

## 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:** 2288711 Ontario Inc. (c/o Weston Consulting)  
1472 Dundas Street  
File Number: Z-9788, Ward 2  
Public Participation Meeting

**Date:** December 3, 2024

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2288711 Ontario Inc. relating to the property located at 1472 Dundas Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 17, 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** a Community Shopping Area (CSA1) Zone **TO** a Residential R9 Special Provision (R9-7(\_)\*H35\*D350) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
  - i) Landscaping to include at minimum 50% native species, with no invasive species planted;
  - ii) Investigate renewable sources of energy such as solar for the roof and sides of the building, and geothermal for interior heating and cooling;
  - iii) Investigate air source heat pump options;
  - iv) Apply bird friendly policies using the CSA standard;

**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)*;
- ii) The recommended amendment conforms to The London Plan, including, but not limited to the Key Directions, City Design and Building policies, and the Urban Corridor Place Type policies; and
- iii) The recommended amendment would permit an appropriate form of development at an intensity that is appropriate for the site and surrounding neighbourhood.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Community Shopping Area CSA1 Zone to a Residential R9 Special Provision (R9-7(\_)) Zone with special provisions to implement the proposed development.

### Purpose and the Effect of Recommended Action

Staff are recommending approval of the Zoning By-law amendment with special provisions. The recommended action will permit a 10-storey mixed use building containing **334 dwelling units** and 588 m<sup>2</sup> of commercial/office space.

## Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy and connected communities.
- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form: and by supporting faster/streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

O-9299 – Argyle CIP – 9/20/2021

#### 1.2 Planning History

On September 20, 2021, Municipal Council adopted the Argyle Core Area Community Improvement Plan (CIP) for the Dundas Corridor between Highbury Avenue and Clarke Road. A CIP is a tool that allows municipalities to take actions to support improvement and redevelopment in a specifically defined project area. The subject site is within the Argyle Core Area CIP, which is currently in-force and effect.

#### 1.3 Property Description and Location

The subject lands are located on the north side of Dundas Street between Highbury Avenue North and First Street, in the Argyle Planning District. The site has a total area of approximately 1.0 hectares, with frontage of 83.2 metres along Dundas Street and a depth of 136.2 metres. The site currently contains the western portion of the East Town Plaza and is occupied by two commercial buildings and a surface parking lot. Vehicular access is currently provided by a driveway from Dundas Street. The commercial building to the north extends onto the adjacent property at 1500 Dundas Street to the east and also includes a commercial loading area to the rear.

The subject lands are within an urban corridor consisting of a mix of commercial, retail and residential uses. Directly abutting the site to the north is a CN rail line, to the east is an automobile sales establishment and to the west is a mix of commercial and retail uses. Directly to the south across Dundas Street are a commercial building and Place of Worship. Broader surrounding land uses include a mix of commercial, retail, institutional, light-industrial, low-rise residential, future multi-unit residential as part of the London Psychiatric Hospital Transit Village, a CP rail line, and open space.

Dundas Street is classified as a Civic Boulevard on Map 3 – Street Classification of The London Plan. The road segment between Hale Street and First Street has a traffic volume of approximately 28,000 vehicles per day. Dundas Street has public sidewalks on both sides of the street, and a signalized pedestrian crossover is located approximately 150 metres to the east at the intersection of Dundas Street and First Street. The subject lands are within walking distance to commercial uses along Dundas Street, Kiwanis Park, future East London Link BRT, and London Psychiatric Hospital Transit Village. Finally, approximately 100 metres to the east is of the subject lands is an LTC stop serviced by LTC transit route 2.

#### Site Statistics:

- Current Land Use: Commercial
- Frontage: 83.2 metres (273 feet)
- Depth: 136.2 metres (447 feet)
- Area: 1.0 hectares (2.48 acres)
- Shape: Regular (rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

**Surrounding Land Uses:**

- North: CN rail line, open space, light industrial
- East: Automobile sales establishment, commercial,
- South: Commercial, place of worship, residential
- West: commercial/retail, future residential

**Existing Planning Information:**

- The London Plan Place Type: Urban Corridor fronting a Civic Boulevard (Dundas Street)
- Existing Specific Policies: Argyle Core Area Community Improvement Plan Area (CIP)
- Existing Zoning: Community Shopping Area (CSA1) Zone



**LOCATION MAP**

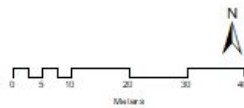
Address: 1472 Dundas Street

File Number: Z-9788

Planner: Isaac de Ceuster

Date: 2024/10/24

Corporation of the City of London  
Prepared By: Planning and Development



Scale 1:1,000

**Legend**


 Assessment Parcels

Figure 1- Aerial Photo of 1472 Dundas Street and surrounding lands.



Figure 2 - Streetview of 1472 Dundas Street (view looking north)

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The applicant is proposing a 10-storey mixed-use development containing a total of 334 units, with a maximum height of 31.5 metres and a maximum density of 348 units per hectare. The proposed development includes 588 m<sup>2</sup> of ground floor commercial or office space. The entire subject site is proposed to be redeveloped to facilitate the 10-storey mixed-use development. Vehicular access to the subject lands is via a two-way driveway located on the western portion of the site onto Dundas Street. A total of 178 parking spaces are proposed, including 9 spaces at grade and 169 spaces underground. Further, a total of 339 bicycle parking spaces are proposed, with 5 spaces intended for the commercial and/or office use and 334 for the residential use.

The proposed development includes the following features:

- Land use: Residential with ground floor commercial/office
- Form: Mixed-use apartment building
- Height: 10 storeys (31.5m)
- Residential units: 334
- Density: 348 units per hectare
- Gross floor area: 28,087 m<sup>2</sup>
- Building coverage: 39.7%
- Parking spaces: 178 spaces (169 underground spaces and 9 surface spaces)
- Bicycle parking spaces: 38 short-term spaces, 301 long-term spaces
- Landscape open space: 52.4%
- Functional amenity space: 1,465 m<sup>2</sup>

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





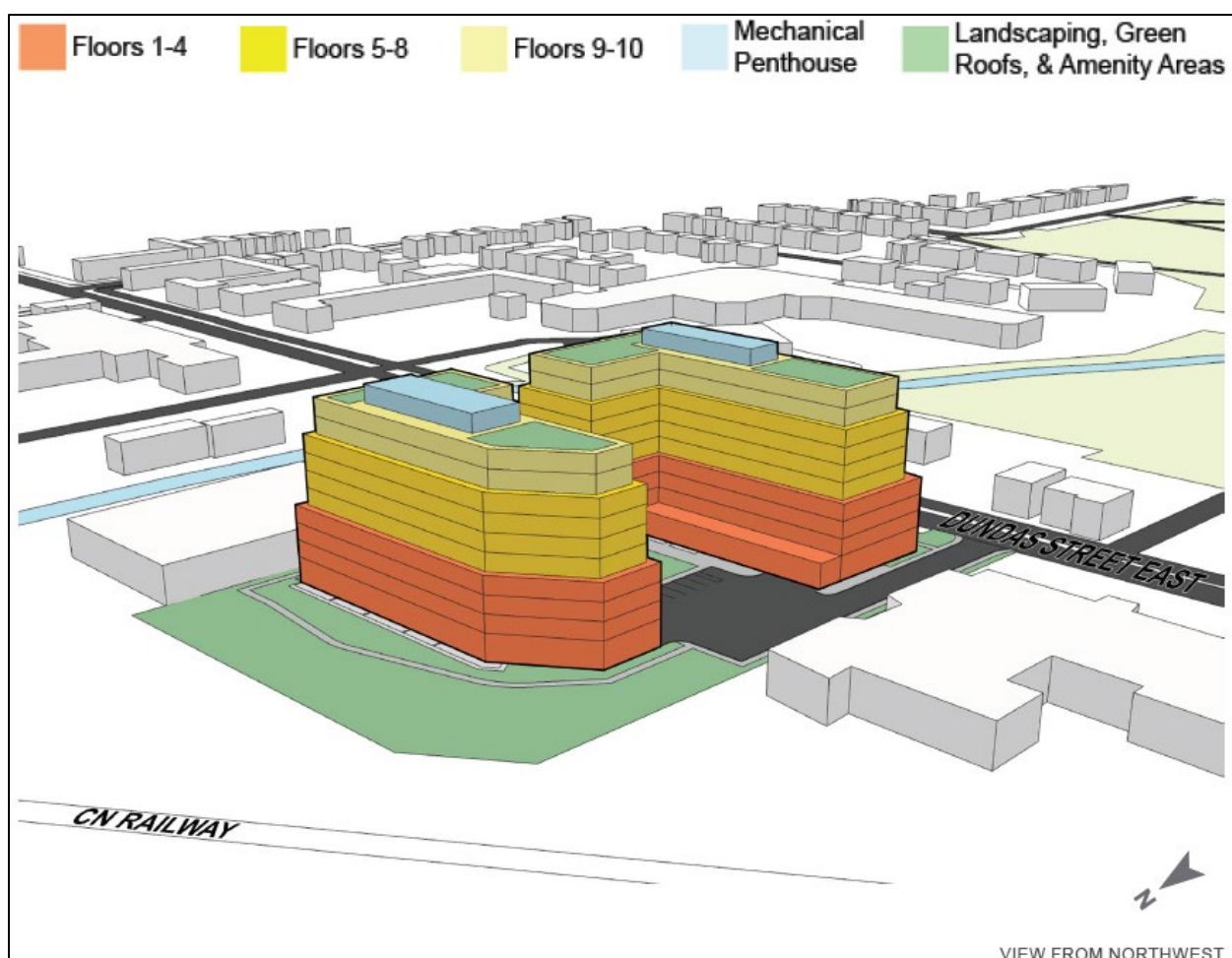


Figure 5: Conceptual Massing Diagrams – view from northwest (received September 2024)

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

## 2.2 Requested Amendment

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Community Shopping Area (CSA1) Zone to a Residential R9 Special Provision (R9-7(\_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (R9-7)	Required	Proposed	Recommended
Additional Permitted Uses	N/A	Office, Retail Store, Convenience Store, Financial Institution, Medical/Dental Office, Restaurant, Personal Service Establishment	As requested
Front Yard Setback (Minimum)	8.0 metres	4.0 metres	4.0 metres
Interior Side Yard Setback (East) (Minimum)	12.6 metres	6.0 metres	6.0 metres
Building Height (Maximum)	N/A	35.0 metres (10 storeys)	35.0 metres (10 storeys)
Lot Coverage (Maximum)	30%	39.7%	40%
Density (Maximum)	150 units per hectare	350 units per hectare	350 units per hectare
Outdoor amenity area (indoor and outdoor) per unit	N/A	4.0 square metres	4.0 square metres



Regulation (R9-7)	Required	Proposed	Recommended
(Minimum)			
Ground Floor Height (Maximum)	N/A	4.5 metres	4.5 metres
Podium height (Minimum)	N/A	2 storeys	2 storeys
Podium height (Maximum)	N/A	4 storeys	4 storeys
Stepback of floor levels 5-8 - along building frontage (Minimum)	N/A	3.0 metres	3.0 metres
Stepback of Floor Levels 5-8 – north, east and west façade (Minimum)	N/A	1.5 metres	1.5 metres
Stepback of Floor Levels 9-10 (Minimum)	N/A	1.5 metres	1.5 metres

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

Regulation (R9-7)	Required	Proposed	Recommended
Ground Floor Height (Minimum)	N/A	N/A	4.0 metres
Gross Floor Area for Office Uses (Maximum)	N/A	N/A	2,000.0 square metres
Street Orientation			The principal residential lobby entrance shall be located on the Dundas Street-facing façade

### 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 and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Urban Design is supportive of the proposed 10-storey mixed-use apartment building and are in favour of the special provisions proposed by the applicant. Additional recommended special provisions include:
  - A minimum ground floor height of 4.0 metres.
  - Street orientation: the principal residential lobby entrance shall be located on the Dundas Street-facing façade.
- CN Rail encourages municipalities to pursue implementation of certain criteria as conditions of project approval. These criteria will be addressed through the Site Plan Approval Stage.

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

### 2.4 Public Engagement

On September 20, 2024, Notice of Application was sent to 20 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 October 3, 2024. A “Planning Application” sign was also placed on the site.

There were no responses received during the public consultation period.

Detailed public comments are included in Appendix “E” of this report.

## 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.

The London Plan includes a framework of heights that includes standard maximum and upper maximum heights (TLP Table 8). Our Tools includes policies for zoning to the upper maximum height (TLP 1638-1641).

To provide certainty and to ensure that impacts of the additional height and density are mitigated, a site-specific Zoning By-law amendment is required to exceed the standard maximum height. This will provide assurance that measures, such as special provisions and Site Plan considerations, will be implemented to address public and Council concerns.

Staff are of the opinion that the proposed zoning provisions sufficiently mitigate the impacts of the additional height and density.

### ***Argyle Core Area Community Improvement Plan***

The *Argyle Core Area Community Improvement Plan* has been reviewed in its entirety and it is staff's opinion that the proposed Zoning By-law amendment is consistent with it. The proposed mixed-use development provides for infill and intensification along Dundas Street, improves the Dundas Street streetscape through a unique urban design and landscape elements, provides opportunities for local businesses, supports pedestrian connections, and contributes to diversifying the housing choice in the Argyle community (Argyle CIP Section 4 & 6).

## 3.0 Financial Impact/Considerations

There are no direct municipal expenditures with this application.

## 4.0 Key Issues and Considerations

### 4.1 Land Use

The proposed mixed-use development is supported by the policies of the PPS 2024 and aligns with the vision of the Urban Corridor by planning for a mix of residential and a range of other uses along corridors and supporting a variety of residential types, with varying locations, size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied (TLP 830\_4 & 11). The proposed residential use aligns with Key Direction #5 – Building a mixed-use compact city, by planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward (TLP 59\_4), and to ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place (TLP 59\_5).

The Urban Corridor Place Type contemplates a range of residential, retail, service, office, cultural, recreational and institutional uses, and encourages mixed-use buildings (TLP 837\_). As such, the proposed mixed-use apartment building and range of uses are permitted in conformity with the Urban Corridor Place Type of The London Plan.

### 4.2 Intensity

The proposed commercial and residential intensity is consistent with the policies of the PPS 2024 that encourage all types of residential intensification, including redevelopment which results in a net increase in residential uses (PPS 2.2.1.2), compact form (PPS 2.4.1.3.c), and an appropriate mix of housing options and densities (PPS 2.3.1.3). Table 9 – Maximum Height in the Rapid Transit and Urban Corridor Place Types of The London Plan provides a range of permitted heights in the Urban Corridor Place Type and contemplates a minimum permitted height of 2 storeys and an upper maximum height of 10 storeys (TLP Table 9).

The proposed mixed-use apartment building is in an appropriate location for a high-density mixed-use development, is well-served by public transit, and a broad range of commercial and service uses. The proposed residential intensity will facilitate an appropriate scale of development, that is sensitive to adjacent land uses (TLP 840\_1) and will facilitate redevelopment of an underutilized lot. As such, the proposed mixed-use apartment building with 334 residential units is in conformity with the intensity policies of the Urban Corridor Place Type in The London Plan.

It should be noted that Municipal Council approved amendments to The London Plan on September 24, 2024 that will allow greater heights and density. For the Urban Corridor Place Type, the maximum permitted height has increased from 10 storeys to 15 storeys. These Council approved amendments have been submitted to the Ministry of Municipal Affairs and Housing for review and approval, and as such are not yet in-force and effect. A new application under the *Planning Act* would be required for the Applicant to obtain relief to the Zoning By-law Z.-1 (i.e. through a Minor Variance Application) to add additional height.

### 4.3 Form

The London Plan encourages compact forms of development for planning new growth, including “inward and upward” compact forms of development (TLP 7\_, 59\_2, 66\_, 79\_). Various forms of infill and intensification are accommodated to realize the compact, inward and upward patterns of planned growth (TLP 59\_4). Within the Urban Corridor Place Type, 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 built 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 to minimize and mitigate impacts on adjacent properties (TLP 252\_ and 253\_). Buildings should be sited close to the street to maintain and reinforce the prevailing street wall and create an inviting and

comfortable pedestrian environment (TLP 254\_ and 259\_).

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 consists of levels 1 to 4, and was designed with positive design features that are commended by Planning and Development staff. These include locating the proposed building close to the street, locating active uses and principal entrance on the Dundas Street facing façade, including step-backs along the Dundas Street frontage and providing underground parking. As shown in Figure 6 below, the principal residential building entrance faces the street to reinforce the public realm, establish an active frontage, provide for pedestrian activity and safety and convenient pedestrian access (TLP 285\_ & 291\_).

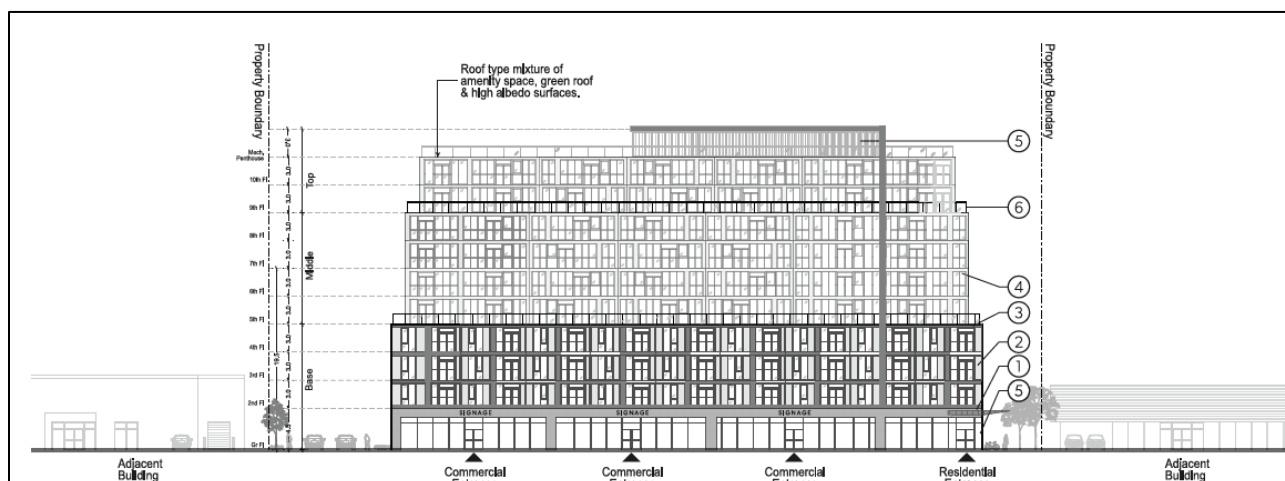


Figure 6: Conceptual South Elevation (received September 2024)

### Middle

The middle of the proposed mixed-use building corresponds to levels 5 to 8 and is broken up into two distinct towers on the north and south portion of the building to reduce the overall massing, as shown in Figures 7 and 8 below. The break in massing also allows for a podium rooftop amenity space on the east side of the building. The applicant is proposing a 3.0 metres stepback above the podium along Dundas Street to maintain a human-scaled frontage and reduce massing impacts on the street and surrounding area.

### Top

The top of the building is comprised of floors 9 and 10 and the mechanical penthouse. This building component is stepped back 1.5 metres from the middle portion of the building. Further, the mechanical penthouse is integrated in the building and set back to minimize street-level visibility.

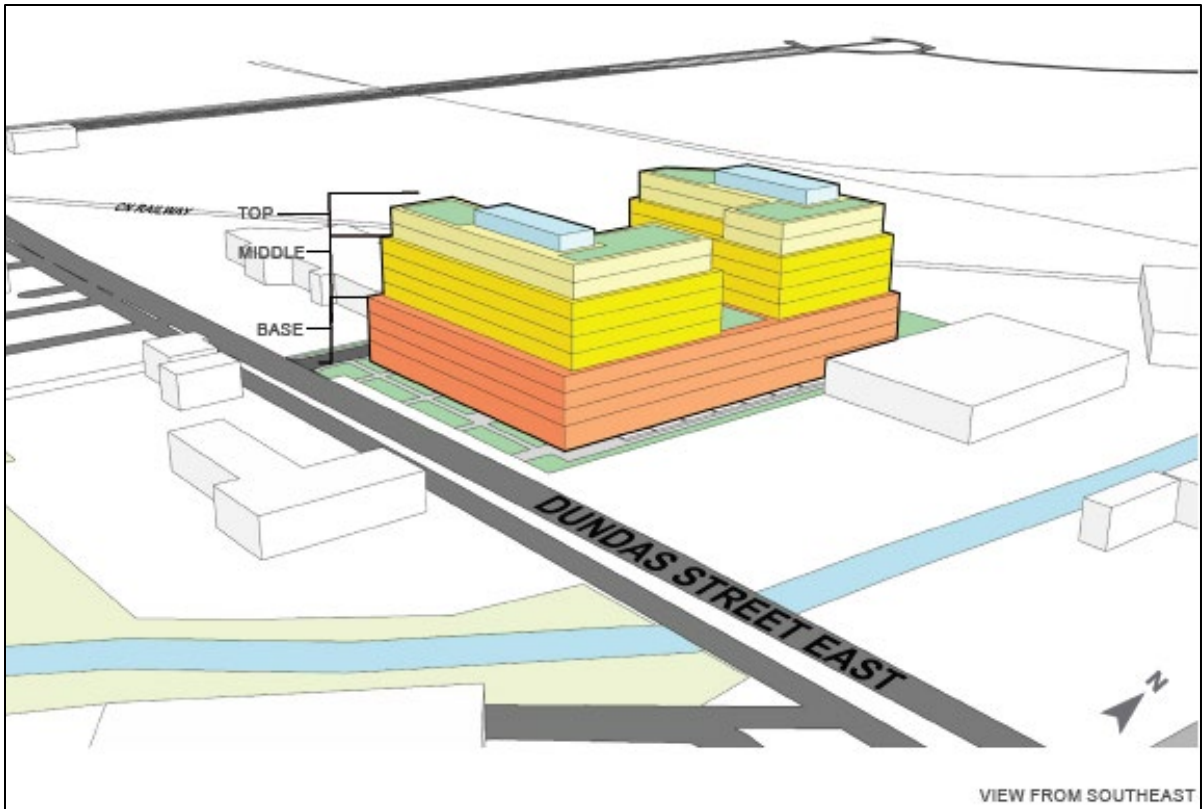


Figure 7: Conceptual Massing Diagram – view from southeast (received September 2024)

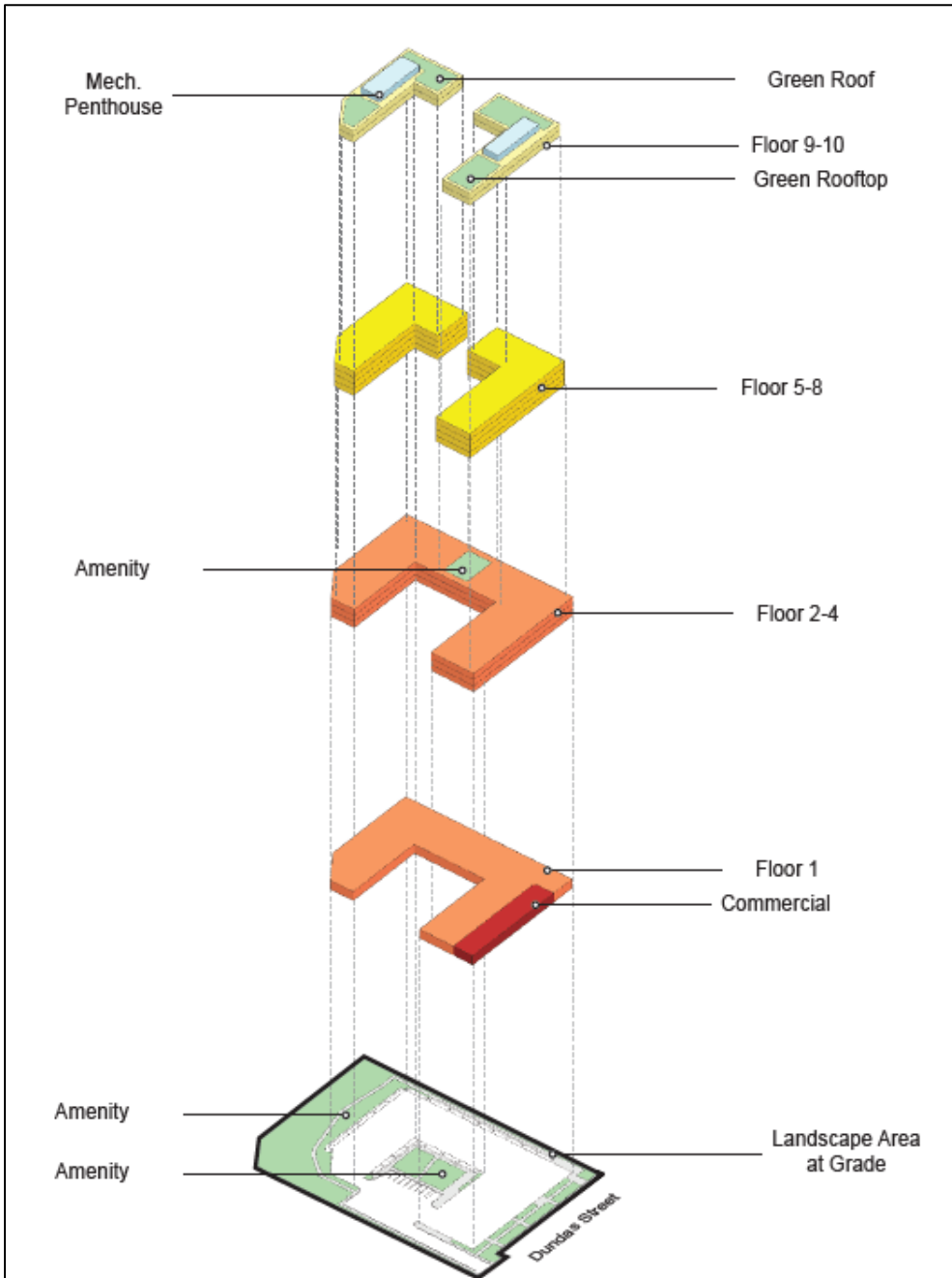


Figure 8: Conceptual Axonometric View (received September 2024)

Overall, the proposed built form is consistent with the Urban Corridor Place Type policies and the City Design policies of The London Plan by facilitating a mixed-use development and intensification along a corridor while managing and mitigating impacts on adjacent lower-intensity residential areas (TLP 832\_). The massing of the proposed mixed-use apartment building is designed to be a good fit and compatible within its context by siting the building close to the street, providing massing breaks and implementing stepbacks above the podium and 'middle' portion of the building (TLP 259\_ & 841\_2 & 3). Further, the proposed built form is pedestrian- and transit-oriented by including active uses on the street-facing facade, a sense of enclosure and convenient pedestrian linkages (TLP 275\_), The proposed built form with special provisions is supported by the policies of the *PPS 2024*, contemplated in the Urban Corridor Place and City Building policies of The London Plan, and supported by the Argyle Core Area Community Improvement Plan.

#### **4.4 Zoning**

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from a Community Shopping Area (CSA1) Zone to a Residential R9 Special Provision (R9-7(\_)) Zone. The following summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

**Additional Permitted Uses** – The applicant has requested a special provision to permit the following additional uses for the Residential R9-7 zone: Office, Retail Store, Convenience Store, Financial Institution, Medical/Dental Office, Restaurant, Personal Service Establishment. As set out in Section 4.1 Intensity of this report, the Urban Corridor Place Type allows for a wide range of uses and encourages mixed-use buildings (TLP 837\_). As the proposed 558 m<sup>2</sup> of ground floor commercial or office space does not have a large single-use floor plate and is proposed to front the street at grade, the proposed additional uses are supported by the Urban Corridor policies of The London Plan (TLP, 837\_). The provision of commercial/office uses at grade is also aligned with the vision, objections and improvements need of the Argyle Core Area Community Improvement Plan by providing opportunities for local businesses (Argyle Core Area CIP, Section 6.3). Staff are supportive of the requested special provision for additional permitted uses; however, staff also recommend a special provision to limit the maximum gross floor area of office uses to 2,000 square metres in accordance with policy 840\_5 of the Urban Corridor Place Type.

**Reduced Front and Interior Yard Setbacks** – The applicant has requested special provisions for a reduced front and east interior side yard setback. Staff are supportive of a 4.0 metre minimum front yard setback from the ultimate right-of-way along Dundas Street to bring the proposed development close to the street to establish a more contiguous street wall and support a high-quality pedestrian environment. The applicant has also requested a minimum east interior side yard setback of 6.0 metres. Staff are satisfied the reduced setback provides sufficient space to accommodate landscaping, trees, a pedestrian walkway and fencing along the easterly property line.

**Coverage** – The applicant has requested a special provision to increase the maximum lot coverage to 40%, whereas 30% is the maximum permitted in the R9 zone. The R9 zone permits up to 10% additional coverage, if the landscaped open space provided is increased 1% for every 1% in coverage over 30% (Zoning By-law Z.-1, Table 13.3). As the proposed development includes 52.4% landscaped open space, significantly more than the minimum requirement of 30% landscaped open space, the requested increase in coverage is consistent with the R9 zone. Further, as the proposed development partially replaces a surface parking area, staff are supportive of the requested special provision to permit a maximum lot coverage of 40%.

**Density** – The applicant has requested a special provision to permit a maximum density of 350 units per hectare, whereas the R9-7 zone variation permits a maximum density of 150 units per hectare. The proposed maximum density provision will allow for the implementation of the proposed development, facilitating an appropriate scale of development that is sensitive to adjacent land uses (TLP 840\_1). Staff are supportive of the increased density to facilitate intensification of an underutilized lot on a Civic

Boulevard within the Urban Growth Boundary and in proximity to public services and public transit.

**Amenity Area** – The applicant has requested a special provision to permit a minimum outdoor amenity area (indoor and outdoor) of 4 m<sup>2</sup> per unit. Staff commend the applicant for providing adequately sized amenity areas including the central courtyard, landscaped areas along the building frontage, rear yard amenity area, indoor amenity room and rooftop amenity space, as shown in Figure 9 below. Staff are supportive of the special provision for a minimum amenity area of 4 m<sup>2</sup> per unit that will contribute to a high-quality outdoor environment for future residents and supports sustainably designed development (TLP 193\_8).

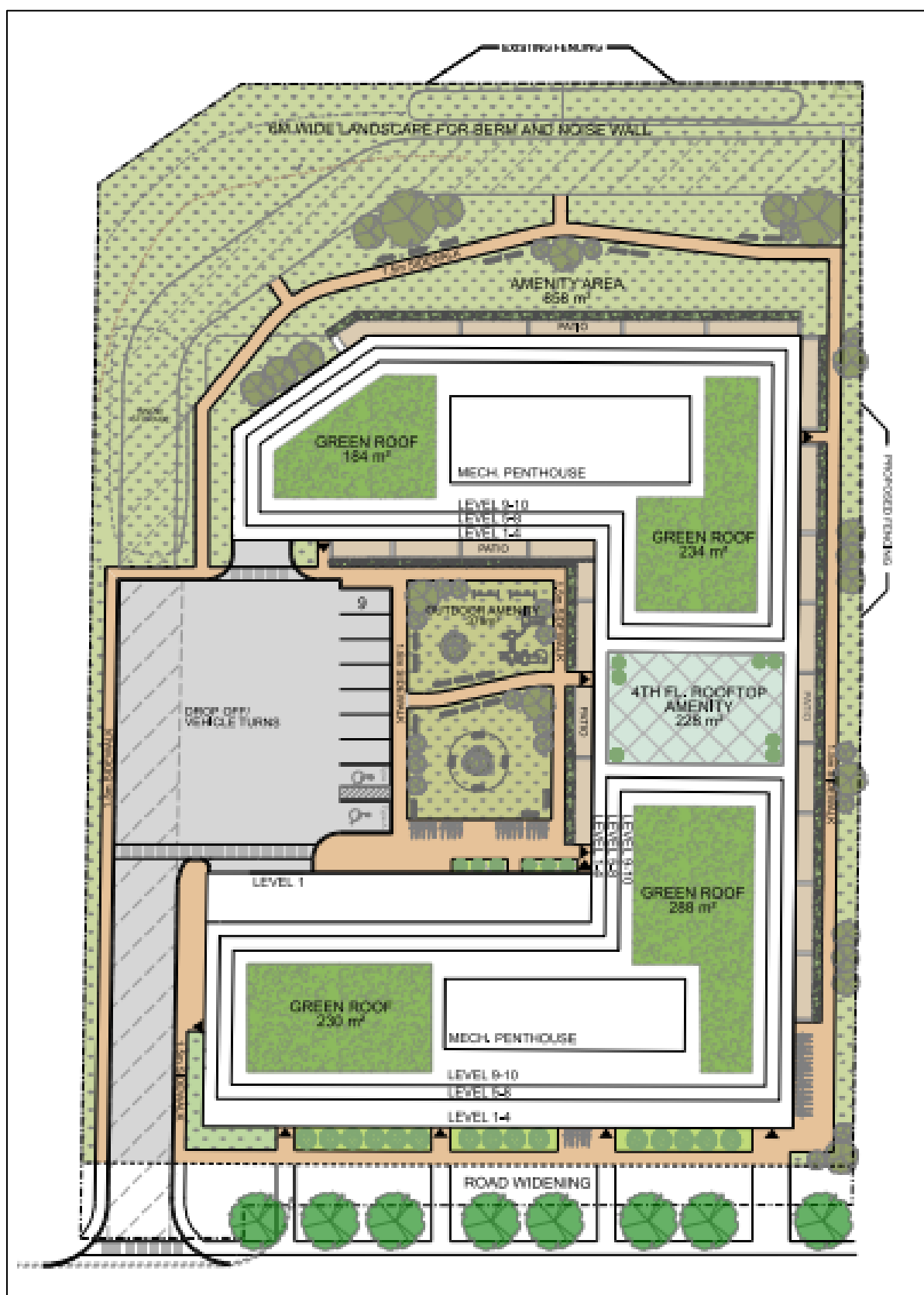


Figure 9: Conceptual Landscaping & Amenity Plan (received September 2024)

**Podium Height** – The applicant has requested special provisions to permit a minimum podium height of two (2) storeys and a maximum podium height of four (4) storeys. The

proposed development contains a four-storey podium that will help to ensure a human-scale design along Dundas Street, reduce the apparent height and mass of the building, allows for sunlight and reduce wind impacts (TLP 293\_). The requested special provisions provide flexibility while ensuring that the proposed development conforms with the City Building policies and form policies of the Urban Corridor Place Type. As such, staff are supportive of the requested special provision for podium heights.

**Minimum setbacks** – The applicant is requesting special provisions to permit the following setbacks for the proposed building:

- Minimum 3.0 metres step back above the podium (floors 5-8) along Dundas Street.
- Minimum 1.5 metres step back above the podium (floors 5-8) along the north, east and west façade.
- Minimum 1.5 metres step back above the 'middle' portion (floors 9-10) along all façades.

Staff are supportive of the requested special provisions that will establish an active urban street wall along Dundas Street, reduce massing impacts and add interest to the building design.

Staff are recommending the following additional special provisions as part of the application.

**Ground Floor Height** – The applicant has requested a special provision to permit a maximum ground floor height of 4.5 metres. Additionally, Staff is recommending a special provision to achieve a minimum ground floor height of 4.0 metres. By regulating the minimum and maximum ground floor height, active ground floor uses are encouraged while flexibility and adaptability for a future conversion or potential change in use is accommodated.

**Street Orientation** – Staff are recommending a special provision requiring the principal residential lobby entrance to be located on the Dundas Street-facing façade. This recommended special provision ensures the residential lobby entrance face Dundas Street to reinforce the public realm and provide convenient and safe access between the entrance and street sidewalk.

#### **4.5 CN Rail Line**

Directly abutting the subject lands to the north is the CN main rail line, with open space and the CP Rail line further north. As outlined in Section 2.3 and Appendix D of this report, CN rail has indicated concerns with developing or densifying residential uses in proximity to railway operations. CN Rail encourages the municipality to pursue the implementation of certain criteria as conditions of an eventual project approval. Most importantly, safety setbacks of the principal buildings from the railway right-of-way shall be a minimum of 30 metres in conjunction with a safety berm.

The proposed built form includes a 30-metre rear yard setback from the railway, including a berm and landscaping to ensure safety, and mitigate noise and vibration impacts. Other issues such as the chain-link fence, clauses to be included in agreements of Purchase and Sale or Lease, stormwater management controls and an environmental easement for operational noise and vibration emissions will be addressed through a future Site Plan application.

As the proposed development is situated to the south and west of the site, meets the 30-metre setback from the railway right of way and will provide a safety berm, staff are supportive of the proposed development and have no concerns with the proximity of the CN Rail line.



## **Conclusion**

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Community Shopping Area (CSA1) Zone to a Residential R9 Special Provision (R9-7(\_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions.

The recommended action is consistent with the PPS 2024, conforms to The London Plan and will permit a 10-storey mixed-use apartment building with a total of 334 residential units and 588 m<sup>2</sup> of ground floor commercial/office space.

**Prepared by:** Isaac de Ceuster,  
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**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:  
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Brent Lambert, Manager, Development Engineering

## Appendix A – Zoning By-law 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 1472  
Dundas Street

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

NOW 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 1472 Dundas Street, as shown on the attached map **FROM** a Community Shopping Area (CSA1) Zone **TO** a Residential R9 Special Provision (R9-7( )\*H35\*D350) Zone.
2. Section Number 13.4 of the R9 Zone is amended by adding the following Special Provisions:

R9-7( ) 1472 Dundas Street

a. Additional Permitted Uses:

- i) Uses permitted on the ground floor of an Apartment Building
  - a. Office
  - b. Retail Store
  - c. Convenience Store
  - d. Financial Institution
  - e. Medical/Dental Office
  - f. Restaurant
  - g. Personal Service Establishment

b. Regulations:

- i) Front Yard Setback (minimum) – 4.0 metres
- ii) Interior (East) Side Yard Setback (minimum) – 6.0 metres
- iii) Density (maximum) – 350 units per hectare
- iv) Lot Coverage (maximum) – 40%
- v) Height (maximum) – 35.0 metres or 10 storeys, whichever is less
- vi) Amenity Area – indoor and outdoor (minimum) – 4.0 square metres per unit
- vii) Ground Floor Height (minimum) – 4.0 metres
- viii) Ground Floor Height (maximum) – 4.5 metres
- ix) Podium Height (minimum) – 7.0 metres or 2 storeys, whichever is greater
- x) Podium Height (maximum) – 13.5 metres or 4 storeys, whichever is less
- xi) Street Orientation – the principal residential lobby entrance shall be located on the Dundas Street-facing façade
- xii) Front Building Stepback Above the 4<sup>th</sup> Storey (minimum) – 3.0 metres
- xiii) Interior Side and Rear Building Stepbacks Above the 4<sup>th</sup> Storey (minimum) – 1.5 metres
- xiv) Building Stepback Above the 8<sup>th</sup> Storey (minimum) – 1.5 metres

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.

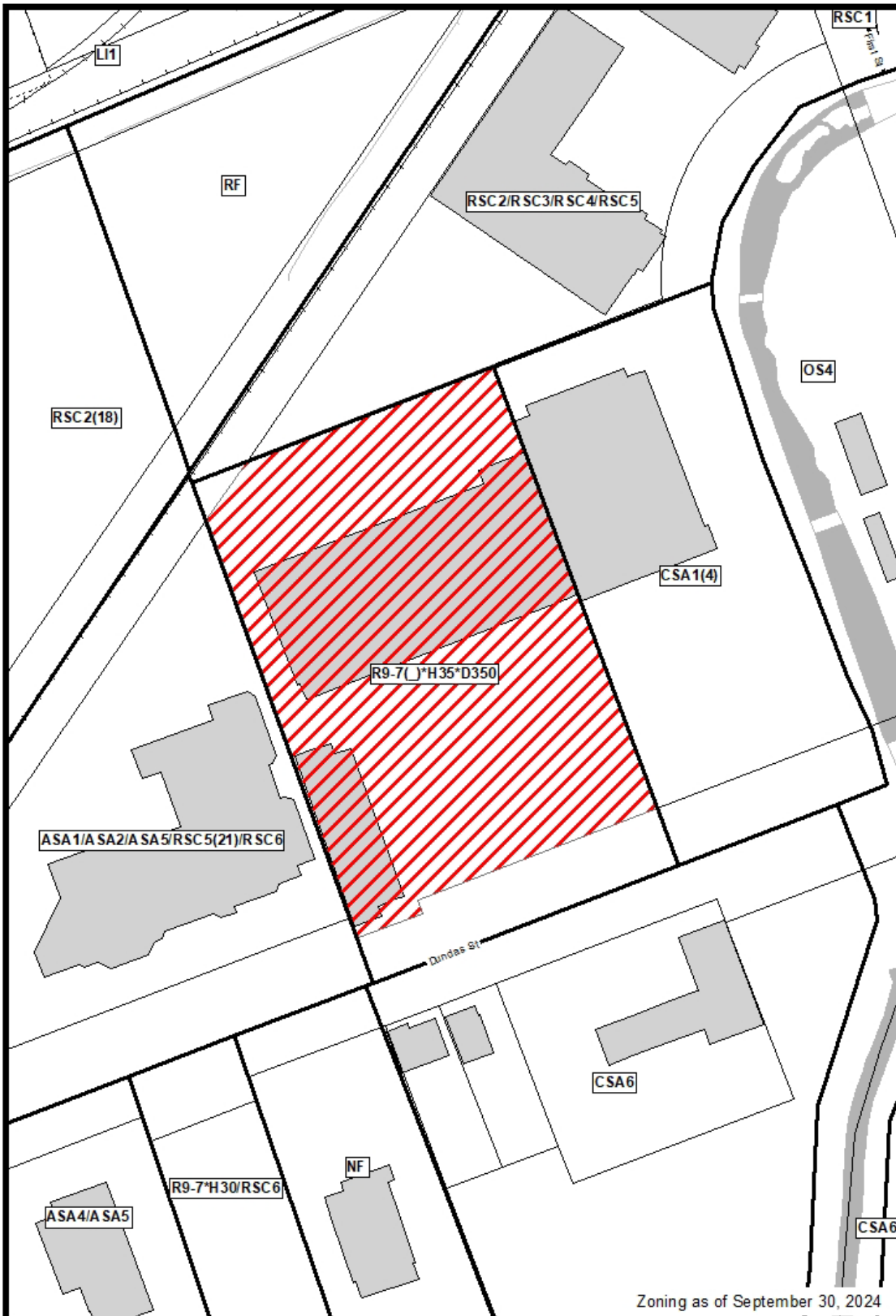
PASSED in Open Council on December 17, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor


Michael Schulthess  
City Clerk

First Reading – December 17, 2024  
Second Reading – December 17, 2024  
Third Reading – December 17, 2024

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



File Number: Z-9788  
Planner: IDC  
Date Prepared: 2024/11/06  
Technician: JI  
By-Law No: Z.-1-

SUBJECT SITE 

1:1,200

0 5 10 20 30 40 Meters



## Appendix B - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Commercial
Frontage	83.2 metres (273 feet)
Depth	136.2 metres (447 feet)
Area	1.0 hectares (2.48 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	No

#### Surrounding Land Uses

North	Rail line, open space, light industrial
East	Automobile sales establishment, commercial
South	Commercial, place of worship, residential
West	Commercial, retail, future residential

#### Proximity to Nearest Amenities

Major Intersection	Dundas Street & First Street, 150 metres
Dedicated cycling infrastructure	Brydges Street, 1,100 metres
London Transit stop	Dundas Street, 100 metres
Public open space	Kiwanis Park, 400 metres
Commercial area/use	Dundas Street, 50 metres
Food store	Unik Afrifoods, 50 in metres
Community/recreation amenity	East Lions Community Centre, 1,200 metres

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Urban Corridor, Civic Boulevard
Current Special Policies	Argyle Core Area Community Improvement Plan (CIP)
Current Zoning	Community Shopping Area (CSA1) Zone

#### Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	Argyle Core Area CIP
Requested Zoning	Residential R9 Special Provision (R9-7( ))

#### Requested Special Provisions

Regulation (R9-7)	Required	Proposed
Additional Permitted Uses	N/A	Office, Retail Store, Convenience Store, Financial Institution, Medical/Dental Office, Restaurant, Personal Service Establishment
Minimum Front Yard Setback (metres)	8.0	4.0

Regulation (R9-7)	Required	Proposed
Minimum Interior Side Yard Setback (East) (metres)	12.6	6.0
Maximum Height	N/A	35.0 metres (10 storeys)
Lot Coverage (%)	30%	40%
Maximum Density (units per hectare)	150	350
Minimum outdoor amenity area – indoor and outdoor (square metres per unit)	N/A	4
Maximum Ground Floor Height (metres)	N/A	4.5
Minimum podium height (storeys)	N/A	2 storeys
Maximum podium height (storeys)	N/A	4 storeys
Minimum Step back of floor levels 5-8 - along building frontage (metres)	N/A	3.0
Minimum Step back of Floor Levels 5-8 – north, east and west façade (metres)	N/A	1.5
Minimum Step back of Floor Levels 9-10 (metres)	N/A	1.5

## C. Development Proposal Summary

### Development Overview

A 10-storey mixed-use apartment building containing 558 m<sup>2</sup> commercial/office space and a total of 334 units, 178 parking spaces and a maximum density of 350 units per hectare.

### Proposal Statistics

Land use	Mixed-use (residential and commercial/office)
Form	Apartment building
Height	10 storeys (35.0 metres)
Residential units	334
Density	350 units per hectare
Gross floor area	28,087 m <sup>2</sup>
Building coverage	39.7%
Landscape open space	52.4%
Functional amenity space	1,465 m <sup>2</sup>
New use being added to the local community	Yes

### Mobility

Parking spaces	169 underground, 9 surface
Vehicle parking ratio	0.5 spaces per unit, 1 space per 50m <sup>2</sup> commercial/office GFA
New electric vehicles charging stations	Unknown
Secured bike parking spaces	339
Secured bike parking ratio	1 space 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

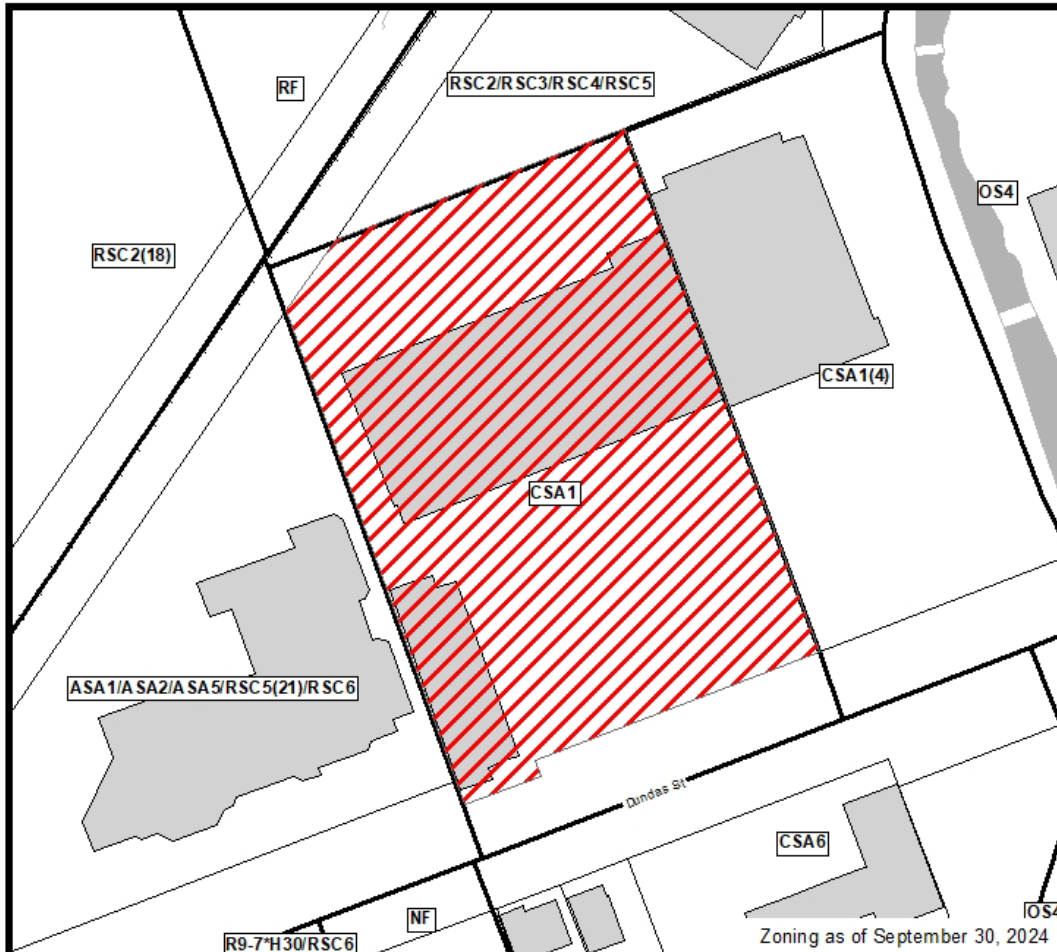
### Environment

Tree removals	0
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Tree plantings	Yes
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	No
Green building features	Yes

# Appendix C – Additional Plans and Drawings

## Zoning Excerpt



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: CSA1**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9788

IDC

MAP PREPARED:

2024/10/24

Jl

1:1,200

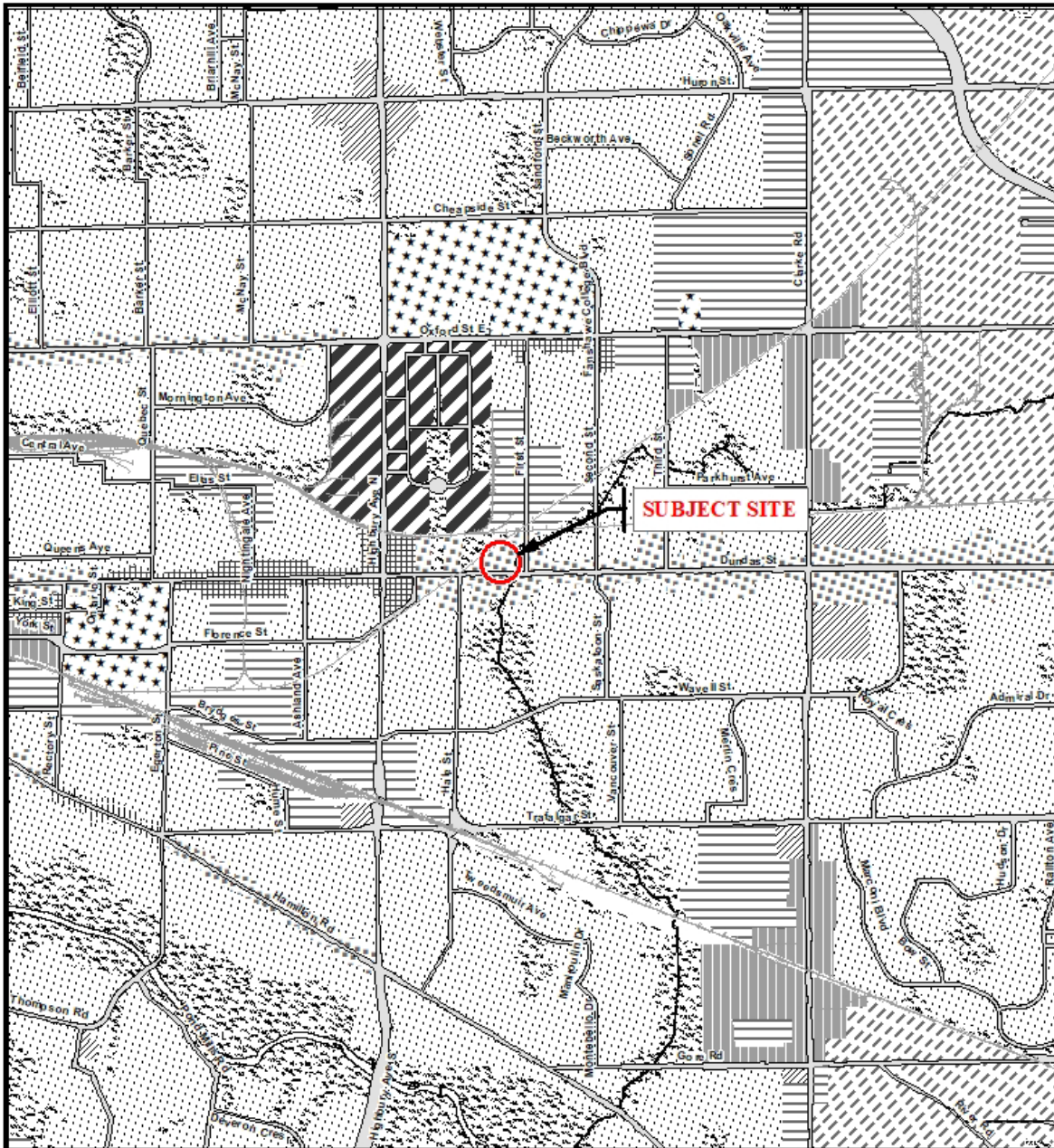
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Meters




















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



# London Plan Map 1 – Place Types

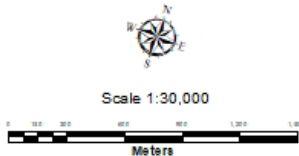


## Legend

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

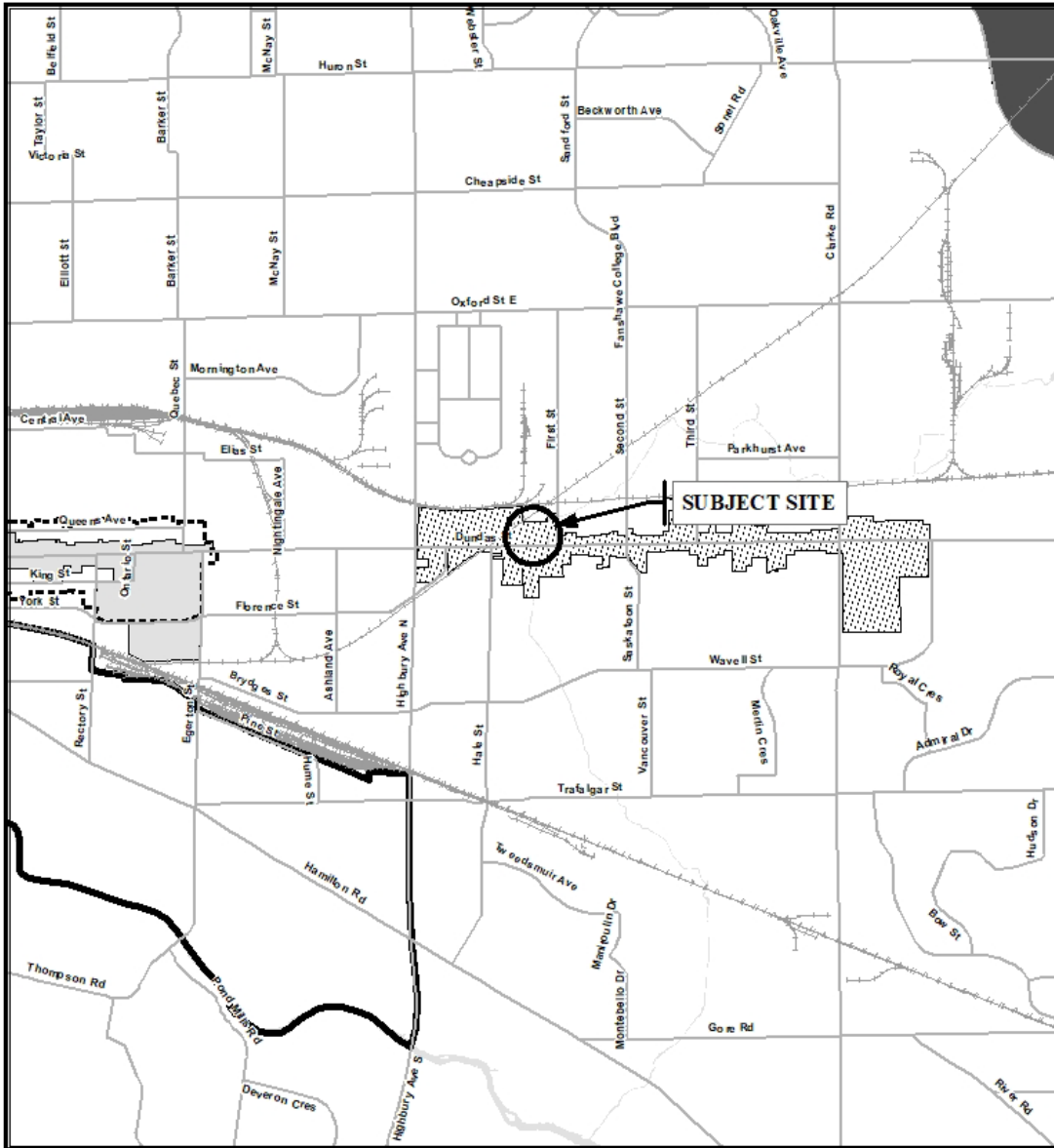
*This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning & Development



**File Number:** Z-9788  
**Planner:** IDC  
**Technician:** JI  
**Date:** 2024/10/24

# London Plan Map 8 – Community Improvement Project Areas



LEGEND	BASE MAP FEATURES
Airport Community Improvement Project Area	Streets (See Map 3)
Argyle Core Area Community Improvement Project Area	Railways
Core Area Community Improvement Project Area	Urban Growth Boundary
Downtown Community Improvement Project Area	Water Courses/Ponds
Hamilton Road Community Improvement Project Area	
Lambeth Community Improvement Project Area	
Old East Village Community Improvement Project Area	
SoHo Community Improvement Project Area	

NOTE: The Brownfields CIP, Heritage CIP, Industrial CIP and Affordable Housing CIP Areas include all lands within the municipal boundary

*This is an excerpt from Planning & Development's working consultation of Map 8 - Community Improvement Project Areas of the London Plan, with added notations.*

<p><b>CITY OF LONDON</b>  <b>Official Plan</b>  <b>LONDON PLAN MAP 8</b>  <b>- COMMUNITY IMPROVEMENT</b>  <b>PROJECT AREAS -</b></p> <p>PREPARED BY: Planning &amp; Development</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>File Number:</b> Z-9788</p>
		<p><b>Planner:</b> IDC</p> <p><b>Technician:</b> JI</p> <p><b>Date:</b> 10/24/2024</p>

## Appendix D – Internal and Agency Comments

### Urban Design

#### Major Issues:

- This site is located within the Urban Corridors Place Type in The London Plan [TLP] which generally contemplates the proposed use and height.
- Urban Design is supportive of the proposed 10-storey mixed-use apartment building and acknowledges the applicant for providing underground parking, for locating the building close to the street, for locating active uses and the principal entrance on the Dundas Street-facing façade, and for including step-backs in the design along the Dundas Street frontage. The applicant is encouraged to continue to incorporate these design features as the proposal moves through the development process.

#### Matters for ZBA:

- Urban Design is in favour of the following Special Provisions proposed by the applicant, to be included in the R9-X( ) zone:
  - Maximum height of 10 storeys (35.0m).
  - Minimum front yard depth of 4.0m.
  - Minimum amenity area of 4.0m per unit.
  - Minimum interior side yard depth of 6.0m
  - Minimum step-back above the 4<sup>th</sup> storey facing Dundas Street of 3.0m
  - Minimum step-back on all other facades above the 4<sup>th</sup> storey of 1.5m
  - Minimum step-back above the 8<sup>th</sup> storey facing Dundas Street of 1.5m
- Urban Design recommends the following Special Provisions by incorporated into the proposed R9-X( ) Zone, in addition to those requested by the applicant:
  - The applicant has requested a maximum ground floor height of 4.5m; Urban Design requests a minimum ground floor height of 4.0m.
  - Street orientation: the principal residential lobby entrance shall be located on the Dundas Street-facing façade.

#### Matters to be Addressed at Site Plan:

- The applicant is acknowledged for proposing a site layout and building design which incorporates the following:
  - A high degree of transparent glazing facing toward Dundas Street.
  - A distinct base, middle and top in conformity with The London Plan Policy 289 which incorporates a high degree of glazing, high quality materials, and building articulation.
  - Minimal surface parking area in favour of outdoor common amenity space.
  - Outdoor common amenity spaces provided at-grade as well as on the rooftop.
  - Short-term bicycle parking facilities (bike racks) located at building entrances.
  - Pedestrian network which connects between building entrances, parking, amenity spaces and the public sidewalk on Dundas Street.
  - Individual unit entrances face Dundas Street for the commercial units, with direct walkway access to the public sidewalk.
  - Parking and loading areas are located behind the building, out of view from the public street.
- This proposed development is within the ongoing Dundas Streetscape Master Plan for the Argyle Core Area. Any proposed works within the public right-of-way should be consistent with the planned vision and streetscape guidelines of the Master Plan.
- Include weather protection (e.g., a canopy or awing) above the commercial unit entrances and the residential lobby entrance(s).
- Submit a full set of dimensioned and labelled elevations for all sides of the proposed building. Further Urban Design comments may follow upon receipt of the elevations.

## Site Plan

Please see attached comments for Z-9788 - 1472 Dundas Street:

### 1. Major Issues

- None.

### 2. Matters for OPA/ZBA

- Special Provisions requested:
  - i) Minimum Front Yard Depth 4.0 metres
  - ii) Maximum Building Height 10 Storeys (35.0 metres)
  - iii) Minimum Interior Side Yard Depth 6.0 metres
  - iv) Maximum Building Coverage 40%
  - v) Maximum Density 350 units per hectare
  - vi) Minimum Amenity Area 4 square metres per unit (indoor and outdoor)
  - vii) Maximum Ground Floor, 4.5 metres Height (floor-to-ceiling)
  - viii) Minimum Podium Height 2 storeys
  - ix) Maximum Podium Height 4 storeys
  - x) Minimum Stepback of 3.0 metres Floor Levels 5-8 (along the building frontage)
  - xi) Minimum Stepback of 1.5 metres Floor Levels 5-8 (north, east and west facade)

### 3. Matters for Site Plan

- Visitor parking is required at a rate of 1 space per 10 dwelling units and ensure that these spaces are clearly delineated on the Site Plan drawing.
  - Provide further details on the underground parking functionality. A parking plan will be required to confirm that the underground parking is sufficient and meets the City of London By-law requirements.
  - Differentiate the residential and commercial parking on the site plan.
- Continue to provide a common outdoor amenity space suitable in size and function for the anticipated number of residents.
- Clarify how disposable refuse (recycling and waste) is stored and collected on the site plan. Provide an enclosure detail for disposable refuse. Ensure enough space for collection access to recycling and waste.
- Widen the driveway to the standard 6.7 metre width for residential developments.
- Provide all necessary details regarding how the Fire Department will service this development.
  - For the design of the fire route, refer to Tables 6.2 and 6.3 of the Site Plan Control By-law. Identify the location of fire route signage and provide a standard detail on the site plan.
  - Show turning movements of emergency vehicles (C.P.-1455-541 6.7). Ensure adequate turning movements in and out of the permitted parking spaces.
  - Label all entrances (barrier-free, fire, etc.), ensuring access to nearby fire department equipment as per 9.10.20.3 of the Ontario Building Code.
- Identify how snow storage will be accommodated on site or whether it will be trucked off site.
- As Dundas Street is designated a Cycling & Walking Route, consider providing more than the minimum amount of long-term & short-term bicycle parking. Confirm the location of long-term bicycle parking on the subject lands.
  - Make all walkways at least 1.5 metres or 2.1 metres if abutting parking spaces.

### 4. Complete Application Requirements

- Site Plan Application

- Noise Study

## **Landscape Architecture**

There are no Landscape Architecture comments for the proposed zoning application at 1472 Dundas Street. We will provide comments on the Landscape Plan through the Site Plan process.

## **Parks Planning and Design**

1. Major Issues
  - None.
2. Matters for OPA/ZBA
  - None.
3. Matters for Site Plan
  - Parkland dedication has not been taken for this site. It is to be noted that the applicant, as a condition of site plan approval, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-25.

## **Heritage**

No outstanding issues, archeological matters have been addressed.

## **Ecology**

This e-mail is to confirm that there are currently no new ecological planning issues related to this property and/or associated requirements.

### Major Issues

- None

### Ecology – complete application requirements

- None

## **Engineering**

The City of London's Planning and Economic Development (Engineering) Department offers the following comments with respect to the aforementioned rezoning application.

Engineering has **no further comments** at this time regarding this application.

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

### Matters for Site Plan

Additional comments below are to be addressed during the site plan application Stage.

### Water

- Water is available from the 250mm/200mm CI watermain on the north side of Dundas Street.
- Existing building has an existing 100mm CI water service from the adjacent property (1500 Dundas Street). This service is to be abandoned, and a new service required from the municipal main for the redevelopment.
- An updated water servicing report will be required addressing a servicing strategy, domestic water demands, fire flows and water quality and confirm the water supply for the domestic and fire flows are adequate for the new development from the existing 200/250mm Watermain on Dundas Street.

- All Water servicing to the site shall be to City Standards including looping for the number of units proposed. (Splitter Valve also required when looped).

### Transportation

- The TIA assumes growth rates and background developments in the area but may not fully account for rapid changes in land use. I recommend we regularly update traffic studies, especially given the impact of the Bus Rapid Transit (BRT) system planned along Highbury Avenue, to ensure the infrastructure can handle future demand.
- The sightline assessment appears to meet the **TAC guidelines** and suggests that vehicles entering and exiting via Dundas Street will have sufficient visibility.
- The report notes that Dundas Street's four-lane urban cross-section and other surrounding roads can accommodate the expected traffic and vehicle movements. While emergency, waste, and loading vehicles were tested without issue, it's important to ensure that the design does not overlook pedestrians and cyclists, particularly if the area develops further.
- No indication of Road widening dedication, this will be required.

### **CN-Rail**

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Main Line. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. The [Guidelines for New Development in Proximity to Railway Operations](#) reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railway operations. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- Safety setback of principal buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
- Where the standard berm and setback are not technically or practically feasible, due for example, to site conditions or constraints, then a Development Viability Assessment should be undertaken by the proponent to evaluate the conditions specific to the site, determine its suitability for development, and suggest alternative safety measures such as crash walls or crash berms.
- The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the entire mutual property line, to be constructed by the owner entirely on private property.

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

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

- The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.
- The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Under the applicable federal legislation, CN is responsible for ensuring the safety of its railway operations. Additionally, as safety is a core value at CN, CN is committed to the health and safety of their employees, the customers we serve and the communities and environment in which we operate, at all times.

In order to ensure the safety of railway operations, CN's operations and infrastructure are not to be impaired or affected by any construction works or any other works. Additionally, any work performed on CN's property must be arranged through a work permit. A work permit ensures that the proponents of the work, its authorized employees, servants, agents or contractors comply with CN's instructions and will take any safety precautions that CN may reasonably deem necessary in order to ensure that railway operations remain safe.

CN anticipates the opportunity to review a detailed site plan, a storm water management report and a noise and vibration study taking into consideration the [Guidelines for New Development in Proximity to Railway Operations](#) developed by the Federation of Canadians Municipalities and the Railway Association of Canada. We request that CN Rail and the [proximity@cn.ca](mailto:proximity@cn.ca) email be circulated on public notices and notices of decisions with respect to this and future land use planning applications with respect to the subject site.

#### **UTRCA**

- The subject lands **are not** affected by any regulations (Ontario Regulation 41/24) made pursuant to Section 28 of the *Conservation Authorities Act*.
- The UTRCA has **no objections** to the application and we have no Section 28 approval requirements.

## London Hydro

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.



## Appendix E – Public Engagement

On September 20, 2024, Notice of Application was sent to 21 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 October 3, 2024. A “Planning Application” sign was also placed on the site.

There were no responses received during the public consultation period.

**Nature of Liaison:** 1472 Dundas Street – The purpose and effect of this Zoning amendment is to permit a 10-storey mixed-use apartment development with 334 residential units and office/ground floor commercial uses. Possible change to Zoning By-law Z.-1 FROM a Community Shopping Area (CSA1) zone TO a Residential R9 Special Provision (R9-7(\_)) Zone. Requested special provision for maximum density. The City may also contemplate alternative zoning such as a different base zone, additional permitted uses, additional special provisions and/or the use of holding provisions. File Z-9788. Planner: Isaac de Ceuster