

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: Mike Tkaczyk (c/o Zelinka Priamo Ltd.)
313-323 Horton Street E
File Number: Z-9616, Ward 13
Public Participation Meeting

Date: October 22, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the 313-323 Horton Street East:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 5, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** an Arterial Commercial (AC4) Zone, **TO** a Holding Business District Commercial Special Provision (h-18*BDC(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) Retain the vehicular passageway with openings at grade allowing light and ventilation into the spaces and alleviating potential CPTED issues;
 - ii) Retain the terraces on the 7th storey along the north and east facades;
 - iii) Retain a step-down to 6 and 7-storeys to the rear of the building;
 - iv) Consider replacing the single door with double door for the principal residential lobby entrance facing Horton Street East to promote accessibility and wayfinding;
 - v) Provide an adequate all-season landscape buffer along the south property line to avoid any negative impacts on the private amenity spaces of the adjacent residential uses;
 - vi) Add all or a portion of the long-term bicycle parking on the ground floor to provide convenient access for cyclists without needing to use elevators between the storage areas and ground floor;
 - vii) Ensure permission is received from the Transportation Division to allow the proposed lay-by in the City right-of-way; and
 - viii) Incorporate green infrastructure and/or features for Low Impact Development (LID) into the site design.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the Provincial Planning Statement, 2024 (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;
- ii) The recommended amendment conforms to The London Plan, including, but not limited to the Key Directions, City Design and Building policies, the Urban Corridor Place Type policies, and the SoHo Main Street Segment policies;
- iii) The recommended amendment conforms to the policies of the SoHo Community Improvement Area Plan;
- iv) The recommended amendment facilitates an appropriate form of development at an intensity that is appropriate for the context of the site and surrounding neighbourhood;

- v) The recommended amendment facilitates intensification within the Built-Area Boundary and the Primary Transit Area with an appropriate form of infill development; and
- vi) The recommended amendment supports Council's commitment to increase housing supply and affordability

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the property from an Arterial Commercial (AC4) Zone to a Business District Commercial Special Provision (BDC()) Zone. Requested special provisions include a maximum height of 27.0 metres, a maximum density of 530 unit per hectare, and a minimum rear yard setback of 4.5 metres.

Purpose and the Effect of Recommended Action

Staff are recommending approval of the requested Zoning By-law amendment with special provisions to permit the development of the 8-storey mixed-use apartment building with **107 residential units** and 179 square metres of ground floor commercial space.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Housing and Homelessness**, by increasing access to a range of quality, affordable, and supportive housing options that meet the unique needs of Londoners.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description and Location

The subject lands are located on the south side of Horton Street East, between Wellington Street and Waterloo Street, in the Central London Planning District. The site has a total area of approximately 2.0 hectares, with 40.3 metres of frontage along Horton Street East. The subject lands are currently occupied by vacant commercial buildings with surface parking areas.

The surrounding neighbourhood includes commercial and industrial uses across Horton Street East to the north; commercial, office and services uses to the east; low density residential development to the south; and commercial/office and low-to-medium density residential uses to the west.

Horton Street East is classified as a Civic Boulevard on Map 3 – Street Classifications of The London Plan. Horton Street East is a four-lane road with sidewalks on both sides, with a traffic volume of approximately 25,000 vehicles per day, and access to LTC transit routes, with several bus stops located at the intersection of Wellington Street and Horton Street East, and Waterloo Street and Horton Street East. Further, there is a pedestrian crosswalk provided across Horton Street E at the intersection of Wellington Street and Horton Street East.



Figure 2 - Streetview of the Existing Vacant Commercial Building at 323 Horton Street East



Figure 3 - Streetview of the 2 Vacant Commercial Buildings at 313 and 317 Horton Street East

2.0 Discussion and Considerations

2.1 Original Development Proposal

The original development consisted of a conversion of the existing building at 323 Horton Street East into a mixed-use building with residential dwelling units on all floors. Specifically, the exterior of the building was proposed to be updated with modern masonry and stone finishes. The interior of the building was proposed to be converted to residential uses, while retaining approximately 66.9 square metres of the ground floor for commercial uses. A total of 15 residential units and one (1) commercial unit were proposed to be accommodated within the existing building.

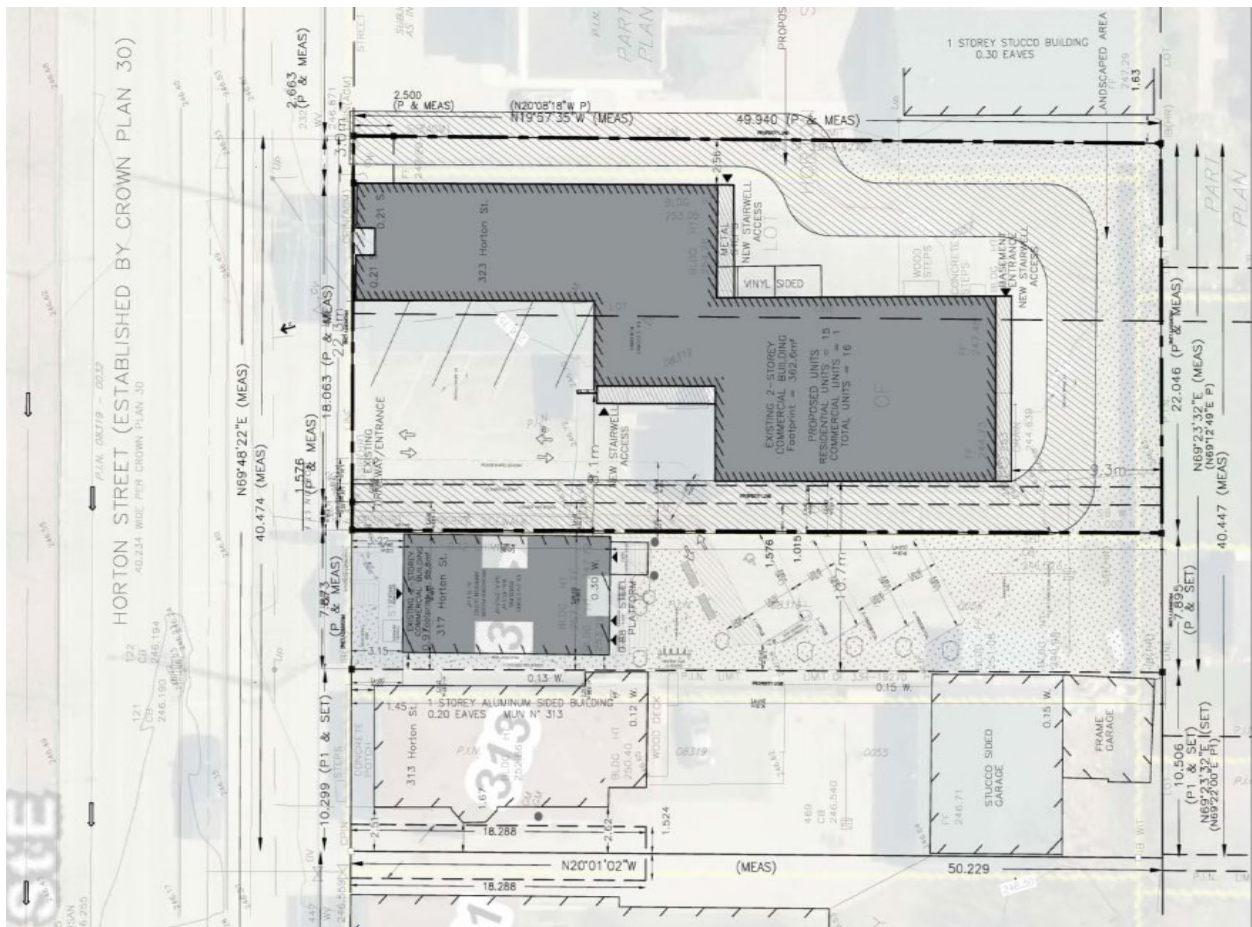


Figure 4 - Site Plan of Original Proposed Development



Figure 5 – Rendering of Proposed Original Development

2.2 Revised Development Proposal

Following discussions with City staff, a revised development proposal was submitted which includes the adjacent properties at 313 and 317 Horton Street East for a more comprehensive redevelopment. The proposed development consists of an 8-storey mixed-use building with 107 dwelling units, 179 square metres of commercial space on the ground floor, landscaped areas, indoor and outdoor amenity spaces, 2 surface accessible parking spaces, and bicycle parking in the interior of the building. The primary entrance is oriented to Horton Street East, with a secondary entrance at the rear of the building. Vehicular access is provided by a full turn driveway from Horton Street East under a cantilevered portion of the proposed building.

The proposed development includes the following features:

- Land use: Mixed-use building
- Form: Apartment building
- Height: 8-storeys (27.0 metres)

- Residential units: 107
- Density: 530 units per hectare
- Building coverage: 42%
- Parking spaces: 2 surface (accessible spaces)
- Bicycle parking spaces: 97 long-term spaces (0.9 spaces per unit), 11 short-term spaces (0.1 spaces per unit)
- Landscape open space: 31.2%

Additional information on the development proposal is provided in Appendix “B”.

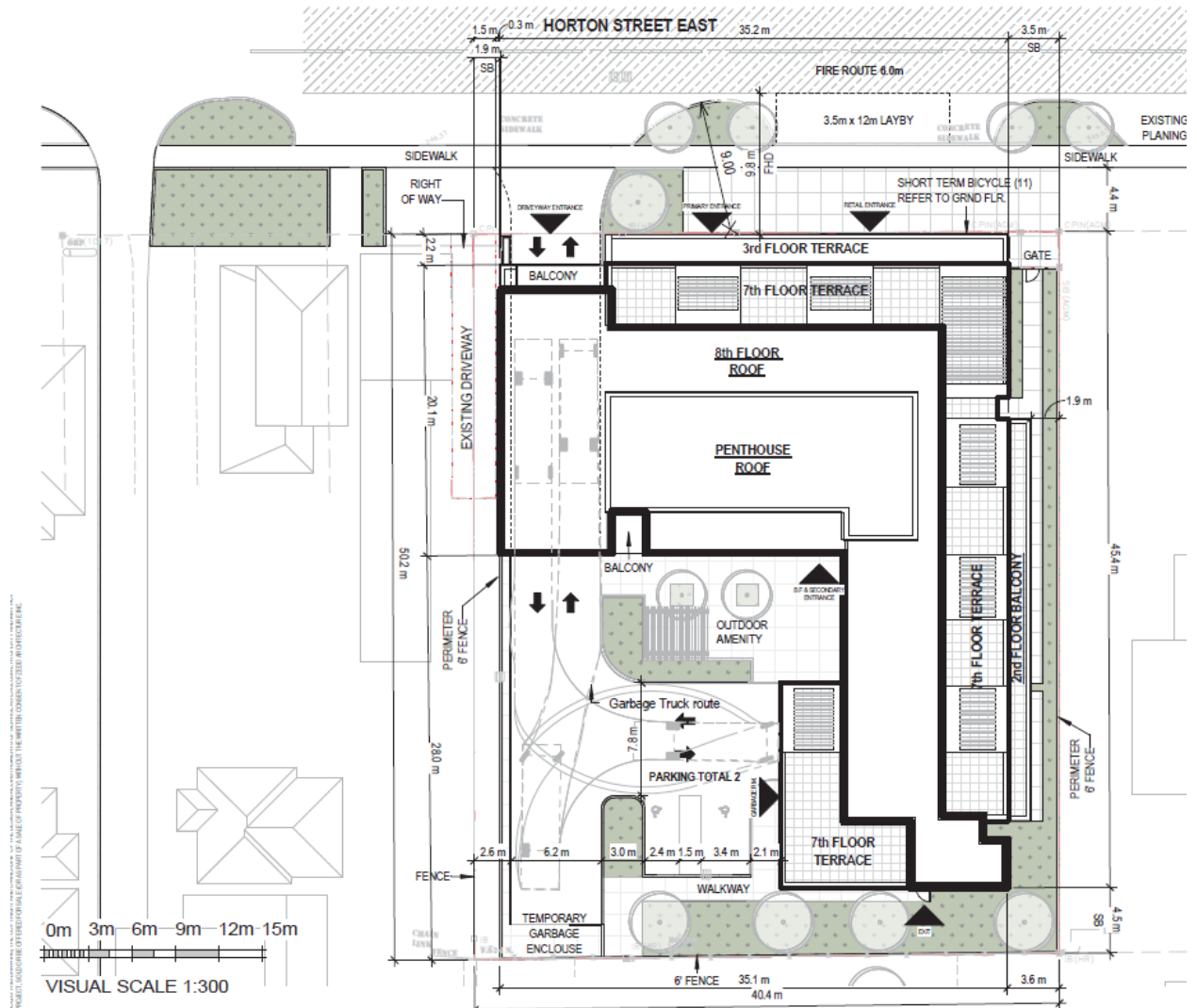


Figure 6 - Conceptual Site Plan (April 2024)



Figure7 – Rendering of proposed building – southwest view from Horton St E (April 2024)



Figure 8 – Rendering of proposed building – southeast view from Horton St E (April 2024)



Figure 9 – Rendering of proposed building – rear view (April 2024)

Additional plans and drawings of the development proposal are provided in Appendix “C”.

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Arterial Commercial (AC4) Zone, to a Business District Commercial Special Provision (BDC(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant.

Regulation (BDC Zone)	Required	Proposed	Recommended
Height (maximum)	10.0m	27.0m	27.0m
Density (maximum)	N/A	530uph	530uph
Rear Yard Setback (minimum)	12.6m	4.5m	4.5m

The following table summarizes the special provisions that are being recommended by staff.

Regulation (BDC Zone)	Required	Proposed	Recommended
East Interior Side Yard Setback (minimum)	0.0m	3.5m	3.5m
West Interior Side Yard Setback (minimum)	0.0m	1.9m	1.9m
Encroachments for balconies and canopies	A maximum of 1.5m projection no closer than 3.0m to the lot line for balconies and 0.5m maximum	N/A	To permit unlimited encroachments for balconies and canopies.

Regulation (BDC Zone)	Required	Proposed	Recommended
	projection for canopies		
Front Yard Setback Above the 3 rd Storey	N/A	0.0m	2.0m

2.3 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application; however, no major concerns were identified by staff.

Detailed internal and agency comments are included in Appendix “D” of this report.

2.4 Public Engagement

On May 31, 2023, Notice of Application was sent to property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 31, 2023. A “Planning Application” sign was also placed on the site.

On July 18, 2024, a Revised Notice of Application was sent to property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 18, 2024. A “Planning Application” sign was also placed on the site.

There was one (1) response received during the public consultation. Detailed public comments are included in Appendix “E” of this report. Concerns expressed including parking, lack of privacy, and intensity.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff’s opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.

7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

SoHo Community Improvement Plan

Community Improvement Plans are intended to provide City Council with the necessary tools to stimulate reinvestment and redevelopment, inspire appropriate infill and intensification, coordinate planning efforts, improve the physical infrastructure, support community economic development, preserve neighbourhood and cultural heritage values, and lead to the establishments of an improved neighbourhood.

The SoHo Community Improvement Plan area includes lands along the edges of the downtown and the Thames River. This plan has a vision, principals and strategic directions to help provide opportunities to meet both existing and future challenges and to provide building blocks that will rest on the neighbourhood's already strong foundation.

The two main transportation corridors of Wellington Street and Horton St E form a focal point in the Mixed-use Mainstreet District in the Neighbourhood Places component of this plan. These places form the heart of every community promoting improved opportunities for retail/commercial and greater connections to public transit. New development along these frontages will implement greater mixed-use zoning and an expanded range of permitted uses.

The SoHo Community Improvement Plan has been reviewed and it is staff's opinion that the proposed Zoning By-law amendment is consistent with it.

3.0 Financial Impact/Considerations

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The subject lands are in the Urban Corridor Place Type of The London Plan, which contemplates a range of residential, retail, service, office, cultural, recreational, and institutional uses (TLP 837_1). The Urban Corridor Place Type is intended to allow for a wide range of uses and intensities of development. Mixed-use buildings are encouraged along the Corridors. (837_2). Urban Corridors are intended to support the development of a variety of residential types, with varying size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied (830_4 and 830_11).

The site is also within the boundary of the SoHo Main Street Specific Segment in the Corridor Place Type (TLP 844_). A broad range of uses at a walkable neighbourhood scale will be permitted (TLP 845_).

The proposed mixed-use building is supported by policies of the PPS, is contemplated in the Urban Corridor Place Type and Main Street Segment in The London Plan. The proposed development and facilitates a higher-density, mixed-use building in keeping with the vision of the Urban Corridor Place Type. The proposed mixed-use building is sited close to the street with accessible parking spaces located at the rear of the building. Commercial uses are proposed on the ground floor of the building, providing an active street frontage along Horton Street East in keeping with the goals of Main Street segments.

4.2 Intensity

The proposed development is consistent with the policies of the PPS that encourage all

types of residential intensification, including redevelopment which results in a net increase in residential uses (2.2.1.2), compact form (2.4.1.3.c), and an appropriate mix of housing options and densities (2.3.1.3). The proposed intensity conforms with Table 9 – Maximum Height in the Rapid Transit Corridor and Urban Corridor Place Type of The London Plan, which permits a minimum height of 2-storeys (or 8 metres) and a standard maximum height of 8-storeys. In the SoHo Main Street Specific Segment Policy, a standard maximum height of 12-storeys is permitted. Buildings up to 16-storeys may be permitted in conformity with the Our Tools part of the plan. (TLP 847_).

Staff are satisfied the proposed 8-storey intensity is in conformity with the Urban Corridor Place Type of The London Plan. The proposed intensification is appropriate within the surrounding context of neighbouring commercial and residential uses, and will expand the range of housing options.

4.3 Form

In accordance with policy 841_, the following form policies apply within the Rapid Transit and Urban Corridor Place Types:

- Buildings should be sited close to the front lot line, to create a pedestrian-oriented street wall along Corridors and provide appropriate setback from properties that are adjacent to the rear lot line.
- The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment.
- Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged.
- Development should be designed to implement transit-oriented design principles.
- While access to development along Corridors may be provided from “side streets”, such accesses to development will be located and directed in a manner that minimizes impacts on the internal portions of adjacent neighbourhoods.
- Underground parking and structured parking integrated within the building design. Surface parking areas should be located in the rear and interior side yard.

All planning and development applications will conform with the City Design policies of The London Plan (TLP, 194_). These policies direct all planning and development to foster a well-designed building form, and ensure development is designed to be a good fit and compatible within its context (TLP, 193_1 and 193_2). The site layout of new development should be designed to respond to its context, the existing and planned character of the surrounding area, and promote connectivity and safe movements for pedestrians, cyclists, and motorists between and within sites (TLP, 252_ and 255_). In terms of built form, buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings and minimize the visual exposure of parking areas to the street (TLP 256_ & 269_).

The Urban Corridor policies direct height and intensity within the corridors to be located close to the street to support transit usage and active transportation. The proposed building is oriented towards Horton Street East, a higher order street, with appropriate buffering and setbacks towards the existing residential uses to the south. The proposed built form and massing have consideration for the adjacent low density residential uses and is appropriate within the context of the surrounding neighbourhood. The mixed-use development will make a positive contribution to the streetscape with commercial uses on the ground floor and residential units above. The proposed building height is compatible with nearby building heights in the surrounding area and a good fit within its context.

In accordance with policy 289_, high and mid-rise buildings should be designed to express three defined components: a base, middle, and top (TLP, 289_). Alternative design solutions that address the following intentions may be permitted:

1. The base should establish a human-scale façade with active frontages including, where appropriate, windows with transparent glass, forecourts, patios, awnings, lighting, and the use of materials that reinforce a human-scale.
2. The middle should be visually cohesive with, but distinct from, the base and top.
3. The top should provide a finishing treatment, such as roof or a cornice treatment, to hide and integrate mechanical penthouses into the overall building design.

Base

The base of the building was designed with positive design features that were recommended by Urban Design staff. These include the street-design to create an active streetscape along Horton Street East, design of the vehicle passageway with columns to allow for light and ventilation and mitigate potential safety issues, and a reduced front yard setback to encourage street-orientation. The principal entrance faces the public street to reinforce the public realm with a strong and vibrant street vibrance, establish an active frontage and provide for convenient pedestrian access (TLP, 291_). As shown in Figure 10 below, the base contains predominantly glass to provide ample natural lighting, metal/wood style paneling and a grey metal siding intended to draw attention to the principal entrance.



Figure 10: North Elevation

Middle

The middle of the proposed building corresponds to levels 4-6 and is visually cohesive with, but distinct from the base and top with a proposed step back, grey fibre cement cladding material with wood paneling in the recessed balconies.

Top

For levels 7-8 a further step back is proposed with wood paneling material is proposed to reduce the perceived impact of the massing of the building and to ensure the top is differentiated from the middle component of the building.

It should be noted that the subject lands are exempt from minimum parking standards to support intense and walkable environments with a focus on providing residents with employment, services, shopping and transit within convenient walking distances, in accordance with Figure 4.19 of Zoning By-law Z.-1. Two accessible parking spaces are proposed, which are located internal to the site and are visually screened from the street. The proposed development will be accessible directly from Horton Street East with the principle entrance abutting the public realm to provide a safe, comfortable, and direct pedestrian connection, facilitating a pedestrian-oriented and transit-oriented development.

The proposed built form is consistent with the Urban Corridor Place Type policies, Main Street Specific Segment Policies, and the City Design policies of The London Plan by facilitating a compatible form of development that will help support the growing demands of London residents including an opportunity to enhance an important part of the Horton streetscape and public realm.

4.4 Zoning Provisions

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site an Arterial Commercial (AC4) Zone, to a Holding Business District Commercial Special Provision (h-18*BDC(_)) Zone. The following summarizes the special provisions that have been proposed by the applicant and recommended by staff.

Interior Side Yard Depths

Staff are recommending a special provision to permit an interior (east) side yard setback of 3.5 metres, whereas a minimum of 0.0 metres is required, to allow for privacy and to ensure future redevelopment of adjacent properties is not hindered. Staff are also recommending a special provision to permit an interior (west) side yard setback of 1.9 metres, whereas a minimum of 0.0 metres is required, to accommodate access and maintenance.

Rear Yard Setback

The applicant is requesting a special provision to permit a minimum rear yard setback of 4.5 metres, whereas 12.6 metres is the minimum required. Staff are supportive of the reduced setback as it is appropriate for the subject site given it will assist with avoiding potential negative impacts on the low-rise residential uses to the south.

Increased Height

The applicant is requesting a special provision to permit a maximum building height of 8-storeys or 27.0 metres, whereas 12.0 metres is the maximum permitted. Staff are supportive of the increased height, as it is appropriate for the subject site given the street classification in Table 9 of The London Plan. Further, the site is located in proximity to other mid-rise buildings therefore the proposed height aligns with existing context of the surrounding area.

Increased Density

The applicant is requesting a special provision to permit a maximum density of 530 units per hectare. The increased density will allow for the implementation of the proposed redevelopment, facilitating an appropriate scale of development that is compatible within the existing neighbourhood character. Further, the proposed development is located in proximity of existing transit routes, which will support the use of transit by future residents. On this basis, staff are supportive of the proposed density of 530 units per hectare.

Front Yard Setback Above the 3rd Storey

Staff are recommending a special provision to permit minimum step back of 2.0m above the 3rd storey to create a pedestrian-scale environment along Horton Street East.

Encroachments for Balconies and Canopies

Staff are recommending a special provision to permit unlimited encroachments for balconies and canopies as since they are so close to the property boundary.

4.5 Holding Provision

A Stage 1-2 Archaeological Assessment was completed for the subject lands. The assessment identifies no further archaeological assessment of the property is required. However, the City has not received the Ministry's acceptance of this assessment; therefore, it is recommended an h-18 holding provision be applied until the City receives confirmation that the Ministry has accepted this archaeological assessment.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Arterial Commercial (AC4) Zone, to a Holding Business District Commercial Special Provision (h-18.BDC(_)) Zone. Staff are recommending approval of the requested Zoning By-law amendment with a holding provision and additional special provisions.

The recommended action is consistent with the PPS 2024, conforms to The London Plan, the SoHo Community Improvement Plan and will permit the development of an 8-storey mixed-use apartment building containing 107 residential units and 66.9 square metres of ground floor commercial space.

Prepared by: Alanna Riley, MCIP, RPP
Senior Planner, Planning Implementation

Reviewed by: Catherine Maton, MCIP, RPP
Manager, Planning Implementation

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

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

Copy:
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 313-323 Horton Street East.

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 313-323 Horton Street E, as shown on the attached map **FROM** an Arterial Commercial (AC4) Zone, to a Holding Business District Commercial Special Provision (h-18*BDC(_)) Zone.
2. Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provisions:

BDC(_) 313-323 Horton Street E
 - a. Regulations
 - i. Interior (East) Side Yard Setback (minimum): 3.5 metres
 - ii. Interior (West) Side Yard Setback (minimum): 1.9 metres
 - iii. Rear Yard Setback (minimum): 4.5 metres
 - iv. Front Yard Setback above the 3rd storey (minimum): 2.0m
 - v. Building Height (maximum): 27.0 metres
 - vi. Density (maximum): 530 units per hectare
 - vii. Unlimited encroachments for balconies and canopies along Horton St E
3. This Amendment shall come into effect 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.

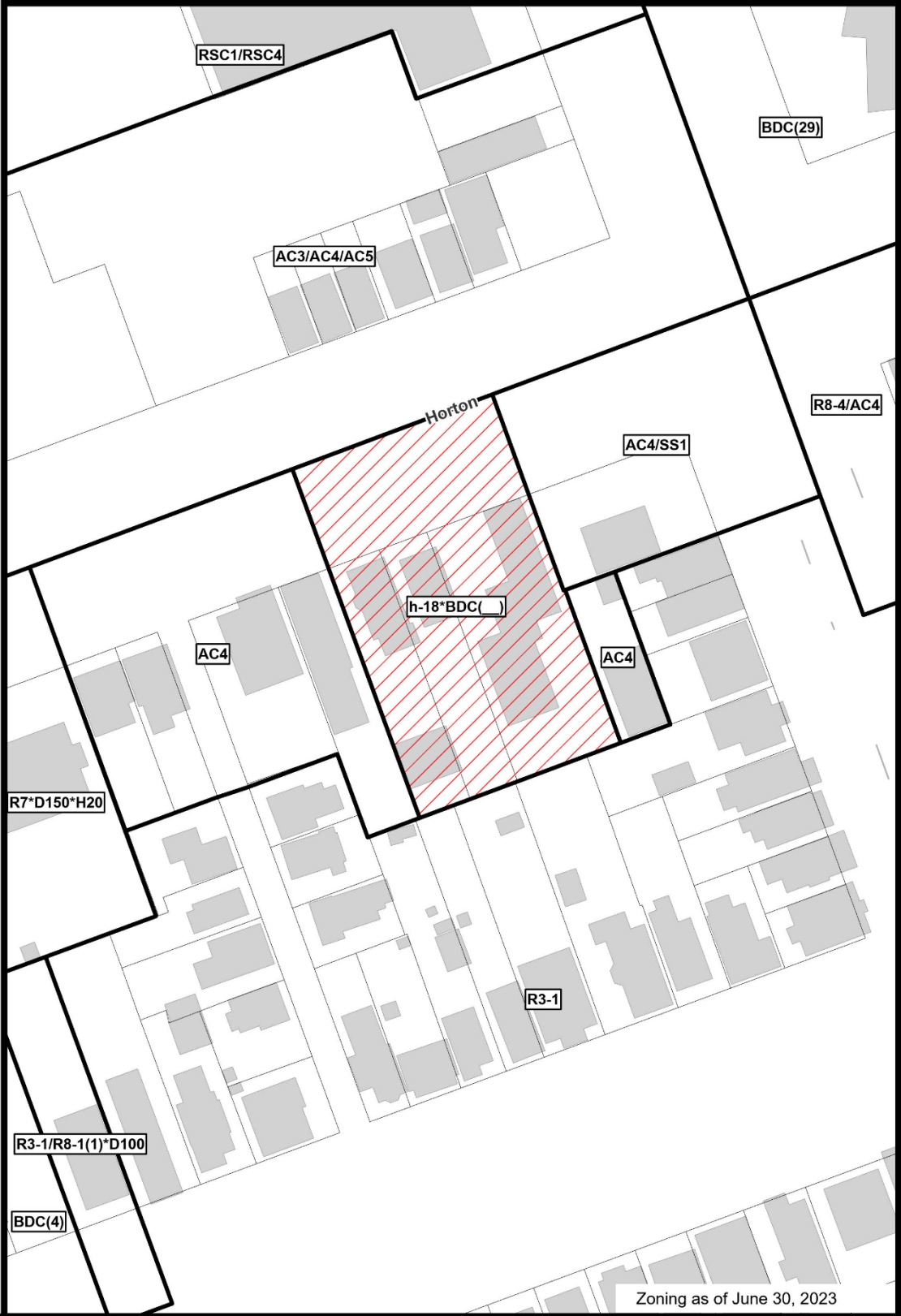
PASSED in Open Council on November 5, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.



Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 5, 2024
Second Reading – November 5, 2024
Third Reading – November 5, 2024

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



<p>File Number: Z-9616 Planner: AR Date Prepared: 2024/10/08 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:886</p> <p>0 25 50 Meters</p> 
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Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Vacant Commercial
Frontage	40.3 metres
Depth	50.7 metres
Area	2.0 hectares
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Commercial and Industrial
East	Commercial, Offices and Service
South	Low Density Residential (single detached dwellings, semi-detached dwellings, duplexes, triplexes, fourplexes and low-rise apartment buildings)
West	Commercial/Office and Residential (mid-rise apartments, townhouses and single detached dwellings)

Proximity to Nearest Amenities

Major Intersection	Wellington Street and Horton Street East, 139 metres
Dedicated cycling infrastructure	Horton Street East – bike lane, 6 metres
London Transit stop	Horton Street East – LTC stop, 50 metres
Public open space	Hill Street Park, 530 metres
Commercial area/use	10 metres
Food store	Convent Garden Market, 949 metres
Primary school	Aberdeen Public School, 779 metres
Community/recreation amenity	YMCA Community Centre, 425 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridor Place Type, fronting a Civic Boulevard
Current Special Policies	SoHo Main Street Specific Segment
Current Zoning	Arterial Commercial (AC4) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Business District Commercial (BDC()) Zone

1.1 Requested Special Provisions

Regulation (BDC)	Required	Proposed	Recommended
Height (metres) (maximum)	10.0m	27.0m	27.0m
Density (uph) (maximum)	N/A	530uph	530uph

Rear Yard Setback (minimum)	12.6m	4.5m	4.5m
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1.2 Development Proposal Summary

Development Overview

The purpose and effect of the recommended action is to permit the development of an 8-storey mixed-use building with 107 dwelling units, 179m² of commercial on the ground floor, landscaped areas, indoor and outdoor amenity spaces, 2 surface accessibility parking spaces, and bicycle parking in the interior of the building. Pedestrian access is proposed at locations facing both outward towards the streets and internal to the site facing the parking area. Vehicular access is provided by a full turn driveway from Horton Street East under a cantilevered portion of the proposed building.

Proposal Statistics

Land use	Commercial/Residential
Form	Mixed-use apartment building
Height	8-storeys (27.0 metres)
Residential units	107
Density	503 units per hectare
Gross floor area	N/A
Building coverage	42%
Landscape open space	31.2%
Functional amenity space	N/A
New use being added to the local community	No

Mobility

Parking spaces	2 surface parking spaces
Vehicle parking ratio	0.018 spaces per unit
New electric vehicles charging stations	N/A
Secured bike parking spaces	97
Secured bike parking ratio	0.9 spaces per unit
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	N/A

Environmental Impact

Tree removals	N/A
Tree plantings	N/A
Tree Protection Area	No
Loss of natural heritage features	N/A
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	N/A
Green building features	Unknown

Appendix C – Additional Plans and Drawings



Building Rendering: northeast corner view along Horton ST E



Building Rendering: rear view of amenity and parking



Building Rendering: rear view of site



Building Rendering: close up of primary entrance and proposed commercial area



Building Rendering: proposed rooftop amenity area

Appendix D – Internal and Agency Comments

Upper Thames River Conservation Authority – Received July 25, 2024

- The subject lands are not affected by any regulations (Ontario Regulation 41/24) made pursuant to Section 28 of the *Conservation Authorities Act*.

Site Plan – Received July 23, 2024

1. Major Issues

- *Permission from transportation required to allow lay-by in right of way*

2. Matters for ZBA

- *Special provisions required for rear yard depth, site-specific building height, and density*
- *Applicant to confirm details for any balcony or canopy encroachments, and if a reduction is requested for short-term bicycle parking spaces.*

3. Matters for Site Plan

- *Add all or a portion of the long-term bicycle parking on the ground floor to provide convenient access for cyclists without needing to use elevators between the storage areas and ground floor.*

**If you don't get confirmation back for the balcony/canopy encroachments, it would be best to include a special provision for 'unlimited' projection in the event that they do encroach since they are so close to the property boundary.*

**The revised application is based on what was reviewed through the Site Plan Consultation SPC24-054, so I've attached a copy of those comments and the zoning referral form as well.*

Heritage – Received August 8, 2024

I have received and reviewed the Stage 1-2 Archaeological Assessment (P1131-0088-2024) for the properties at 313, 317, and 323 Horton Street East as a part of the submission for Z-9616. The assessment identifies no further archaeological assessment of the property is required. However the City has not received the Ministry's acceptance of this assessment.

Heritage recommends applying the h-18 holding provision until the City receives confirmation that the Ministry has accepted this archaeological assessment.

Parks – Received December 8, 2023

Major Issues

- None.

Matters for OPA/ZBA

- None

Matters for Site Plan

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized at the time of site plan approval.

Complete Application Requirements

- None.

Urban Design – Received July 30, 2024

The following building design features are supported and should be retained for the future site plan application:

- *The vehicular passageway with openings at grade allowing light and ventilation into the space and alleviating potential CPTED issues*
- *The terraces on the 7th storey along the north and east facades*
- *A step-down to 7 storeys to the rear of the building*

Matters for Zoning

1. ***Provide a minimum interior side yard (east) setback of 3.5m to allow for privacy and not hinder the redevelopment of adjacent properties. TLP 252, 253***
2. ***Provide a minimum interior side yard (west) setback of 1.9m to accommodate access and maintenance. TLP 252, 253***
3. ***Provide a minimum rear yard (south) setback of 4.5m to avoid potential negative impacts on the low-rise residential uses to the south. TLP 253***
4. ***Provide a minimum height of 4.5m for the commercial uses at grade facing Horton Street East to create an active frontage along Horton Street East. TLP 291***
5. ***Provide a step-back of minimum 2m above 4th storey to create a pedestrian-scale environment along the Urban Thoroughfare. TLP 286, 292, 848_4***
6. ***Provide a maximum height of 27m or 8 storeys***

Matters for Site Plan

1. *Consider replacing the single door with double door for the principal residential lobby entrance facing Horton Street East to promote accessibility and wayfinding. TLP 291*
2. *Provide adequate all-season landscape buffer along the south property line to avoid any negative impacts on the private amenity spaces of the adjacent residential uses. TLP 253*
3. *Ensure the east and west elevations are correctly labelled.*

Landscape Architecture – Received August 8, 2024

Major Issues

- a. *No potential grounds for refusal, or issues that could require significant changes to the proposal.*

1. Matters for Site Plan

- a. *Replacement trees to be recommendation to Site Plan Review based on total dbh removed. The summation of tree diameter to be destroyed shall correspond to the number of Replacement Trees required in accordance with London Plan Policy 399; all trees over 10cm in diameter, measured at a height of 1.4m above the ground, shall be replaced at a rate of 1 tree for every 10cm diameter removed. Trees required as part of the planning application process may be counted as replacement trees.*
- b. *If boundary trees are identified in the tree preservation plan, consent to injure or remove boundary trees is a requirement of Site Plan approval. A recommendation for approval will be forwarded for Site Plan Review. If consent cannot be obtained from co-owner, then a non-disturbance setback will need to be established at each tree's critical root zone limits as determined by dbh. Critical Root Zone" means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter*
- c. *A tree preservation plan will be required to:*
 - *Establish the ownership of trees growing along property lines , including the identification of boundary trees that are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes. Use Total Station to locate trees in close proximity to property lines. GPS location not acceptable due to errors caused by canopy coverage. If consent cannot be obtained from co-owner, then a non-disturbance setback will need to be established at each tree's critical root zone limits as determined by dbh.*
 - *Identify critical root zones of boundary trees and those up to 3m outside of property lines.*

- *Determine total dbh proposed for removal to determine tree replacement. London Plan Policy 399 requires 1 tree for every cm dbh removed.*

Ecology

- No comments

Engineering – Received September 6, 2024

Our transportation and Sewer Engineering divisions have reviewed the attached reports and have no further comments.

Engineering – Received August 9, 2024

Zoning application comments

- A Transportation Impact Assessment (TIA) will be required, the TIA will evaluate the impact the development will have on the transportation infrastructure in the area and provide recommendations for any mitigation measures. The TIA will need to be scoped with City staff prior to undertaking and be undertaken in general conformance with the City's TIA guidelines.

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

Wastewater:

- The municipal sanitary sewer to service the subject lands is the 450mm on Horton St. City Plan No. 23920 shows information pertaining to the sanitary sewer. The sanitary drainage area plan #22700 shows a density of 100 people per Ha for the property.
- A sanitary brief outlining intended population count and peak flow from the proposed development is required.

Water:

- Water is available to the subject site via the municipal 200mm DI watermain on the south side of Horton Street East. Connection to the municipal 900mm CONC watermain on the north side of Horton Street East is not permitted.
- As the proposal includes the demolition of the existing structures, the Owner's Engineer shall provide confirmation that all the existing water services to the structures have been decommissioned to City Standards (cut and capped at the main).
- A water servicing report will be required addressing commercial and domestic water demands, water quality, fire flows and resulting pressures.
- The site is in the City's low-level service area, which has a hydraulic grade line of 301.8m.
- Water servicing to the site will be to City Standard 7.9.4.
- Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.
- Further comments to be provided during site plan application.

Stormwater:

- The proposed land use of medium/high density residential will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.
- As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:

- the flow from the site must be discharged at a rate equal to or less than the allowable flow;
- the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
- the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
- “normal” level water quality is required (70% TSS removal) as per the MECP guidelines; and
- shall comply with riparian right (common) law.
- As per as-con 22699, the site (at C=0.80) is tributary to the existing 1200mm storm sewer on Horton Street. For proposed development in exceedance of the approved C-value of the downstream storm sewer design, the site is to store volumes in excess of the allowable release rate. On-site SWM controls design should include, but not be limited to required.
- The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions up to and including 100-year storm events.
- As per as-constructed Drawing No (23920), a 300mm storm PDC exists to service each of the three properties. As per the Drainage By-law, the consultant would be required to connect a storm PDC.
- As part of climate change resiliency objectives, the consultant is to use best efforts to maximize the provided site storage. The consultant is encouraged to make use of rooftop storage.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site, ensuring that stormwater flows are self-contained, and that grading can safely convey up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Transportation:

- A Transportation Impact Assessment (TIA) will be required, the TIA will evaluate the impact the development will have on the transportation infrastructure in the area and provide recommendations for any mitigation measures. The TIA will need to be scoped with City staff prior to undertaking and be undertaken in general conformance with the City's TIA guidelines.
- Detailed comments regarding access design and location will be made through the site plan process.

Appendix E – Public Engagement

Community Engagement:

Notice of Application - On July 18, 2024, a Revised Notice of Application was sent to property owners and residents in the surrounding area. A Revised Notice of Application was also published in the Public Notices and Bidding Opportunities section of The Londoner on May 23, 2024. A “Planning Application” sign was also placed on the site.

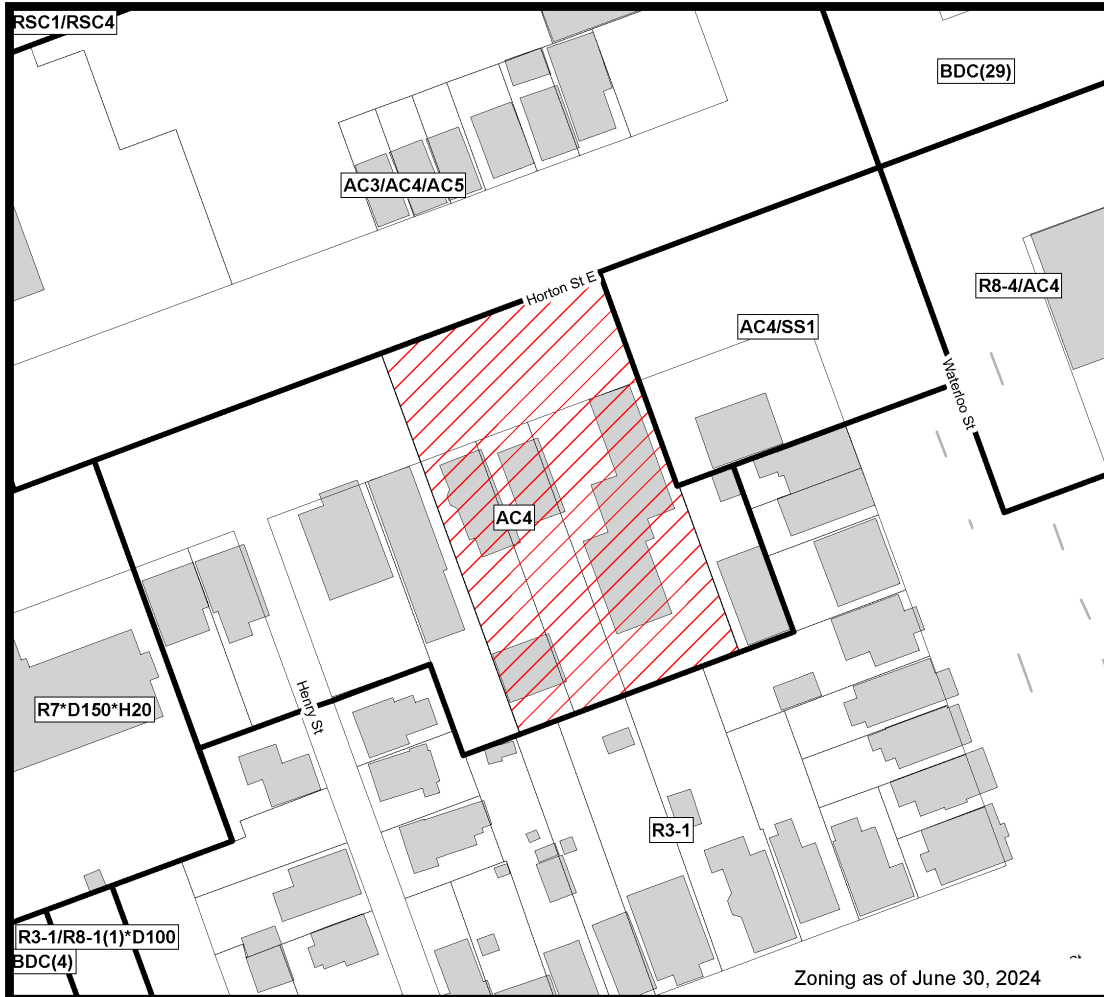
There was one response received during the public consultation period.

Public Comment #1 – Pat Brichell

Concerns include parking, lack of privacy, and intensity

Appendix F – Relevant Background

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



Zoning as of June 30, 2024



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AC4

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | |
| SS - AUTOMOBILE SERVICE STATION | "h" - HOLDING SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "D" - DENSITY SYMBOL |
| OR - OFFICE/RESIDENTIAL | "H" - HEIGHT SYMBOL |
| OC - OFFICE CONVERSION | "B" - BONUS SYMBOL |
| RO - RESTRICTED OFFICE | "T" - TEMPORARY USE SYMBOL |
| OF - OFFICE | |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



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

FILE NO:

Z-9616

AR

MAP PREPARED:

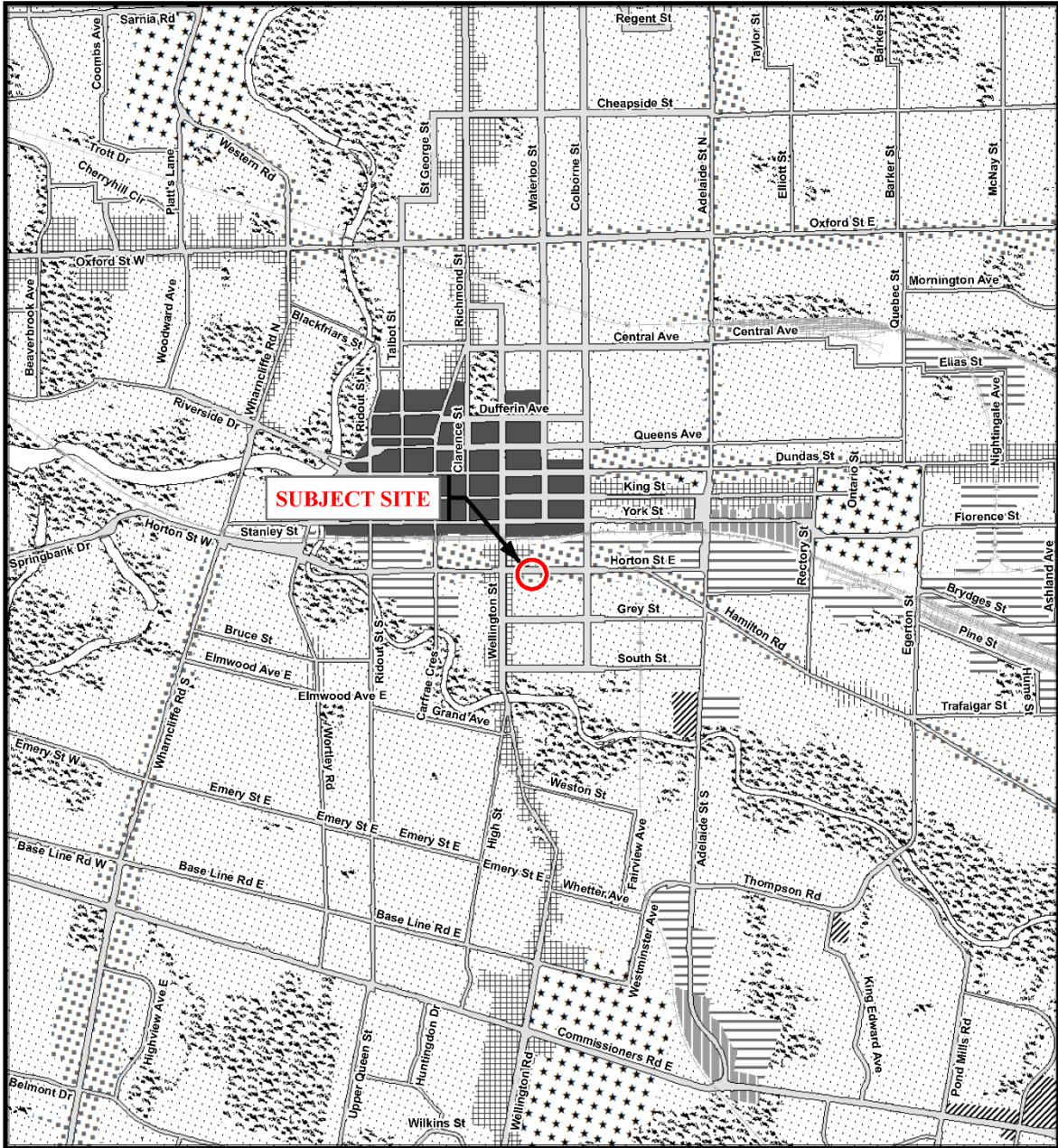
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Legend

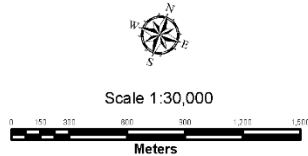
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|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

**CITY OF LONDON
Official Plan**

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning & Development



File Number: Z-9616
Planner: AR
Technician: RC
Date: 2024/7/17