” in order to ensure efficient development and the protection of resources. All planning applications, including Zoning By-Law Amendment application are required to be consistent with these policies.

In this analysis section, relevant policies are **bordered** and *in italics*, with discussion on how the proposed application is consistent with the policy immediately after.

Section 1.1.1

Healthy, liveable and safe communities are sustained by:

- b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e. promoting cost effective development patterns and standards to minimize land consumption and servicing costs;*
- h. promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

The proposed development adds to the range of residential uses on underutilized lands that are well suited for increased density. A portion of the units are proposed for affordable housing, helping to meet the housing needs of a wide demographic across the City of London. The proposed development is a compact, cost-effective development that minimizes the consumption of land and servicing costs by utilizing existing municipal services and infrastructure. Given that no development is proposed on the rear of the subject lands, which consist of the small pond and a variety of mature trees, existing biodiversity and environmental features are to be preserved.

Section 1.1.3.1

Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

The subject lands are within a settlement area, being within the Built-Up Area and Urban Growth boundary of the City of London. The proposed redevelopment of the subject lands for high-rise residential buildings promotes vitality and regeneration by intensifying the residential use of the land with a compact and efficient form of development on an underutilized parcel of land that is connected to existing and appropriate infrastructure levels to accommodate the development.

Section 1.1.3.2

Land use patterns within settlement areas shall be based on:

- a. densities and a mix of land uses which:*
 - 1. efficiently use land and resources;*
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - 5. are transit-supportive, where transit is planned, exists or may be developed.*

The proposed development broadens the range of residential forms and intensities in the area. It makes efficient use of underutilized lands, existing resources, infrastructure, and supporting transportation networks. The subject lands have convenient access to public transit (Route #25), providing connections to Fanshawe College and Masonville Place. Open space uses are located to the southwest, including Kilally Meadows ESA and Meander Creek Park. The subject lands are also proximate to a commercial node at Huron Street and Highbury Avenue North, which is accessible via active transportation, public transit, or vehicle.

Section 1.1.3.3

Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The proposed development is considered to be intensification as it proposes a greater number of residential dwelling units than what currently exists. The subject lands are an appropriate location for intensification as they are located on an arterial road with public transit access; are proximate to open space and commercial amenities; and are sufficiently sized to accommodate the proposed development, amenity space, and parking. The City of London has already identified the subject lands as an appropriate location for high density residential development through existing Official Plan land use policies.

Section 1.1.3.4

Appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

The proposed Zoning By-Law Amendment seeks to apply zoning regulations that are appropriate for this form and type of housing. As discussed through this report, the proposed Zoning regulations represent appropriate development standards and there is no risk to public health and safety.

Section 1.1.3.6

New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for efficient use of land, infrastructure, and public service facilities.

The proposed development is within an existing built-up residential area. The proposed density of 455 UPH is reflective of a compact, efficient form of housing that adds to the mix of housing types and densities in this predominantly single detached dwelling area.

Section 1.4.3

Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a. *establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households [...];*
- b. *permitting and facilitating:*
 2. *all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3.*

The proposed development contributes to the range and mix of housing types to accommodate future growth in the City of London, and is consistent with Council's intent to encourage appropriate intensification and provide affordable housing. The proposed development is compatible with the surrounding context, given the limited built form along this portion of Highbury Avenue North and significant setbacks between existing uses and the subject lands.

Appropriate intensification, as is proposed, contributes to the efficient use of infrastructure and public service facilities, encourages compact, cost-effective development, and supports the use of active transportation and public transit along Highbury Avenue North. Municipal servicing infrastructure is available for the development along Highbury Avenue North.

Section 1.6.6.2

Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

The proposed development will make use of full municipal services; there is sufficient capacity to service the development. Detailed servicing plans will be refined through the Site Plan Approval process.

Section 2.1.1

Natural features and areas shall be protected for the long term.

Section 2.1.2

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored, or where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features, and ground water features.

Section 2.1.8

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

An *Environmental Impact Study* (EIS) outlines several development and construction recommendations to ensure natural features, biodiversity, and water features are protected and maintained. All of the recommendations in the report will be implemented throughout the development process.

Section 3.1.1

Development shall generally be directed to areas outside of:

- b. hazardous lands adjacent to river, stream, and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.*

There is no development proposed on any portion of the subject lands that are zoned “*Open Space (OS1)*”, and are appropriately setback from the area to mitigate any potential flooding or erosion hazards. Moreover, there are no identified flood hazards on the subject lands.

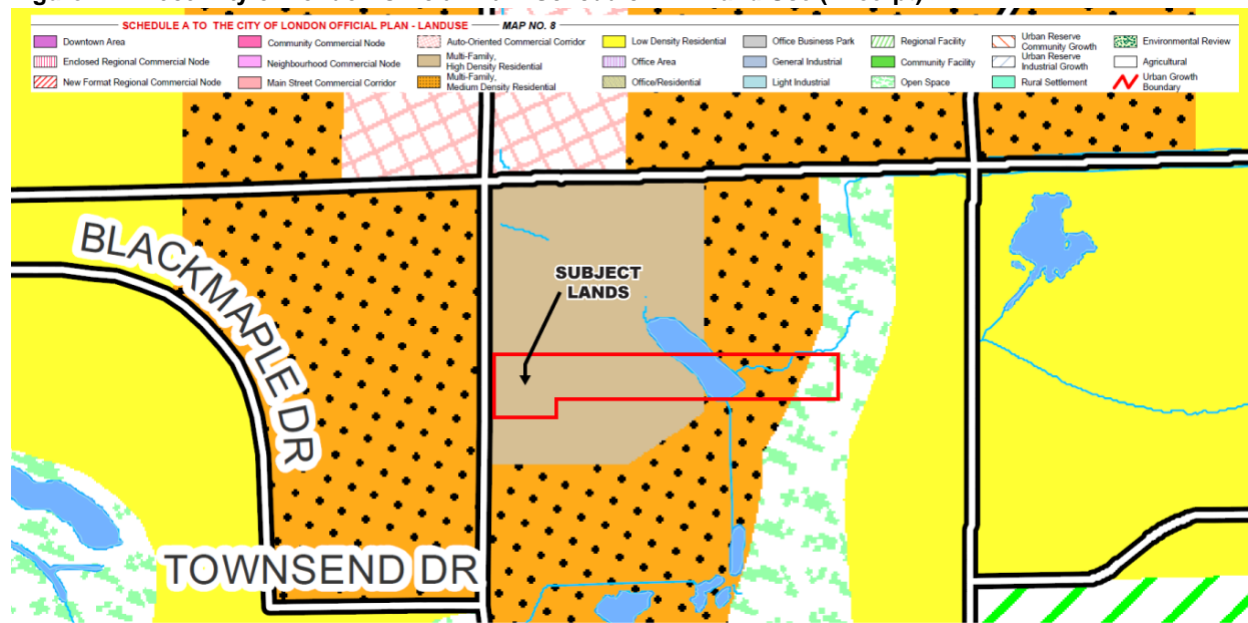
Based on the analysis above, the proposed Official Plan Amendment and Zoning By-Law Amendment is consistent with the policies of the 2020 Provincial Policy Statement.

1989 CITY OF LONDON OFFICIAL PLAN

The western portion of the subject lands are designated “*Multi-Family, High Density Residential*”, while the eastern portion is designated “*Multi-Family, Medium Density Residential*” and “*Open Space*” according to “*Schedule ‘A’ – Land Use*” in the 1989 City of London Official Plan (Figure 22). All three designations extend north and south of the subject lands. Lands on the west side of Highbury Avenue North also designated “*Multi-Family, Medium Density Residential*”.

Only lands within the “*Multi-Family, High Density Residential*” land use designation are proposed for development.

Figure 22 – 1989 City of London Official Plan: Schedule ‘A’ – Land Use (Excerpt)



The “Multi-Family, High Density Residential” designation permits large-scale, multiple-unit forms of residential development, including high-rise apartment buildings. The subject lands are well-suited to accommodate the proposed development: the apartment buildings will enhance and define the character of the Highbury Avenue North streetscape; the subject lands are located on an arterial road that provides convenient access to public transit (Route #25), shopping facilities (commercial node at Highbury Avenue North and Huron Street), and public open space (Kilally Meadows ESA, Meander Creek Park, Kilally Valley Park); and it is proposed that the rear of the subject lands will provide passive recreational/amenity space for residents.

The proposed development is considered to be high density residential development. The City has designated these lands to provide for high density residential development, and as such, these lands have been specifically planned for this use on the subject lands.

The proposed development supports the provision of a choice of dwelling types in the area so that a broad range of housing requirements are satisfied. Affordable units are proposed within the development, assisting the City of London in meeting its target for the provision of affordable housing. As outlined in the Housing Policies of **Section 12** of the 1989 City of London Official Plan, the City of London is encouraged to support the development of affordable housing at appropriate locations. As previously noted, given that the subject lands are well-suited for the proposed development, and that there is a lack of multi-family buildings in the area, it is an appropriate location for affordable housing.

The subject lands are an appropriate location for the proposed development and the provision of affordable housing. The proposed buildings are positioned and oriented in a compatible and appropriate manner, as the buildings are appropriately setback from the property lines and adjacent built form (**Section 3.4.2.i**). The single detached dwellings to the north and south (1478 Highbury Avenue North and 1442 Highbury Avenue North, respectively) have large interior side

yards that provide sufficient buffers between the proposed development. The natural area and features to the rear of the subject lands also provide a significant buffer (approximately 175m) to noise and views of the proposed development. Highbury Avenue North provides a large spatial separation between the subject lands and single detached dwellings to the west (**Section 3.4.2.iv**). It is noted that the vehicular activity on Highbury Avenue North generates significantly more impact on proximate lands than a high-rise residential development.

Net residential densities in the “Multi-Family, High Density Residential” designation outside of Central London are permitted up to 150 units per hectare (UPH). Given that the lands proposed to be re-zoned are approximately 0.88ha (2.17ac) in size, the proposed net residential density is 455 UPH. Zoning to permit higher densities than 150 UPH may be approved by Council where a development satisfies the following criteria (**Section 3.4.3.ii**):

“The site or area shall be located at the intersection of two arterial roads, or an arterial and primary collector road, and well-served by public transit”

The subject lands are located along an arterial road (being Highbury Avenue North), proximate to the Highbury Avenue North and Kilally Road intersection (both are arterial roads). Access to public transit is provided along Highbury Avenue North (Route #25), providing connections to Masonville Place and Fanshawe College.

“The development shall include provision of unique attributes and/or amenities that may not be normally provided in low density project for public benefit such as, but not limited to, enhanced open space and recreational facilities, innovative forms of housing and architectural design features”

The area to the rear of the subject lands includes a pond and many mature trees. It is proposed that this portion of the subject lands be utilized as a passive recreational/amenity area for residents, providing a trail to the rear. The design of the building is proposed to be of high architectural quality, including the use of artistic designs on the vision glass along the front of the building between the two podiums. The building design itself shows strong, positive, and aesthetically pleasing design features, which may themselves be considered as bonusable features.

“Parking facilities shall be designed to minimize the visual impact off-site, and provide for enhanced amenity and recreation areas for the residents of the development”

The majority of parking is proposed to be provided underground, with minimal parking provided on the surface to the rear of the buildings, resulting in little to no parking visible from the public realm. The provision of underground parking allows for the enhancement of the natural features to the rear of the proposed development for residents to enjoy.

“Conformity with this policy and urban design principles in Section 11.1 shall be demonstrated through the preparation of a secondary plan or a concept plan of the site which exceed the prevailing standards; and,”

In addition to the above, Council may allow for an increase in density above the limit otherwise permitted in the Zoning By-Law in return for the provision of certain public facilities, amenities, or design features through the use of bonus zoning (**Section 19.4.4.**). The proposed development includes the following bonusable features, which are commensurate with the requested density increase to 455 UPH:

- (a) Supports the provision of affordable housing;
- (b) Supports the provision of common open space that is functional for active or passive recreational use;
- (c) Supports the provision of underground parking;
- (d) Encourages aesthetically attractive residential development through the enhanced provision of landscaped open space; and,
- (i) Support the preservation of natural areas and/or features.

Affordable units will be provided in the proposed development at a rate of approximately 10% of the bonused units. The natural area and features to the rear of the subject lands are to be preserved, providing common outdoor area for passive recreation/amenity. The proposed development includes underground parking below each of the podiums, providing opportunities for enhanced landscaping and additional open space on the surface of the subject lands.

The subject lands are also identified within the “*Unevaluated Vegetation Patches*” and the “*Max. Hazard Line*” according to “Schedule ‘B-1’ – Natural Heritage Features” (Figure 23) and are identified within the “*Conservation Authority Regulation Limit*” and “*Riverine Erosion Hazard Limit for Unconfined Systems*” according to “Schedule ‘B-2’ – Natural Resources and Natural Hazards” (Figure 24).

Figure 23 - 1989 City of London Official Plan: Schedule ‘B-1’ – Natural Heritage Features (Excerpt)

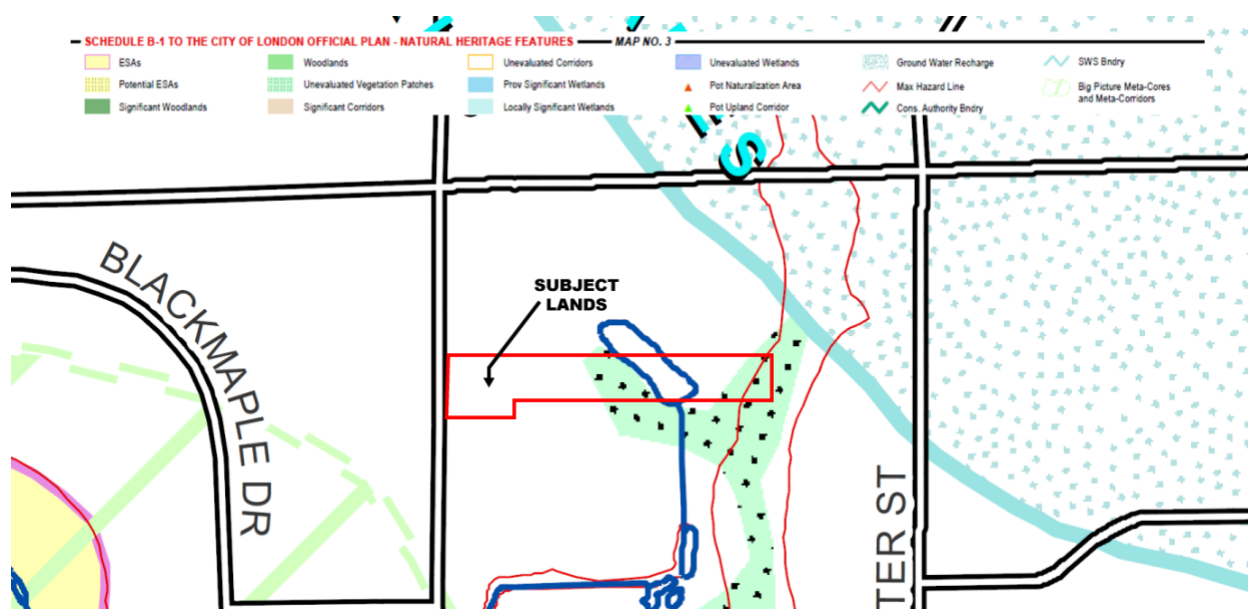
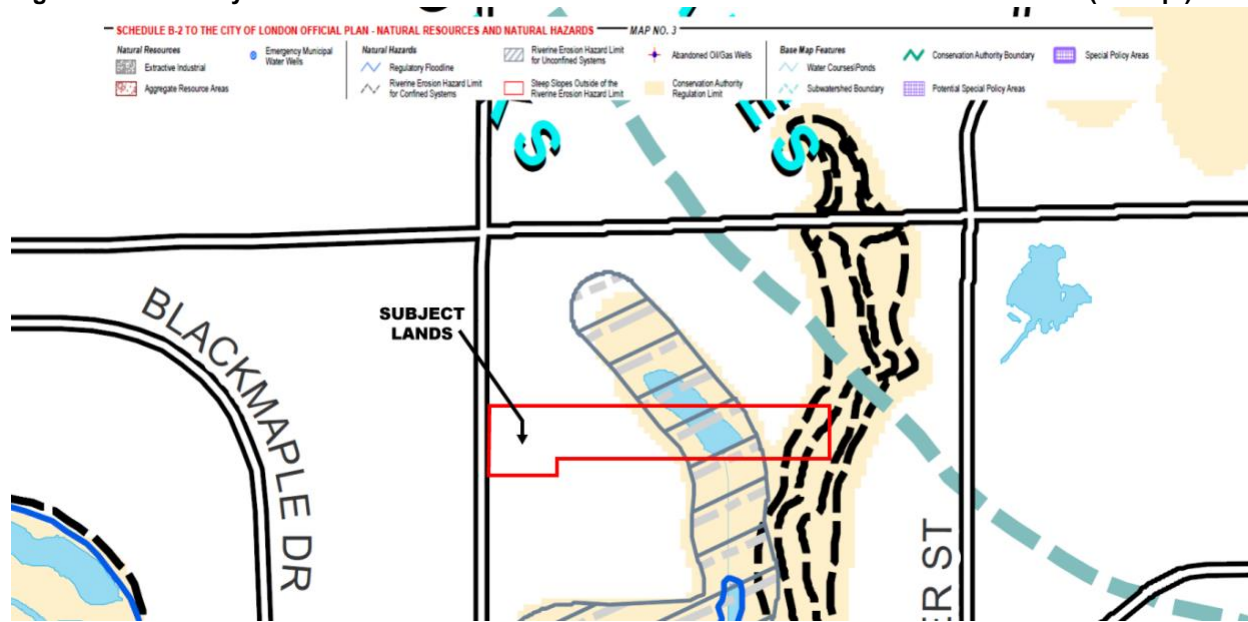


Figure 24 - 1989 City of London Official Plan: Schedule 'B-2' – Natural Resources and Hazards (Excerpt)



Given that natural heritage features are identified on the subject lands in an area that is designated “Open Space” in the 1989 City of London Official Plan, they represent significant natural features and ecological functions, specifically an unevaluated vegetation patch. To evaluate the significance of these features, an *Environmental Impact Study* has been completed as part of the present applications. To ensure the proposed development does not negatively impact the natural features and ecological functions of that area, the EIS identifies a number of recommendations/mitigation measures that will be implemented through the Site Plan Approval process.

Furthermore, the subject lands are within the “Upper Thames River Conservation Authority (UTRCA) Regulation Limit” and the “Riverine Erosion Hazard Limit”. The proposed development is subject to review and approval by the UTRCA. Geotechnical assessments, hydrogeological studies, and/or erosion control plans may be required through the Site Plan Approval process to identify any existing erosion hazards and address any mitigation measures associated with the any possible impacts from the proposed development.

The proposed development provides an opportunity for an efficient use of land for a compact form of residential development that is consistent with the intent and policies of the 1989 City of London Official Plan. The subject lands are well located for the intended use and are appropriate to accommodate the proposed development, have taken into account site constraints (including the 20m setback from the Imperial Oil underground pipeline; the natural features to the rear of the subject lands), and the scale and intensity of the proposed development is compatible with adjacent land uses.

URBAN DESIGN

The City of London Official Plan includes design principles that are applied to new developments. **Section 11.1** lists the general principles that are to be promoted in the preparation of development proposals. The individual principles listed do not always apply to each specific development, and are dependent upon the location and characteristics of the proposal.

The design principles relevant to this proposed development and how they are addressed are outlined as follows:

- **Natural Features** – The design of proposed development preserves natural features, including a small pond and mature trees, located to the rear of the subject lands. The natural features are complementary to the proposed development, providing passive recreational/amenity space for residents (Section 11.1.1.i);
- **Trees** - As there are a number of trees on the subject lands, existing trees will be maintained where feasible. The rear portion of the subject lands will be largely maintained, save and except for any modifications required to accommodate a walkway for the residents of the building (Section 11.1.1.ii);
- **High Design Standards** – The proposed development provides a contemporary building design that makes use of modern design practices, high quality materials, and unique artistic accents visible from the street (Section 11.1.1.iv);
- **Redevelopment** – The proposed development will replace an existing single detached dwelling with an efficient, well designed residential development that contributes to the housing needs in this area of the City of London (Section 11.1.1.vi);
- **Pedestrian Traffic Areas** – Pedestrian traffic to and from the proposed development will be connected to the public sidewalk along Highbury Avenue North at multiple points. Street-oriented features, including a canopy, signage, lighting, and landscaping, are located at pedestrian areas/building entrances at the front of each building (Section 11.1.1.viii);
- **Access to Sunlight** – Access to sunlight is evaluated both in terms of potential effects on existing sunlight exposure to abutting lands and natural light penetration to the proposed development. Given the large setbacks to other buildings and uses, no significant shadowing impacts are anticipated. However, it is noted that some shadowing will be present on the lands to the west in the early morning hours, to the north through the day and to the east in the late afternoon. Generous amounts of glazing is proposed on all elevations, maximizing the amount of natural light that will enter each unit (Section 11.1.1.ix);

- **Landscaping** – Landscaping, including the use of perimeter trees, will be used to enhance the appearance of the building. The buildings and existing mature trees will screen surface parking, garbage enclosures, and underground parking entrances from the all directions. A landscape plan will be provided in the Site Plan Approval stage. The rendering provided in this report illustrates conceptual landscaping (Section 11.1.1.x);
- **Building Positioning** – The proposed development positions both podiums close to the Highbury Avenue North streetscape, thereby creating a vibrant street wall and a visually appealing street edge in an area otherwise dominated by fencing, open space, and vegetation. Functional outdoor, passive recreational/amenity space is provided to the rear of the subject lands, affording a reasonable level of privacy for ground-level units. Due to the dimensions of the subject lands, the long axis of each building is oriented perpendicular to Highbury (Section 11.1.1.xi);
- **Parking and Loading** – Parking is primarily provided underground via a two-way, full-turns driveway between the two podiums, with only few accessible and visitor spaces to the rear of the buildings. Lay-bys are provided on both sides of the driveway for loading/unloading and servicing (Section 11.1.1.xiii);
- **Privacy** – The positioning and orientation of the buildings, respective to the surrounding low density residential uses, is optimal to maintain privacy for adjacent single detached dwellings. For example, there are fewer windows facing west with the building axis perpendicular to Highbury Avenue North than if there was a single building face parallel with the road. It is further noted that any mid or high-rise building on the subject lands will be visible from the rear yard of houses on the west side of Highbury Avenue North. A large setback from the rear property line is provided on the subject lands due to the range of natural features and mature trees to the rear of proposed buildings. The single detached dwellings on the lands to the north and south of the subject lands are also set back at a significant distance from the shared property lines, reducing sightlines and potential visual impact. Highbury Avenue North, along with fencing and a city-owned boulevard, provides a significant spatial separation between the subject lands and the low density residential area to the west. Given the above, the proposed design and positioning of the buildings provide appropriate privacy levels for existing surrounding land uses (Section 11.1.1.xiv); and,
- **Noise Attenuation** – The proposed use is not a significant generator of noise, but rather a receptor of noise from Highbury Avenue North. It is a policy of the Official Plan that a noise study be completed for the proposed development, which will occur at the Site Plan Approval stage. The building itself will have an attenuating effect on lands to the east, reducing traffic noise from Highbury Avenue North (Section 11.1.1.xviii).

The proposed development generally conforms to the Urban Design policies of **Section 11.1** in the 1989 City of London Official Plan.

Based on the above, the proposed development represents an appropriate and compatible form of development and is consistent with the policies and the intent of the “Multi-Family, High Density Residential” land use designation in the 1989 City of London Official Plan.

THE LONDON PLAN

It is noted that the many relevant London Plan policies remain under appeal.

The subject lands are identified within the “Neighbourhoods” Place Type and “Green Space” Place Type along an “Urban Thoroughfare” Street Classification (Figures 25 and 26). The subject lands are also included within the High Density Residential Overlay (Figure 27). No development is proposed on any lands identified within the “Green Space” Place Type on the subject lands.

Figure 25 – The London Plan: Place Types – Map 1 (Under Appeal; Excerpt)

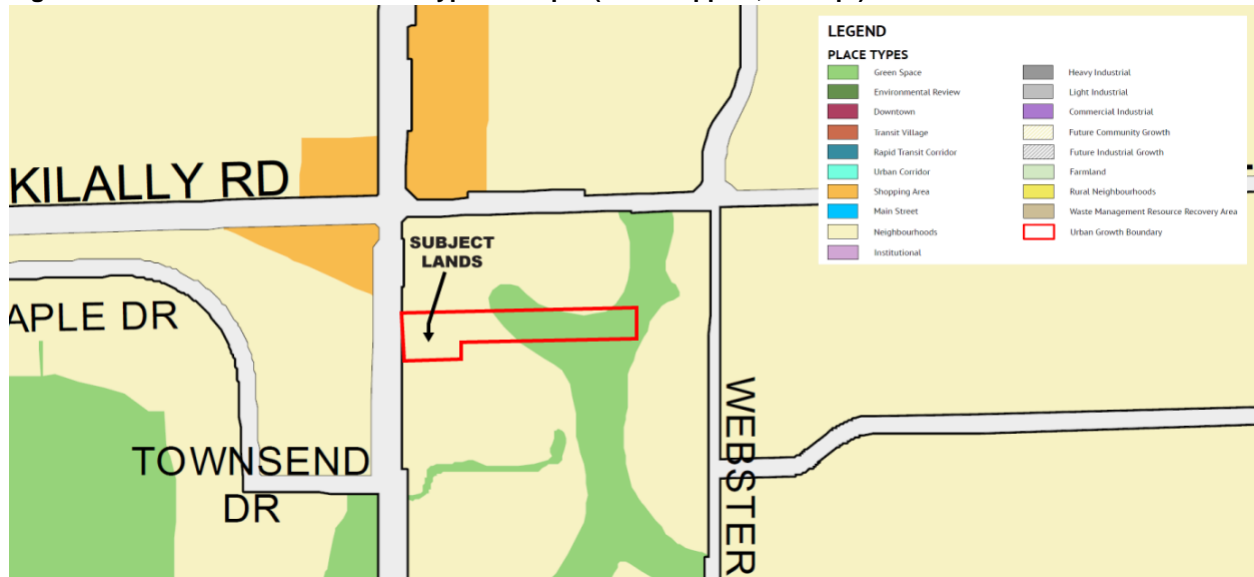


Figure 26 – The London Plan: Street Classifications – Map 3 (Under Appeal; Excerpt)

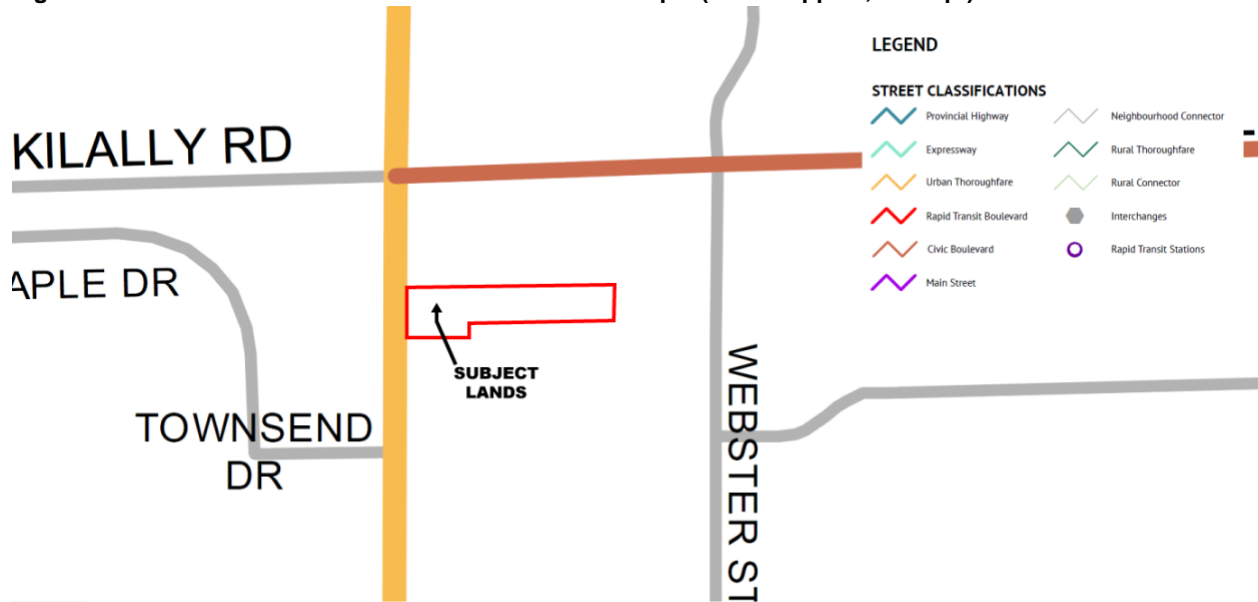
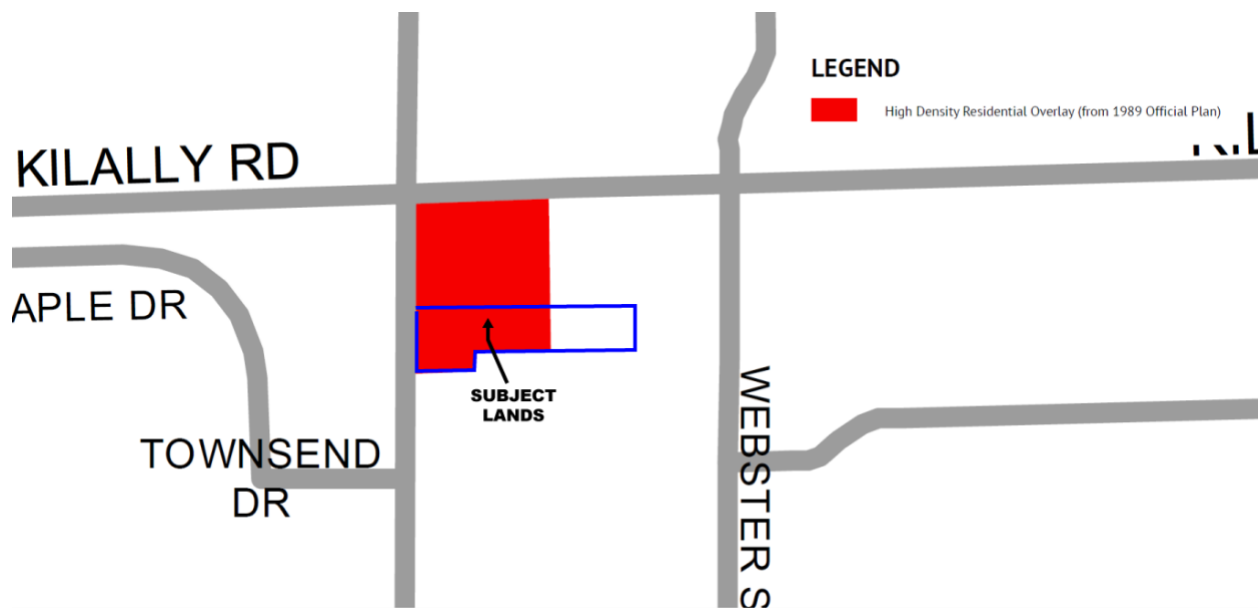


Figure 27 – The London Plan: High Density Overlay – Map 2 (Under Appeal; Excerpt)



Residential development, within the High Density Residential Overlay outside of the Primary Transit Area, may be permitted up to 12-storeys in height and at a density of 150 units per hectare (**Policy 958.2**). While it is understood that this portion of The London Plan is not yet in effect, an Official Plan Amendment application has been submitted to ensure an amendment to The London Plan could be implemented. Specifically, a specific area policy is being sought to permit a building height of up to 18 storeys, an increase of six storeys from what is currently contemplated.

The London Plan encourages “inward and upward” growth to achieve compact built form within existing built-up areas of the city (**Policy 79**). The proposed development is a form of residential intensification that is of a compact built form, located in an existing built-up area in the City of

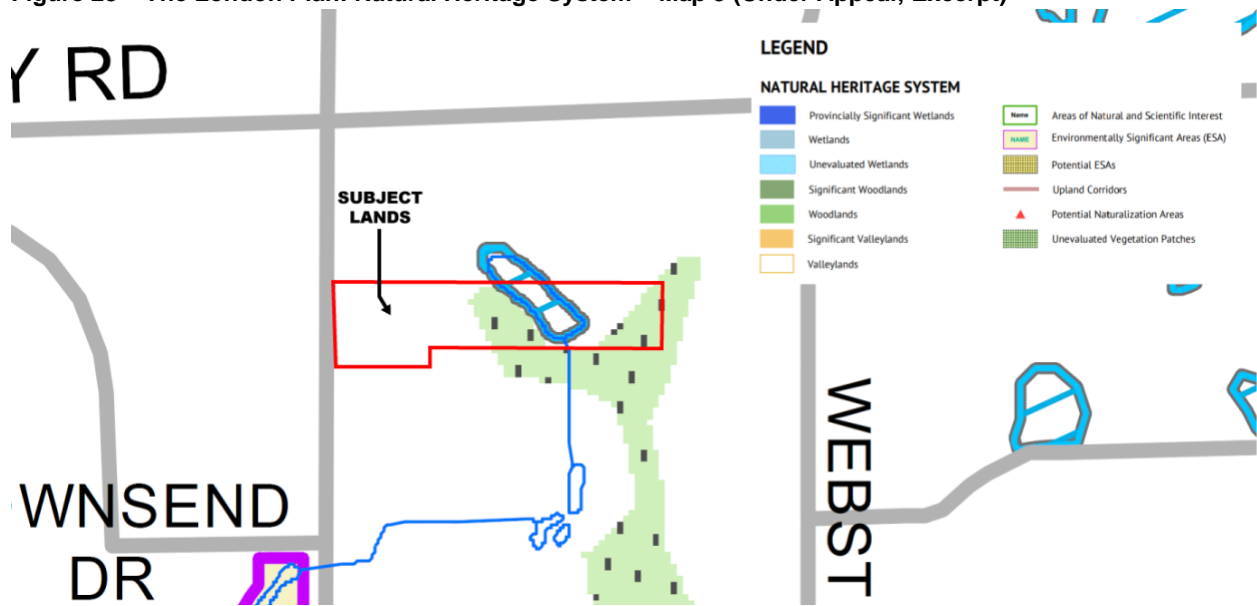
London. Residential intensification may be permitted in all Place Types that allow for residential uses (**Policy 84; Policy 939**).

Compatibility and fit of residential intensification proposals are evaluated from a form perspective in *The London Plan* (**Policy 953**). The subject lands are located on an under-utilized portion of land along Highbury Avenue North that is well-separated from the adjacent built form. Although the proposed buildings are located close to the front and side lot lines, there are sufficient buffers between the proposed buildings and the surrounding low density residential uses. The small pond and mature trees provide a buffer to the east, while the Highbury Avenue North right-of-way, City-owned landscaped boulevard, and fencing, provide a buffer to the west. The single detached dwellings to the north and south are located well away from the proposed development. These conditions are appropriate to accommodate the proposed development.

The height and overall massing of the proposed towers varies to ensure a more compatible fit with the surrounding area. Building 'C', the shortest building, is located to the front of the site to provide the lowest building height adjacent to single detached dwellings across Highbury Avenue North. The additional height on Building 'A' and Building 'B' can be accommodated given the proximity to heavily wooded areas to the north and the east, and Highbury Avenue North to the west.

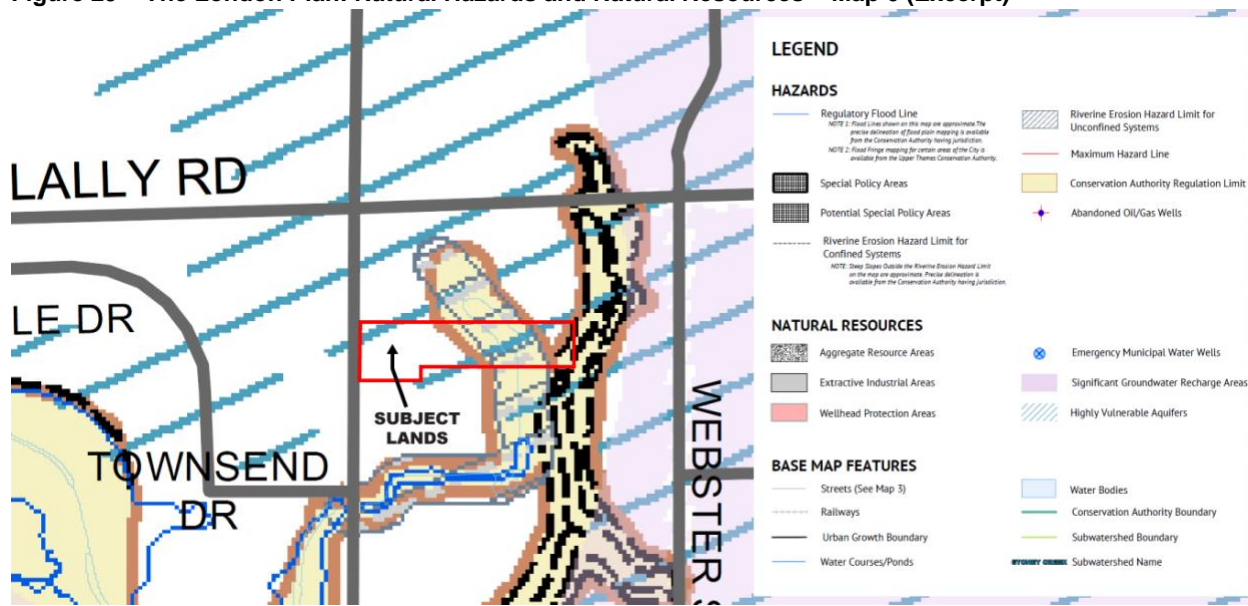
In addition to the above Place Type policies, the following Environmental policies also apply. A portion of the subject lands are identified within "Unevaluated Vegetation Patches", "Unevaluated Wetlands" and "Provincially Significant Wetlands" (Figure 28). An *Environmental Impact Study* (EIS) has been prepared to evaluate the impacts of the proposed development on the part of the subject lands to the west. All recommendations and mitigation measures identified in the EIS will be fully integrated into the development at the Site Plan Approval stage.

Figure 28 – The London Plan: Natural Heritage System – Map 5 (Under Appeal; Excerpt)



The subject lands are also identified within “Highly Vulnerable Aquifer”, “Riverine Erosion Hazard Limit for Unconfined Systems”, “Riverine Erosion Hazard Limit for Confined Systems”, and “Conservation Authority Regulation Limit” (Figure 29). Any development is subject to review and approval of the Upper Thames River Conservation Authority (UTRCA). Several studies completed with input from UTRCA are included in this submission, including a *Subject Lands Status Report* and *Environmental Impact Study*.

Figure 29 – The London Plan: Natural Hazards and Natural Resources – Map 6 (Excerpt)



URBAN DESIGN

The *London Plan* includes City Design policies that are to be applied to new developments. **Policy 191** outlines the design policies that are to be promoted in the preparation of development proposals. The individual principles do not always apply to each specific development, and are dependent upon the location and characteristics of the proposal. The design principles relevant to the proposed development, and how they are addressed, are described as follows:

Character and Streetscapes

The built form of the proposed development is to be consistent with the planned vision of “Neighbourhoods” Place Type (**Policy 197**): forming a strong sense of neighbourhood character, enhancing the streetscape, providing a diversity of housing choices, locating on lands that are well-connected and provide access to wide range of amenities (**Policy 916**). The proposed development is located close to the street, enhancing and activating the streetscape and public realm. The residential use will define the character of this portion of Highbury Avenue North, creating an identity and forming a strong sense of place. The proposed development adds to a diversity of patterns, sizes, and residential housing choices, which may accommodate a variety of demographics. Overall, the character of the proposed development will be a positive addition to the Highbury Avenue North streetscape.

Street Network

As no new public roads are created, there are no changes to the existing or planned street network. A *Transportation Impact Assessment* (TIA) identifies transportation impacts of the proposed development to Highbury Avenue North. Mitigation measures are also identified to address those impacts, which will be implemented through the Site Plan Approval process.

Site Layout

The site layout is based on a response to its surrounding context, specifically low density residential uses to the east and west, and future high density residential to the north and south. The buildings are positioned an appropriate distance from abutting and adjacent single detached dwellings; significant existing setbacks, mature trees, and natural heritage features all buffer and screen the proposed development. Site specific details, such as fencing and landscaping, will may be used to screen the proposed development where feasible, as determined through the Site Plan Approval process.

The proposed buildings have been sited with minimal setbacks from the Highbury Avenue North right-of-way to create a street edge, establish a sense of enclosure, and develop a comfortable pedestrian environment. Front entrances are directly connected to the public sidewalk and an internal pathway system leads to secondary entrances, amenity area, surface parking, and garbage enclosures.

Buildings

The scale, massing, location, and materials of the proposed development foster a positive and compatible relationship with the surrounding low density residential uses. From the street-level, the 4-storey podiums provide an appropriate interface with abutting single detached dwellings more than with the towers above. Given this relationship, the selected exterior materials of the 4-storey podiums (i.e. brick/masonry) are reflective of the existing single detached dwellings in the surrounding area.

Furthermore, the proposed development supports the City Design policies in **Policy 193** as follows:

- The proposed development is generally compatible with the surrounding context, given the significant setbacks to existing uses, the presence of a major arterial road, and the extent of the natural features and mature trees to the rear of the property.
- The proposed development is located close to the street edge with podium entrances at street level, thereby enhancing the pedestrian environment and providing a strong street presence. Opportunities for landscaping along the street edge and the proposed pedestrian connections from the Highbury Avenue North sidewalk to the buildings will aid in providing a well-designed and aesthetically pleasing streetscape. The provision of one vehicular access allows for a greater area for buildings and landscaping to address the street.

- The proposed development provides a housing type that supports appropriate residential intensification, and by virtue of being a high-density form of housing and providing affordable units, provides housing that may be more affordable for a variety of residents.

The London Plan contains policies setting out a general framework and scope for the consideration and application of a special policy. Notably, Policy 25 provides that amendments to The London Plan may occur through “*Privately [...] initiated official plan amendments that will most commonly relate to an individual site or series or properties.*” Policy 26 further provides that “*it is important to recognize that the plan may be modified over time, but it is equally as important to ensure that such change does not undermine the purpose and intent of the policy framework of this plan*”. These two policies above specifically consider both broad and site-specific amendments to The London Plan, provided they are in keeping with the general intent of the Plan.

In general, the proposed redevelopment warrants consideration for a special policy area as it is in keeping with the overall intent of The London Plan to intensify within the built boundary of London. Additionally, lands that were previously considered for development in the 1989 Official Plan, towards the rear of the subject lands, now have no development permissions at all, thereby reducing the overall ability of the subject lands to deliver residential dwelling units. The proposed development seeks to maximize the efficiency of the lands to help address that loss of developable land.

To review the appropriateness of the assertions above, analysis on three key issues and considerations as they relate to the proposed Official Plan Amendment to The London Plan (use, intensity, and form) to permit additional building height is presented below:

Use

The use of the subject lands for apartment buildings is specifically contemplated in The London Plan and is the planned function of the subject lands.

Intensity

The intensity of the proposed development is significant in comparison to other built forms of the area. However, it is important to recognize that, as 12-storey buildings are already permitted on the subject lands, the proposed building heights are not significantly taller and do not have a material impact on how the buildings are perceived from the public realm. As detailed in the supporting documentation, the intensity of development proposed, as measured by vehicle movements, servicing requirements, and potential impacts on natural heritage features, is appropriate for the subject lands. Importantly, the subject lands represent an opportunity to deliver a high number of residential dwelling units in a growing area of the City of London. While the intensity of the proposed development is certainly higher than what The London Plan currently contemplates, it can be reasonably accommodated on the site.

Form

As with the discussion on intensity above, the core form of the proposed development is in keeping with the planned function of the subject lands, being high-rise apartment buildings. The unique building proposal, linking two buildings via a skybridge over the main driveway, will provide a new form for the area, in addition to the well-designed apartment buildings. Overall, the form of

the development is appropriate for the subject lands and is in keeping with the intent of The London Plan.

Criteria for Specific Area Policies

The London Plan provides policies for evaluating the appropriateness of proposals for Specific Area Policies, such as the present proposal. Analysis on each policy is presented below:

1729_ Notwithstanding the other land use policies contained in this Plan, policies for Specific Areas may be applied where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area.

The proposed specific area policy is reflective of the intent of Council and The London Plan as it meaningfully contributes to the planned function of the subject lands for high-density residential uses. The present policy request may be regarded as re-allocating development permissions from the former Official Plan that are no longer available, pertaining to the rear of the subject lands.

1730_ The adoption of policies for Specific Areas may be considered in limited circumstances where the following conditions apply:

- 1. The proposal meets all other policies of the Plan beyond those that the specific policy identifies.*

As described in this report, other policies of the Plan are generally satisfied.

- 2. The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.*

The proposed policy to permit taller buildings on the subject plans will have a positive impact on achieving the planned function of The London Plan, principally by adding more dwelling units along a higher-order road and the conservation of natural heritage features, and does not negatively impact the integrity of the place type.

- 3. The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.*

While the use of the subject lands for apartment buildings is not unique, the specific characteristics of the subject lands are. Given the natural heritage constraints at the rear of the subject lands, there is limited development potential for the lands. Therefore, additional building height focused towards Highbury Avenue North is appropriate.

- 4. The proposed use cannot be reasonably altered to conform to the policies of the place type.*

While the proposed development could be reduced in scale overall, the economics of the development are significantly less desirable, and perhaps detrimental to the specific project, if building heights are maintained at 12-stories.

- 5. The proposed policy is in the public interest, and represents good planning.*

In addition to other aspects of the proposed development that are very much in the public interest, such as adding a significant number of residential units and the provision of affordable housing, the specific area policy is in the public interest as it is a mechanism to achieve a meaningful

contribution to the planned function of The London Plan in a manner that is generally compatible with adjacent uses

1731_ Policies for Specific Areas will not be permitted if there are no distinguishing or unique features of the site that would require the specific area policy or where they would establish an argument of precedent for similar specific area policies.

As noted above, the proposed specific area policy is proposed for a property and development that is sufficiently unique to warrant its consideration. There is limited risk of establishing a precedent for the same policy as there are no other identical situations in the place type, noting that abutting lands to the north and south share similar, but not identical, characteristics.

1732_ All applications for Specific Area Policies shall be evaluated based on the Planning and Development Applications section in the Our Tools part of this Plan.

This report previously provided analysis on those relevant policies.

1733_ Specific Area Policies may be considered to restrict the range of permitted uses, to restrict the scale and intensity of development, or to direct the form normally allowed in a particular place type, in order to protect other uses in an area from negative impacts.

While restrictions are not proposed, the ultimate language of the specific area policy may include some restrictions in keeping with the spirit and intent of the proposal to ensure land use compatibility and achieving the planned function of the place type.

1734_ Policies for Specific Areas shall be adopted as an amendment to the appropriate place type policies of this Plan, and added to Map 7 - Specific Policy Areas.

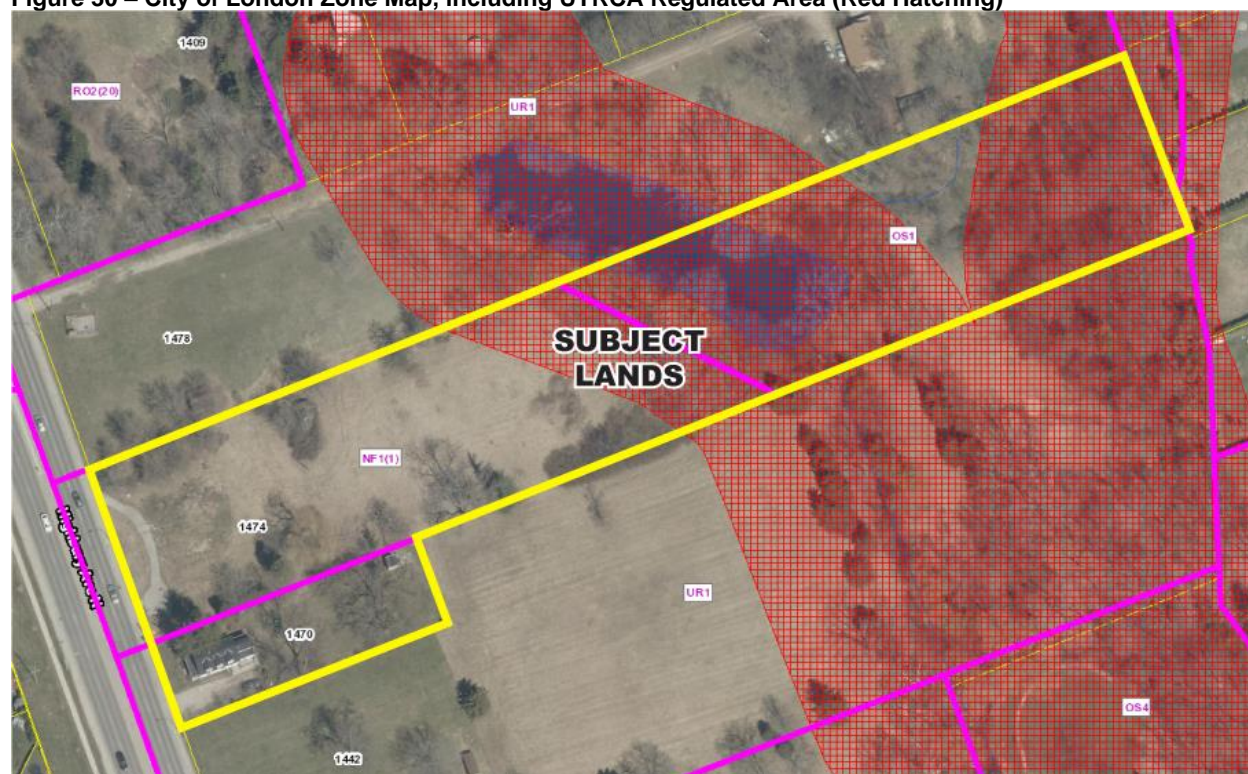
The proposed specific area policy is to apply only to the subject lands as a special policy within the “Neighbourhoods” place type policy section of The London Plan.

The proposed Official Plan Amendment and Zoning By-Law Amendment is intended to permit an appropriate form of residential intensification that is generally compatible with surrounding and abutting uses. The proposal is consistent with the overall intent of *The London Plan*, including residential intensification policies, urban design, compatibility, and evaluation criteria for planning and development applications.

THE CITY OF LONDON ZONING BY-LAW

The subject lands are currently zoned “Neighbourhood Facility (NF1(1))”, “Open Space (OS1)”, and “Urban Reserve (UR1)” (Figure 30). The NF1(1) zone permits places of worship, elementary schools, day care centres, community centres, libraries, private schools, fire stations, private clubs, and police stations. The OS1 zone permits conservation lands, conservation works, the cultivation of land of agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings, campgrounds, and managed forests. The UR1 zone permits existing dwellings, agricultural uses, conservation lands, managed woodlots, wayside pits, and passive recreation use.

Figure 30 – City of London Zone Map, including UTRCA Regulated Area (Red Hatching)



The proposed development is to be located only on the lands zoned NF1(1) and UR1, largely outside of the UTRCA regulated area. As the proposed development is not currently permitted under the NF1(1) and UR1 zoning, it is proposed that the portion of the subject lands zoned NF1(1) and UR1 be re-zoned to a site specific “Residential (R9-7(_)) Zone” and a “Bonus (B-(_)) Zone” to permit the proposed development. The OS1 zone is proposed to be retained on the rear portion of 1474 Highbury Avenue North.

The site specific, special regulations sought for the “Residential (R9-7(□))” zone are as follows:

- A minimum front yard depth of 6.8m;
- A minimum rear yard depth from Building ‘C’ of 22.2m;
- A minimum north and south interior side yard depth of 3.5m;
- A minimum parking supply of 1.0 space per unit; and,
- A maximum balcony encroachment of 1.5m that is 2.0m from the interior lot lines.

The site specific, special regulations sought for the “Bonus B-(□)” zone are as follows:

- A maximum density of 455 units per hectare; and
- A maximum height of 74.0m

As per above, the following justification is provided for the site-specific, special regulations:

Front Yard Depth

The proposed development is positioned 6.8m from the street along Highbury Avenue North, whereas an 8.0m setback along an arterial road is required. The reduced front yard setback is appropriate for the subject lands as it creates an active streetscape; a stronger street edge; a more defined public realm appropriate for the subject lands as it creates an active streetscape; a stronger street edge; a more defined public realm; and is consistent with contemporary urban design practices. Situating the building closer to the street creates a sense of enclosure and a comfortable pedestrian environment. The reduced front yard setback still provides sufficient room to provide direct pedestrian connections between the proposed building entrances and future public sidewalk along the east side of Highbury Avenue North, with opportunities for patios, landscaping, and seating that further enhance the streetscape.

Rear Yard Depth

The required rear yard setback in the R9-7 zone is 1.2m per 3.0m of main building height, and with the maximum height on the site being approximately 74.0m, a rear yard setback of 29.6m is required. A reduced rear yard setback of 22.2m is proposed. The lands to the rear of the Building ‘C’ (1442 Highbury Avenue North) consist of mature trees and a manicured lawn, buffered and screened with landscaping, surface parking, and a driveway. As such, the reduction in rear yard setback for Building ‘C’ is minimal and compatible with the abutting lands to the rear of the proposed development. It is noted that the setback to the rear lot line for Building ‘B’ is much greater (i.e. 182.8 m) given the depth of 1474 Highbury.

Interior Side Yard Depth

The required interior side yard setback in the R9-7 zone is 1.2m per 3.0m of main building height. With the maximum height on the site being approximately 74.0m, an interior side yard setback of 29.6m is required. The northerly and southerly interior side yard setbacks are proposed to each be reduced to 3.5m. It is noted that the abutting lands to the north south of the subject lands are zoned “Urban Reserve (UR1)” and are planned to be developed for similar high density residential uses as per The London Plan, and specifically lands to the north are contemplated for building

heights of up to 12 storeys. While smaller than a typical side yard setback, the proposed setback is intended to accommodate the design of the buildings and still maintain an appropriate and compatible separation to future abutting buildings. The proposed setbacks provide a strong street wall and reduce vacant sections of the street frontage.

Southerly Side Yard Depth

A single detached dwelling is located on the lands to the south at 1442 Highbury Avenue North. The existing northerly interior side yard setback separating the dwelling from the subject lands south property line is approximately 35m (Figure 29).

Figure 29 – Approximate Northerly Interior Side Yard Setback of 1442 Highbury Avenue North



In addition to the 3.5m southerly interior side yard setback on the subject lands, a total distance of approximately 38.5m separates the proposed development and the existing dwelling. Given that the required southerly interior side yard setback for subject lands is 23.2m, the setback between the proposed development and the existing dwelling is a greater distance and is consistent with intent of the 23.2m setback requirement. Privacy levels will continue to be appropriate for the lands at 1442 Highbury Avenue North.. Given the 64.52m (211.68ft) frontage

of the lands at 1442 Highbury Avenue North, the reduced southerly side yard setback of 3.5m does not preclude future development of the lands. The width of the parcel is large enough to accommodate a range of uses and development options.

Northerly Side Yard Depth

The west portion of the lands at 1478 Highbury Avenue North (outside of the UTRCA regulated area) are vacant and will abut the proposed development (i.e. Building 'A' and Building 'B'). The vacant lands provide an ample buffer between existing land uses to the north along Kilally Road. A single detached dwelling is located to the rear of the small pond on 1478 Highbury Avenue North and will continue to be screened and buffered from the subject lands by existing mature trees and vegetation. Even with the proposed reduced northerly side yard setback, the development potential of front portion of the lands at 1478 Highbury Avenue North (outside of the UTRCA regulated area) is maintained, and a range of land uses may be viably development in the future.

Parking

The subject lands are located within Parking Standard Area 3, which requires 1.25 parking spaces per unit for apartment buildings. With 400 residential units proposed, a total of 500 parking spaces are required under the current zoning regulations, while a total of 410 parking spaces are proposed. Given that the subject lands are proximate to a commercial node at Highbury Avenue North and Huron Street (approximately 1km south; 10-15 walk), have access to public transit (Route #25) that provides access to Fanshawe College and Masonville Place, the reduced parking supply of 410 parking spaces is appropriate. Also, given that affordable units are proposed in a portion of the proposed development, the proximate amenities and access to transit allow for a significant portion of these intended residents to use active transportation and transit for their transportation needs, thereby reducing reliance on private automobiles and parking. There is no proximate on-street parking available to the proposed development.

It has been our experience that actual parking demand is less than the current Zoning By-Law requirements, particularly with apartment buildings. Should residents desire a second parking space, a limited number will be available. Alternatively, residents may choose to live in a location which provides two spaces per unit.

Density

The proposed development seeks to increase the density on the subject lands to 455 UPH, which is beyond the standard, maximum permitted density of 150 UPH in the "*Residential (R9-7)*" zone.

The total lot size of the subject lands is 1.453ha (3.6ac), which equates to a gross residential density of 276 UPH. It is noted that net residential density is typically calculated using the area zoned for the use. In this proposal, the proposed development is located on the lands zoned "*Neighbourhood Facility (NF1(1))*" and "*Urban Reserve (UR1)*". The total size of these lands is 0.88ha (2.17ac), equating to a net residential density of 455 UPH.

In order to compensate for the additional density requested to facilitate the proposed development, it is anticipated that the range of bonusable features will be commensurate with the requested density. These features include the provision of affordable housing (at approximately 10% of the bonusable units); provision of common open space that is functional for passive recreational use; provision of underground parking; and a high degree of architectural design with enhanced provision of landscaped open space. Additional consideration may be given to preservation of natural areas and features and additional parkland dedication. Other bonusing provisions may be identified through the planning process.

Overall, the requested site specific “*Residential (R9-7) Zone*” and a “*Bonus (B-(_)) Zone*” conform to the planned function of the “*Multi-Family, High Density Residential*” land use designation and are consistent with the intent and policies of the 1989 City of London Official Plan.

OTHER CONSIDERATIONS

SERVICING

A Sanitary Capacity Analysis was prepared by SBM Ltd. Based on the analysis, the existing City sanitary sewer appears to have sufficient capacity to accommodate the proposed development.

ENVIRONMENT

An Environmental Impact Study was prepared by MTE Consultants in March 2020 and updated in April 2022 with further analysis from a hydrogeological report prepared by EXP Services. Based on the analysis, the report identifies potential impacts and mitigation measures/recommendations to address the habitat of endangered and threatened species, water balance and quality, wildlife, construction related impacts, and education which will be implemented through the subsequent stages of the planning and development process.

TRANSPORTATION

A Transportation Impact Assessment was prepared by Paradigm Transportation Solutions in May 2019. Based on the analysis, approval of the proposed development is recommended with the following remedial measures: (1) auxiliary lane storage extensions where feasible along Highbury Avenue North, and (2) signal timing and cycle lengths could be optimized along with the implementation of protected left-turn phasing, at the intersections of Highbury Avenue North and Killarney Road, and Highbury Avenue North and Huron Street.

CONCLUSION

The subject lands are proposed to be redeveloped for a 3-tower, 400-unit high-rise residential development. The subject lands are proximate to public open space, a commercial node, public transit, and are located along a major arterial road. The proposal to redevelop the underutilized subject lands provides an opportunity to integrate affordable units in a cost-effective and compact built form that is compatible with abutting uses and fulfills the planned function of the subject lands. Based on the above, and as detailed throughout this Planning and Design Report, the proposed Official Plan Amendment and Zoning By-Law Amendment is generally consistent with the intent and the policies of the 2020 Provincial Policy Statement (PPS), 1989 City of London Official Plan, and *The London Plan*, and may be considered appropriate for the subject lands.