Planning Justification Report
1039-1047 Dundas Street
City of London
London Affordable Housing Foundation

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1.0 INTRODUCTION

An application has been submitted by London Affordable Housing Foundation (LAHF) to the City of London to amend Zoning By-law Z.-1 to permit affordable housing in the form of a mid-rise apartment on lands located on the south side of Dundas, east of Egerton Street, known municipally as 1039-1047 Dundas Street in the City of London.

The intent of the proposed Zoning By-law Amendment is to seek approvals to allow for a 5-storey (15.8 m high) apartment building with residential uses on the first floor. Apartment buildings are permitted in the Business District Commercial (BDC) zone; however, are permitted only if other permitted uses are on the first floor, and are limited to a maximum height of 12.0 m.

The purpose of the following land use planning justification report is to evaluate the proposed Zoning By-Law Amendment, within the context of existing land use policies and regulations, including the Provincial Policy Statement, the 1989 City of London Official Plan, the new Official Plan (The London Plan) and the City of London Zoning By-law.

2.0 THE SUBJECT LANDS

The subject lands are currently vacant; have a frontage of 40 m on Dundas Street and a total area of 0.20 hectares (0.49 acres) (Figure 1).
Figure 2 – Subject Lands and Area Context

Figure 3 – Subject lands – South side of Dundas Street

Figure 4 – Subject lands – North side of Dundas Street
Historically, the subject lands were located in the Township of London until 1874, then became the municipality of London East which was amalgamated with the City of London in 1885. Residential homes fronting Dundas Street started to develop on and around the subject lands in the late 1890’s early 1900’s. The homes were an eclectic mix of mainly one and half storey timber frame structures of a modest late Victorian style of architecture. Some of the common features were verandas, brick exteriors, and high gable roofs.

The subject lands were historically residential and consisted of five single detached homes until 2008/2009 when the homes were demolished. The lands have been vacant ever since.

The subject lands are located near a former industrial area that is currently transitioning to other uses. Several large industrial buildings in the area (Kellogg’s, McCormick plants) have been vacant for some time, but are anticipated to be re-purposed or redeveloped in the near future.

The subject lands are not designated under the Ontario Heritage Act (OHA), and are not listed in the City of London Municipal Heritage Register.

There are no adjacent properties that are designated under the Ontario Heritage Act, or listed in the City of London Municipal Heritage Register.

### 2.1 SURROUNDING LAND USES

The surrounding land uses consist of low density residential (south, and north), regional facility (Western Fair) (further west), light industrial (east), and commercial (east and west fronting onto Dundas Street) (Figures 2, 3 & 4). The near-by former Kellogg’s factory is being re-developed in to a mixed used building that includes a fun park, hotel, restaurant, craft brewery and office uses. Lands further east are subject to the recently approved McCormick Area Secondary Plan, which allows for a variety of commercial, residential, and light industrial uses, recognizing the current transition from former industrial uses.

Dundas Street is classified as an arterial road within the City of London Official Plan. The subject lands are well served by public transit, with a bus route operating on Dundas Street (#02 Natural Science - Trafalgar Heights/Bonaventure) and two additional nearby routes, one to the west at Quebec Street (#20 Fanshawe College - Beaverbrook) and one to the south (#07 Downtown – Argyle Mall). The subject lands are within convenient walking distance to, parks, restaurants, recreational uses, and a wide range of commercial business and services along Dundas Street.

### 3.0 PROPOSED DEVELOPMENT

The proposed development of the subject lands would allow for a 5-storey apartment building to provide affordable housing, as per the attached concept plan (Appendix 1).
The proposed mid-rise apartment building would contain a total of 41 residential units, consisting of 32 one bedroom units and 9 barrier-free one bedroom units (Figure 5).

A total of 22 at grade parking spaces are proposed at the rear of the proposed building, along with 32 indoor bicycle parking spaces.

Vehicular access is proposed off of Dundas Street via one singular access west of the proposed building. Barrier-free parking and access will be provided at the rear of the building and barrier-free units are provided in the ground level of the proposed building.

Existing mature trees will be maintained, where feasibly possible, and new plantings will be introduced which will further enhance the existing landscaping. Intensified planting is proposed around the rear parking area to provide a buffer and screening area from neighbouring residential uses.

Garbage disposal is provided via private enclosure within the building on the main floor.

Figure 5 – Conceptual Rendering (Front Elevation)
4.0 PROPOSED APPLICATION

The proposed development of the subject lands requires the lands be re-zoned to a site-specific Business District Commercial (BDC) / Bonus zone (BDC(x)*B-(X) to permit a 5-storey apartment building with residential uses only on the first floor. The proposed Bonus provision would allow for an affordable housing development with a maximum density of 205 units per hectare, a maximum height of 15.8 m and a total of 22 parking spaces.

5.0 PLANNING DOCUMENT REVIEW AND ANALYSIS

5.1 2014 PROVINCIAL POLICY STATEMENT (PPS)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “provides policy direction on matters of provincial interest related to land use planning” in order to ensure efficient, cost-efficient development and the protection of resources. All planning applications, including ZBA applications, are required to be consistent with these policies. The proposed ZBA to broaden the range of permitted uses on the subject lands is consistent with the PPS for the following reasons:

- The subject lands are located within a built-up, mixed-use area and are proposed to be connected to municipal services (Sections 1.1.3.1 and 1.1.3.2) and, as such, the proposed development promotes cost-effective development to minimize land consumption and servicing by utilizing existing facilities (Sections 1.1.1.e and 1.6.6.2);
- The proposed development provides housing consistent with affordable housing needs in this area of London in an underutilized location well suited for increased density (Sections 1.1.1.b), 1.4.1, and 1.4.3);
- The proposed development is considered intensification under the PPS, which makes efficient use of land and existing services and will not create undue adverse impacts on surrounding uses (Sections 1.1.3.3 and 1.1.3.4);
- The proposed development makes efficient use of land in an existing built-up area which can support additional residential density (Section 1.1.3.6);
- The proposed development and the intended users will make efficient use of existing and planned transportation infrastructure, including planned rapid transit, and is well suited to promote active transportation (Sections 1.6.7.2, 1.6.7.4, and 1.6.7.5).

5.2 CITY OF LONDON OFFICIAL PLAN

5.2.1 1989 City of London Official Plan

The City of London Official Plan provides broad policies regarding land use within the City of London. Decisions regarding land use in the City of London must be consistent with this Official Plan.
The subject lands are designated “Main Street Commercial Corridor” (MSCC) in the City of London Official Plan (Figure 6). The MSCC designation permits a broad range of uses, in either long-established, pedestrian-oriented business districts or newer mixed-use areas, catering to the adjacent residential neighbourhoods within easy walking distance. Buildings are generally street-oriented and located close to the street, providing for easy pedestrian movement. The intent of the Official Plan is to strengthen the MSCC areas by encouraging infilling and redevelopment that improves the aesthetics of the business area.

Redevelopment of the subject lands is consistent with the planning objectives set out in Section 4.4.1 of the Official Plan as per the following:

- The subject lands provide for the redevelopment of a vacant, underutilized property within the Main Street Commercial Corridor for one or more of a broad range of permitted uses (residential) at a scale which is compatible with adjacent development (Section 4.4.1.1.i);
- The proposed development maintains the scale, setback and character of existing uses (Section 4.4.1.1.ii);
• The proposed development will contribute to the rehabilitation and renewal of the Dundas Street corridor, and enhance its pedestrian nature (Sections 4.4.1.2.i) & 4.4.1.2.ii);
• The intended use (affordable housing) will support public transit (Section 4.4.1.2.iv).

The proposed mid-rise apartment building has been designed to provide an innovative, aesthetically pleasing building with a variety of amenity features. The re-development of the property allows for a higher density building form while accommodating adequate buffering to the neighbours through the retention and addition of vegetation.

The proposed use of the subject property (residential) within a multi-storey building situated close to the street is consistent with the intent of the MSCC designation.

As residential densities for the MSCC are intended to be consistent with the “Multi-Family, High Density Residential” (MFHDR) land use designation, analysis of those applicable Official Plan policies is appropriate.

The intent of the MFHDR designation is to support the development of high-density residential uses (i.e. high-rise apartment buildings) at locations which enhance the character and amenity of a residential area and where streets, transit, services, amenities, and open space are easily accessible, and where there is sufficient infrastructure to support such development. The MFHDR designation permits a range of high-density residential uses, including high-rise apartment buildings, hotels, and specialized residential uses such as nursing homes, emergency care facilities, and rooming and boarding houses. The proposed development falls within the range of permitted uses in the MFHDR designation.

The Official Plan provides that maximum permitted residential density for areas outside of Central London, such as the location of the subject lands, is 150 UPH. As the proposed development exceeds this density (205 UPH), a bonus zone will be required.

5.2.2 Bonusing

Official Plan Section 3.4.3.iv contains provisions for density bonusing through an amendment to the Zoning By-Law and in compliance with Official Plan Section 19.4.4. Bonusing on individual sites that exceed 25% of the density otherwise permitted may be approved by Council through site specific regulations in the Zoning By-Law, subject to the owner of the subject lands entering into an agreement with the City that will be registered against the title to the land. The density of the proposed development (205 UPH) results in an increase which is greater than 25% of the current permitted density. As such, in accordance with Sections 3.4.3.iv and 19.4.4., a Zoning By-Law Amendment is necessary to permit the proposed density of the subject lands by way of density bonusing.
Section 19.4.4 notes that the practice of bonus zoning, under the provisions of the Planning Act, “is considered to be an appropriate means of assisting in the implementation of [the Official Plan]” and outlines the following principle in the consideration of bonus zoning:

“The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.”

The proposed mid-rise apartment building on the subject lands will provide a benefit to the City, as it will be proximate to the transitioning industrial area (former Kellogg’s and McCormick’s plants), the neighbourhood, and the general public for the following reasons:

- The proposal is for a mid-rise apartment building intended for affordable housing, which is a necessary service provided by the Municipality;
- The proposed development is located along a major arterial road and transit route (Dundas Street), and is within walking distance commercial and recreational areas;
- This location and dwelling type encourages the use of public transit and anticipated future rapid transit;
- The proposed development will provide a pedestrian-orientated street environment at the front of the building, including a direct relationship to the human-scale and building facades which are designed to animate the streetscape;
- The proposed building design will enhance the existing streetscape;
- The overall scale of the development in terms of height and density is compatible with surrounding uses

The proposed development satisfies the objective to support the development of affordable housing in Section 19.4.4.i for Bonus Zoning.

The proposed mid-rise apartment building on the subject lands is intended for affordable housing. In order to make the proposed development a viable project and provide a necessary service to the City of London, a 5-storey building containing 41 units makes efficient use of the
subject lands. As such, bonus zoning to permit the proposed development is appropriate in this
instance.

5.2.3 The London Plan

The new Official Plan, The London Plan, has been approved by Council but is currently subject
of appeals by several landowners to the Ontario Municipal Board. However, regard is being
given to The London Plan for all new development applications, in addition to the policies of the
current, in-effect Official Plan.

The London Plan shows the subject lands as within the ‘Rapid Transit Corridor’ place type (a
term used in the London Plan in lieu of “land use designation”), along a ‘Rapid Transit
Boulevard’, being Dundas Street (Figure 7).

The intent of this place type is to permit higher intensities of a variety of uses along rapid transit
corridors, with the rationale that additional intensity will encourage efficient use of transit. This
type of land-use/transportation relationship is common in major urban centres such as Toronto
and is currently being implemented with success in smaller cities such as Waterloo.

Figure 7 – The London Plan Map 1 (excerpt)
Permitted uses in the ‘Rapid Transit Corridor’ place type consist of “a broad range of residential, retail, service, office, cultural, recreational, and institutional uses”. The policies permit a maximum building height of 12 storeys (16 storeys if a rapid transit station is proposed within 100m of the site) for the subject lands. The intended use (residential), together with the height of the proposed building (5 storeys), is consistent with the general intent of ‘Rapid Transit Corridor’ place type.

A rapid transit system is anticipated to alleviate traffic congestion on Dundas Street, and facilitate fast and efficient transportation along rapid transit routes. The location of the subject lands along the rapid transit route allows the proposed use to take advantage of the proposed rapid transit system, allowing safe and efficient public transit use to and from the site.

5.3 ANALYSIS OF THE CITY OF LONDON ZONING BY-LAW

The proposed mid-rise apartment form, containing only residential uses, is not permitted under the current “Business District Commercial (BDC)” and, as such, requires a Zoning By-Law Amendment to permit the development (Figure 8).

Figure 8 – Subject lands and Surrounding Zoning

The proposed Zoning By-Law Amendment seeks to permit an apartment building with residential uses on the first floor and to allow a maximum height of 15.8 m. The purpose of the proposed development is for affordable housing which typically does not have a mixed-use component within buildings. However, the main floor of the proposed building will be designed in a manner that could be converted to another use other than residential for future needs. In order to make the proposed development a viable project and provide a necessary service to the City of London, a 5-storey building containing 41 units makes efficient use of the subject lands. In addition to the above, a reduced minimum number of parking spaces is required for
the proposed development. A total of 22 spaces provided, whereas a minimum of 52 spaces are required for 41 units. A reduced number of parking spaces is appropriate in this instance as the subject lands are in close proximity and within walking distance to a wide range of commercial, employment, and community recreational uses; and are situated along an existing transit route and future rapid transit route. This allows a significant portion of the intended residents to use active transportation and transit for their transportation needs, thereby reducing reliance on private automobiles.

The requested zone is a site-specific Business District Commercial (BDC) / Bonus zone (BDC(x)\*B-(X) to permit and apartment building with residential uses only on the first floor. The proposed Bonus provision would provide for a maximum density of 203 units per hectare, a maximum height of 15.8 m and to provide 22 parking spaces in conjunction with an affordable housing development.

This proposed zoning amendment is consistent with the intent of the current Official Plan and new London Plan policies for intensification and is appropriate for the proposed development.

5.4 PARKING ASSESSMENT

The Parking Assessment prepared by F. R. Berry & Associates, Transportation Planning Consultants notes that the proposed development is well served by public transit and conveniently located for access to Downtown and educational institutions (Fanshawe College), and concludes that 22 parking spaces proposed for this development will be sufficient to meet the needs of the tenants. In addition, 32 bicycle spaces are proposed as part of the proposed development to encourage alternative modes of transit.

5.5 SERVICING

Full municipal services are located along Dundas Street. The proposed mid-rise apartment building will make efficient use of these existing municipal services.

6.0 CONCLUSIONS

The proposed Zoning By-Law Amendment to allow for the redevelopment of the subject lands will result in an efficient and aesthetically pleasing use of a vacant, underutilized, parcel of land. The proposed redevelopment of the subject lands will address the affordable housing needs of the community while utilizing a vacant site that is in a location that is well suited for increased density. The proposed site-specific provisions sought through the Zoning By-Law Amendment are appropriate for the subject lands and will result in a use and built form that will complement and enhance adjacent and surrounding land uses both now and in the future as nearby lands redevelop as well. The proposed development will be compatible with the existing residential neighbourhood along Dundas Street, in terms of setback and use.
For the reasons noted above, and throughout this report, the proposed Zoning By-Law Amendment is consistent with the intent and policies of the PPS, Official Plan, and the London Plan; is consistent with the long-term vision for the neighbourhood; is a desirable form of development for the subject lands; and represents good planning practice.