

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Protected Major Transit Station Areas (PMTSAs)
Public Participation Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with respect to the application by the City of London relating to Protected Major Transit Station Areas (PMTSAs), the proposed by-law, attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend *The London Plan, 2016* **TO ADD** new policies and a map pertaining to Protected Major Transit Station Areas and the by-law **BE FORWARDED** to the Minister of Municipal Affairs and Housing for approval.

IT BEING NOTED THAT in accordance with the *Planning Act*, the Ministry of Municipal Affairs and Housing is the approval authority for official plan amendments with respect to PMTSAs.

Executive Summary

Summary of Request

The recommended amendment will identify Protected Major Transit Station Areas (PMTSAs) that align with the Downtown, Transit Village and Rapid Transit Corridor Place Types, and create a policy framework for these areas in the London Plan.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to establish a policy framework for PMTSAs to provide direction on targeted numbers of residents and jobs per hectare, permitted uses, minimum densities, and height requirements within these areas, while supporting the vision of each Place Type.

Rationale of Recommended Action

The recommended amendment is consistent with the Provincial Policy Statement, 2020, as it supports transit-supportive development and intensification in close proximity to existing or planned transit corridors or stations.

The recommended amendment conforms with the *Planning Act*, as it addresses the requirements set out in the legislation for PMTSAs, such as a minimum number of residents and jobs per hectare, permitted uses, and minimum densities.

The recommended amendment is supportive of the policies in the London Plan, particularly those for the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

The recommended amendment will support the implementation of the higher order transit system and Council's approved city structure by directing more intensity and mix of uses close to the approved higher order transit stations in the 2019 Rapid Transit Environmental Project Report.

Analysis

1.0 Background

1.1 What are Protected Major Transit Station Areas?

Protected Major Transit Station Areas (PMTSAs) are defined as the areas “surrounding and including an existing or planned higher order transit station or stops” in the *Planning Act* (S. 16 (15)). PMTSAs are intended to accommodate increased residential and employment growth with highly urban, mixed-use, transit-supportive forms of development. It is proposed that PMTSAs will align with the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

The Downtown, Transit Village, and Rapid Transit Corridor Place Types are envisioned as higher density, mixed-use, and transit-oriented communities that are centrally located around higher order transit stations approved in the 2019 Rapid Transit Environmental Project Report. Identifying these Place Types as PMTSAs in the London Plan will assist in implementing the City Structure Plan and will allow for the future consideration of Inclusionary Zoning to create affordable housing units in London.

1.2 Draft Protected Major Transit Station Areas policies

On August 10, 2020, an information report with draft PMTSA policies was presented to the Planning and Environment Committee which recommended the policies be circulated for public input. Council adopted the recommendations on its August 25, 2020.

The policies include a definition of PMTSAs in the London context and a new policy to the Our City chapter to identify the role of PMTSAs in the City Structure Plan. In addition, each of the Downtown, Transit Village, and Rapid Transit Corridor Place Types includes 5 policies (Policies A to F).

- Policy A identifies that PMTSAs align with the Downtown, Transit Village, and Rapid Transit Corridor Place Type boundaries.
- Policy B identifies a targeted number of residents and jobs combined per hectare for each Place Type. The targets are to function as a long-term goal of each Place Type, not a minimum requirement that need to be meet in every development.
- Policy C specifies the minimum and maximum building heights that are taken from the existing height framework. The maximum heights align with what may be permitted under bonusing (Type 2 Bonus Zoning).
- Policy D provides direction on minimum densities, including a floor area ratio, as a minimum requirement for individual development within each Place Type unless a lower density is required in accordance with other London Plan policies.
- Policy E identifies permitted uses within each Place Type which are identical to the existing permitted use policies.
- Policy F indicates that development within each Place Type continues to apply to other London Plan policies.

Several changes to Figure 5 reflect the approved higher order transit routes and the Downtown, Transit Village and Rapid Transit Corridor Place Type boundaries, while a new Map (Map 10) shows PMTSAs that align with these Place Type boundaries on a larger scale.

The policies were posted on a Get Involved website for public review and comments on the policies, while staff conducted a stakeholder consultation on October 22, 2020 to discuss on the policies. Further details of these consultations can be found in Section 4.0 of this report.

2.0 Purposes of Protected Major Transit Station Areas

2.1 Growth Management and Intensification

PMTSAs will support growth management policies of the London Plan by providing additional policy directions that support the vision of the London Plan to grow “inward and upward”. While there are more than 200 residents and jobs per hectare within the Downtown, all of the Transit Villages and Rapid Transit Corridors are currently below 100 to 160 residents and jobs per hectare, which is the suggested minimum density to support rapid transit service under the Province’s Transit-Supportive Guidelines. This amendment will encourage transit-supportive development and intensification concentrated in proximity to higher order transit stations, especially within the Transit Villages and Rapid Transit Corridor Place Types.

The *Planning Act* requires that PMTSA policies include minimum densities and targets for the minimum residents and jobs per hectare. These new policies in the London Plan will help to ensure that development is compatible with the vision of the Downtown, Transit Village, and Rapid Transit Corridor Place Types. This will also help to minimize future land use conflicts between sites with different densities.

2.2 Inclusionary Zoning

Identifying PMTSAs will allow for consideration of Inclusionary Zoning to provide affordable housing units in these parts of the City. Inclusionary Zoning is a planning tool available in the *Planning Act* to require developers to include affordable housing units within their development projects. It allows municipalities to require a certain amount of units or a certain gross floor area within residential development be set aside as affordable and maintained as affordable for a set period of time.

Inclusionary Zoning can only apply to residential developments of 10 or more units within PMTSAs and areas that are subject to a Community Planning Permit System (CPPS). The proposed policies for PMTSAs support higher density residential development that can support the creation of affordable units through Inclusionary Zoning. In addition, the *Planning Act* and Ontario Regulation 232/18 allow municipalities to specify requirements and standards, including types and sizes of affordable housing units, affordability depth, tenure of affordable units, and financial measures and incentives, as well as offsite unit circumstances and conditions, in their official plans and zoning by-laws. Monitoring is mandatory to ensure that the required affordable units are maintained for the required period of time.

Bill 108, the *More Homes, More Choice Act*, 2019, removed density bonusing from Section 37 of the *Planning Act* and eliminated municipalities’ ability to create affordable housing in exchange for increased density or height that applies municipality-wide. Given the legislative changes, Inclusionary Zoning represents an alternative way of securing affordable housing through the development process.

Inclusionary Zoning has been identified in the Affordable Housing Development Toolkit and is on the City Planning work plan and Council’s Strategic Plan to be considered in support of the development of affordable housing. Inclusionary Zoning cannot be adopted unless PMTSAs or areas that are subject to CPPS are identified and approved in an official plan. Since there is no CPPS currently in force in London, Inclusionary Zoning requires Council approval of PMTSAs to create the opportunity for the implementation of Inclusionary Zoning through a future Official Plan amendment and subsequent zoning by-law amendment.

2.3 The London Plan Appeals

PMTSA policies may not be appealed to the Local Planning Appeal Tribunal (LPAT). The policies, which include permitted uses, minimum densities, and minimum numbers of residents and jobs per hectare, as required in accordance with section 16 (15) of the *Planning Act*, will come into force upon Council’s approval. The only possible exception to the appeal restriction is an appeal with respect to a maximum building height, but only where the maximum building height would not result in a building that would not

satisfy the minimum density authorized for that parcel. Such an appeal is not possible to these policies given the permitted level of intensity.

Portions of the Downtown, Transit Village, and Rapid Transit Corridor Place Type polices and the Place Type map (Map 1) are currently not in force and effect due to appeals to the LPAT. An order made by the LPAT on October 23, 2020 brought this map partially into force, including the Rapid Transit Corridor Place Type. The Downtown and Transit Village Place Type designations are currently under appeal.

The recommended amendment will bring policies with respect to permitted uses and height requirements into force upon Council's approval for these areas. The amendment will, therefore, allow some aspects of these Place Types that support transit-oriented development to be implemented and their areas defined.

2.4 Climate Emergency

PMTSAs will support efforts to address the Climate Emergency that Council declared on April 23, 2019, by supporting intensification in areas that are planned for higher order transit. This will promote more intense and efficient use of existing urban lands and support the City's commitment to reduce greenhouse gas emissions from automobile use.

3.0 Policy Context

3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020, introduces new direction on transit-supportive development and promotes a clear relationship between land use and transit, with policies that emphasize land use patterns, density, and a mix of uses to support current and future use of transit and active transportation (1.6.7.4). In the PPS, transit-supportive means development that makes transit viable, optimizes investments in transit infrastructure and improves the quality of the experience of using transit, and often refers to compact, mixed-use development that has a high level of employment and residential density in proximity to transit stations, corridors and associated elements within the transportation system.

The PPS provides that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs (1.1.1.b), and promoting the integration of land use planning, growth management, transit-supportive development and intensification to achieve cost-effective development patterns and optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1.e). Land use patterns within settlement areas shall be based on densities and a mix of land uses, which support active transportation (1.1.3.2.e) and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2.f).

The PPS requires planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification, to accommodate projected needs (1.1.3.3). The PPS directs planning authorities to promote densities for new housing which efficiently use land and infrastructure and support the use of active transportation and transit in areas where it exists or is to be developed (1.4.3.d). Planning authorities also require transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (1.4.3.e). The recommended amendment considers PMTSAs as appropriate locations for transit-supportive development and intensification, given their proximity to planned higher order transit.

The PPS identifies the relationship between climate change and transit-supportive development and promotes a compact form and city structure with nodes and corridors, which improves the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (1.8.1). The amendment encourages mixed-use development in order to help to address the climate emergency.

The recommended amendment is consistent with the PPS and supports the implementation of these policies.

3.2 Planning Act

The *Planning Act* identifies that an official plan may include policies that identify the area surrounding and including an existing or planned higher order transit station or stop as a protected major transit station and that delineate the area's boundaries in accordance with section 16 (15). The *Planning Act* defines higher order transit as transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail and buses.

Under section 16 (15), where a municipality identifies a PMTSA in its official plan, the official plan must contain policies that:

- a) Identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;
- b) Identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and
- c) Identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.

The recommended amendment is consistent with the *Planning Act* and addresses the requirements set out in Section 16 (15).

3.3 The London Plan

The London Plan policies under appeal to the Local Planning Appeal Tribunal (appeal PL170100) and not in force and effect are indicated with an asterisk (*) in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this amendment.

The London Plan provides Key Directions, each of which presents a list of planning strategies to help the City effectively achieve its vision. Key Direction #6 places a new emphasis on creating attractive mobility choices by creating active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities (60_1); establishing a high-quality rapid transit system and strategically using it to create an incentive for development along rapid transit corridors and at transit villages and stations (60_3); focusing intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling (60_5); and requiring, promoting, and encouraging transit-oriented development forms (60_6).

Key Direction #5 provides direction on building a mixed-use compact city by implementing a city structure plan that focuses high-intensity, mixed-use development to strategic locations – along rapid transit corridors and within the Primary Transit Area (59_1). The City Structure Plan informs policies of the London Plan by illustrating the desired future shape of London over the next 20 years within five frameworks. The frameworks consist of the growth framework, the mobility framework, the green framework, the economic framework, and the community framework, and work together to implement the Plan.

The growth framework of the City Structure Plan establishes a plan for shaping growth over the next 20 years. The most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors, where they can be most effective in meeting multiple of objectives of the London Plan (86*). This framework identifies that the Downtown and the Transit Villages are intended to allow for intense, mixed-use neighbourhoods and business areas with centrally located rapid transit stations. They are planned to help to make rapid transit viable in London, with a high degree of pedestrian amenity making them great places in which to live, shop, work, and play (95). Development along the Rapid Transit Corridors will be of an intensity that will support rapid transit ridership, without detracting from the highest intensity of development that is to be directed to the Downtown and the Transit Villages

(96*). This framework also directs development along the planned rapid transit corridors to establish a world-class, mid-sized Downtown that is well connected to the rest of London (98_1), support intense forms of mixed-use development in the Transit Villages (98_2), and create abundant opportunities for growth and development in the Transit Villages and Rapid Transit Corridors (98_5).

The economic framework of the City Structure Plan establishes a high-level plan for key elements of the City that will drive our economic success (126). This framework identifies that the Downtown, Transit Villages, and Rapid Transit Corridors are planned to be economic engines for commerce, employment, and economic growth by highly supporting small, medium and large-scale businesses with high-quality walking, cycling and transit environments (127). The amendment allows for opportunities for businesses that accessible to the approved higher order transit service.

The mobility framework of the City Structure Plan includes policies for moving people, goods and services throughout the City (100*). This framework focuses on the higher order transit corridors, which represent the spine of London's mobility network and connect the Downtown to neighbourhoods, institutions and other employment nodes, centres of culture and commerce (101*).

While the City Structure Plan sets the framework upon which the City is planned to growth in the future, the City Building policies of the London Plan provide direction for how the City will grow (185, 186). The policies provide direction with respect to *Mobility* to accommodate attractive mobility choice, such as transit usage, walking, and cycling. The policies direct the City to design and build mobility infrastructure by utilizing rapid transit services to strategically promote and stimulate intensification and support the growth management policies (313_3). The policies also provide that the areas surrounding transit stations will have a high standard for design to support mobility choices and the built form will be transit-oriented consistent with the applicable place type (345).

3.3.1 Downtown Place Type

The Downtown is envisioned as the hub of mobility in the City, serving as the City's primary station for rapid transit, regional bus, rail, and future high speed rail (799_17). The Downtown will be the most highly connected location in the entire City, and will offer the City's premier pedestrian experience (796).

The Downtown is the highest-order mixed-use activity centre in the City (798, 800*) and allows for the broadest range of uses and the most intense forms of development in the City, within highly urban, transit-oriented environments (789_1). The London Plan directs major government buildings, hotels, convention centres, and large entertainment and cultural facilities in the Downtown (799_15). In addition, the Downtown allows for a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses, as well as mixed-use buildings (800_1*, 2*). The proposed policies for the Downtown PMTSA align with the uses currently permitted in the Downtown.

The Downtown also allows for the greatest level of intensity (95), by permitting the tallest buildings up to 35 storeys through bonusing and the highest densities in the City (802_1*). Furthermore, the London Plan provides that large-scale office developments are directed to the Downtown to prevent the deterioration of the Downtown office market (799_14). The proposed policies are in line with the provisions that intensify non-residential development in the Downtown.

3.3.2 Transit Village Place Type

Second only to the Downtown in terms of the mix of uses and intensity of development that is permitted, Transit Villages are major mixed-use destinations with centrally located rapid transit stations that will form focal points to the Transit Villages (807). The Transit Villages will be occupied by extensive retail and commercial services and will allow for substantial office spaces, as well as entertainment and recreational services, with a pedestrian-oriented form of development that connects to the transit station (806). The permitted uses within the Transit Villages include a broad range of

residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses, and mixed-used buildings (811_1, 2), consistent with the proposed policies for the Transit Village PMTSAs.

The Transit Villages have opportunities for significant infill, redevelopment and an overall more efficient use and built form to support the transit system and create an environment that places the pedestrian and transit user first (809). The vision of the Place Type includes planning and budgeting for rapid transit services and locating transit stations at strategic central locations within the Transit Villages (810_1); planning for intense, mixed-use development around transit stations within the Transit Villages (810_2); transitioning height and intensity between transit stations and surrounding neighbourhoods (810_3); requiring transit-oriented development forms (810_4); and planning for retail and service commercial uses, plaza spaces and attractive outdoor seating areas, accessible to the public, located adjacent to transit stations (810_7).

The Transit Villages are intended to support the rapid transit system, by providing a higher density of people living, working, and shopping in close proximity to high-quality transit service (808). The maximum building heights of 22 storeys through bonusing is permitted within the Transit Villages (813_1*). The recommended amendment supports a broad range and mix of uses and intensity in proximity to transit station within the Transit Villages.

3.3.3 Rapid Transit Corridor Place Type

The London Plan envisions the Rapid Transit Corridor Place Type to be vibrant, mixed-use, mid-rise communities that border the length of our rapid transit services (826). The role of the Rapid Transit Corridor Place Type is to offer great opportunities for people to live and work close to high-order transit to give them attractive mobility choices (829*). The Rapid Transit Corridors will also encourage infill and intensification, minimize outward expansion, allow for mixed-use development, and provide positive opportunities for mid-rise and high-rise development (97).

Similar to the Transit Villages, the Rapid Transit Corridors focus on planning and budgeting for rapid transit services along the Corridors and locating transit stations within highly urban forms at strategic locations (830_1*) and require transit-oriented and pedestrian-oriented development forms along the corridors (830_7*).

The London Plan contemplates greater intensity and height of development in close proximity to transit stations within the Rapid Transit Corridors to support transit usage and provide convenient transportation for larger numbers of residents (827*, 830_5*). Furthermore, greater residential intensity may be permitted on sites that are located within 100 metres of a rapid transit station (840_6*). While the maximum height of 12 storeys is permitted through Type 2 Bonus within the Rapid Transit Corridors, the corridors allows for up to 16 storeys within 100 metres of rapid transit stations (Table 9*). The proposed policies for Rapid Transit Corridor PMTSAs direct greater intensity in close to higher order transit stations, in keeping with the Table.

The Rapid Transit Corridors also allow for a wide range of permitted uses, including a mix of residential uses, close to transit stations to establish demand for rapid transit services (830_4*, 5*). A range of residential, retail, service, office, cultural, recreational, and institutional uses and mixed-use buildings may be permitted within the Rapid Transit Corridor Place Type unless otherwise identified by the Specific-Segment policies (837_1*, 2*).

Within the Rapid Transit Corridors, the range of uses, intensity and form of development vary by segment (826, 829*). The London Plan identifies three specific segments – Main Street, Preservation, and Transitional Segments – provides their context-specific goals and further policy guidance. The proposed policies for Rapid Transit Corridor PMTSAs align with the general policies of the Place Type to ensure flexibility for the segments.

4.0 Public and Stakeholder Consultations

Following the presentation to the PEC on August 10, 2020, the Get Involved website was set up to provide opportunity for the public to review the proposal and provide comments on the draft policies. The website provides a brief summary of the proposal, answers to Frequently Asked Questions, and supportive documents, including the August 10, 2020 PEC Information Report.

On September 3, 2020, staff circulated a notice of application informing of the Get Involved site and the draft policies to stakeholders and interested persons who has requested to be notified. Responses received include requests for further information of the proposal and the draft policies and clarification on several issues, such as the higher order transit routes and the 500 to 800 metre radius distance criteria. There were also several concerns, especially those regarding the North transit routes along Richmond Street and intensification within the Old North Richmond Neighbourhood where lower densities are required, and these concerns have been addressed. The responses are summarized in Appendix C.

A stakeholder raised several questions and requested to discuss on the draft policies with staff. Staff conducted a virtual online consultation with stakeholders from the development industry on October 22, 2020. Feedback received includes concerns and questions with respect to the followings:

- Inclusionary Zoning implication
- Flexibility on heights
- Distance criteria of a 500 to 800 metre radius
- Exemptions from PMTSA policies, especially for those for Rapid Transit Corridor Place Type that has Specific Segments (e.g. Preservation Segment)
- Duplications of the existing Place Type policies (permitted uses)
- Parking restrictions in the Downtown Place Type
- Implication of the shift in workplace driven by the COVID pandemic on minimum densities

These concerns were all addressed in the meeting. Feedback received were considered to revise the policies that should be forwarded for Council's consideration.

5.0 Recommended PMTSA policies

The recommended PMTSA policies remain very similar to the draft policies presented at the August 10, 2020 PEC meeting, with only minor changes required in response to feedback received through the department and agency circulation and public engagement. The recommended policies are attached in Appendix E.

5.1 Policies for the Our City and Our Tools Parts of the London Plan

A new policy to the Our City chapter of the London Plan is to introduce PMTSAs as an importance piece of the City Structure Plan. Figure 5 shows the Downtown, Transit Villages and Rapid Transit Corridor Place Types in alignment with the higher order transit routes approved in the 2019 Rapid Transit Environmental Project Report.

A definition of PMTSAs in the Our Tools chapter is to define PMTSAs in the London Plan context. A new policy has been added to the chapter to describe the new Map 10 – Protected Major Transit Station Areas, which supports visual understanding of PMTSA boundaries that align with the Downtown, Transit Village and Rapid Transit Corridor Place Types. Map 1 – Place Type has been appealed to the LPAT, however, Map 1 is now partially in force and partially under appeal following a decision on this Map made by the LPAT on October 23, 2020. The Rapid Transit Corridor Place Type designation, including two changes on Richmond Street and Dundas Street, is in force in its entirety. Map 10 shows the changes that are indicated in the draft Map 10 and remains unchanged.

5.2 Place Type Policies

Policies A to F are recommended to be added to the Downtown, Transit Village, and Rapid Transit Corridor Place Types to maintain and support the intent of these Place Types in the London Plan, while incorporating the requirements of the *Planning Act*. These new policies provide for further direction on development within each Place Type.

5.2.1 Defining PMTSAs

Policy A identifies the Downtown, Transit Village, and Rapid Transit Corridor Place Types as PMTSAs, which are shown on Map 10.

5.2.2 Planned Residents and Jobs Combined Per Hectare

Policy B identifies a targeted number of residents and jobs combined per hectare for each Place Type, as required in Section 16(15)(a) of the *Planning Act*. A targeted number represents a long-term goal of each Place Type at ultimate build-out. The targeted numbers are consistent with the minimum density targets for rapid transit, ranging from 100 to 160 residents and jobs per hectare or 45 to 72 units per hectare, suggested in the Transit-Supportive Guidelines. These numbers apply to the whole PMTSA and are not minimum requirements that need to be met in every development.

5.2.3 Minimum and Maximum Building Heights

Policy C specifies the minimum and maximum building heights to achieve a targeted number of residents and jobs per hectare within each Place Type. The minimum heights are taken from the existing heights permitted in each Place Type, while the maximum heights are in line with the maximum heights permitted through Type 2 Bonus Zoning to accommodate intensification in PMTSAs.

The recommended minimum heights are 3 storeys or 9 metres in the Downtown PMTSA and 2 storeys or 8 metres in both the Transit Village PMTSAs and the Rapid Transit Corridor PMTSAs.

The recommended maximum heights are 35 storeys in the Downtown PMTSA, 22 storeys in the Transit Village PMTSAs, and 12 storeys, except within 100 metres of a higher order transit station where the maximum height is 16 storeys, in the Rapid Transit Corridor PMTSAs.

5.2.4 Minimum Density

In accordance with Section 16(15)(c) of the *Planning Act*, policy D, including a floor area ratio, provides further direction to support future residential and employment growth in each Place Type. Floor area ratio is the ratio of a building's total floor area to the size of the lot on which the building is built. Unlike the targeted residents and jobs per hectare (policy B), the minimum densities will function as a minimum requirement for individual development unless a lower density is required to comply with another policy direction of the London Plan. The function of the minimum densities is to prevent development that is incompatible with the planned level of intensification for the area.

The recommended minimum densities in these Place Types fall within the range of 45 to 72 units per hectare, which is the minimum density targets for rapid transit as suggested in the Transit-Supportive Guidelines. These minimum densities include 60 units per hectare in the Downtown PMTSA and 45 units per hectare in both the Transit Village PMTSAs and the Rapid Transit Corridor PMTSAs.

The recommended floor area ratios for non-residential use are 0.6 in the Downtown PMTSA and 0.5 in both the Transit Village PMTSAs and Rapid Transit Corridor PMTSAs.

It should be noted that there may be some instance where the minimum density cannot be achieved on a given site due to other factors or policies that direct growth. For example, a site with identified heritage resources may be constrained in the level of intensification that would be appropriate, or a site with an identified hazard may not be suitable for any intensification at all. Policy F, which is described below, ensures that other factors are considered that may prevail over this policy direction to achieve a minimum density.

5.2.5 Permitted Uses

Policy E identifies permitted uses within each Place Type to accommodate an appropriate range and mix of land uses, as per Section 16(15)(b) of the *Planning Act*. This policy for each Place Type has been simplified from the draft policies presented to this committee in August. Rather than duplicating the entire permitted uses policies from the Place Types, this recommended policy briefly lists the types of uses permitted and describes that mixed-use buildings are encouraged.

5.2.6 Development Subject to Other Policies of The London Plan

Policy F is intended to ensure that development within each Place Type works with and supports other policies of the London Plan. It is the intent that these policies support the vision of each Place Type and do not overrule other policies. Minor changes to policy F for each Place Type have been made to the draft policies to further clarify that development is also subject to specific area policies. In addition to specific area policies, specific segment policies continue to apply to the Rapid Transit Corridor Place Type PMTSAs.

6.0 Conclusion

The recommended amendment to the London Plan will support the implementation of the higher order transit system and the City Structure Plan. The recommended PMTSA policies have considered the feedback that has been received through the consultations and provide additional direction on development around the higher order transit stations.

The amendment is consistent with the Provincial Policy Statement, 2020 and conforms with the *Planning Act*. The amendment is supportive of the London Plan, including the visions for the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

The Council-adopted amendment will be forwarded to the Ministry of Municipal Affairs and Housing for approval.

Prepared by:	Joanne Lee Planner I, Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

November 23, 2020
JL/jl

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016 relating to Protected Major Transit Station Areas (PMTSAs).

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

**AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add policies in the Our City, Our Tools, Downtown Place Type, Transit Village Place Type, and Rapid Transit Corridor Place Type chapters of The London Plan for the City of London to identify and implement Protected Major Transit Station Areas.
2. To add a new Map, Map 10 – Protected Major Transit Station Areas, to The London Plan for the City of London.
3. To amend Figure 5 in The London Plan for the City of London to reflect the rapid transit routes as approved in the Rapid Transit Environmental Project Report and recommended changes to Rapid Transit Corridor Place Type on Richmond Street and Dundas Street.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands within the Downtown, Transit Village, and Rapid Transit Corridor Place Types in the City of London.

C. BASIS OF THE AMENDMENT

Protected Major Transit Station Areas (PMTSAs) are defined as the areas “surrounding and including an existing or planned higher order transit station or stops” in the *Planning Act*. PMTSAs are intended to accommodate increased residential and employment growth with highly urban, mixed-use, transit-supportive forms of development.

The requested amendment to the London Plan is to identify PMTSAs that align with the Downtown, Transit Village and Rapid Transit Corridor Place Types and create a policy framework for these areas in the London Plan.

The recommended amendment will support the implementation of the higher order transit system and the City Structure Plan, and will promote development that is compatible with the vision of each Place Type.

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

The London Plan is hereby amended as follows:

1. Policy 97A with regard to Protected Major Transit Station Areas is added to The London Plan for the City of London.

97A_ The Downtown, Transit Villages, and Rapid Transit Corridors are identified as Protected Major Transit Station Areas due to their proximity to rapid transit stations, and are shown on Figure 5. The Downtown, Transit Village, and Rapid Transit Corridor Place Type chapters of this Plan provide more detailed policy direction to plan for Protected Major Transit Station Areas.

2. The Downtown Place Type policies of The London Plan for the City of London are amended by adding new policies 803A to 803F as follows:

DOWNTOWN PROTECTED MAJOR TRANSIT STATION AREA

803A_ The Downtown is identified as a Protected Major Transit Station Area, as shown on Map 10.

803B_ The Downtown Protected Major Transit Station Area will be planned to achieve a minimum number of 280 residents and jobs combined per hectare.

803C_ Within the Downtown Protected Major Transit Station Area, the minimum building height is three storeys or nine metres and the maximum building height is 35 storeys.

803D_ Within the Downtown Protected Major Transit Station Area, the minimum density is 60 units per hectare for residential uses or a floor area ratio of 0.6 for non-residential uses.

803E_ In the Downtown Protected Major Transit Station Area, a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted. Mixed-use buildings will be encouraged.

803F_ Development within the Downtown Protected Major Transit Station Area will conform with all other policies of the London Plan including the Downtown Place Type and any Specific Area Policies.

3. The Transit Village Place Type policies of The London Plan for the City of London are amended by adding new policies 815A to 815F as follows:

TRANSIT VILLAGE PROTECTED MAJOR TRANSIT STATION AREAS

815A_ All Transit Villages are identified as Protected Major Transit Station Areas, as shown on Map 10.

815B_ Each Transit Village Protected Major Transit Station Area will be planned to achieve a minimum number of 150 residents and jobs combined per hectare.

815C_ Within the Transit Village Protected Major Transit Station Areas, the minimum building height is either two storeys or eight metres and the maximum building height is 22 storeys.

815D_ Within the Transit Village Protected Major Transit Station Areas, the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.

815E_ In the Transit Village Protected Major Transit Station Areas, a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses may be permitted. Mixed-use buildings will be encouraged.

815F_ Development within the Transit Village Protected Major Transit Station Areas will conform with all other policies of the London Plan including the Transit Village Place Type and any Specific Area Policies.

4. The Rapid Transit Corridor Place Type policies of The London Plan for the City of London are amended by adding new policies 860A to 860F as follows:

RAPID TRANSIT CORRIDOR PROTECTED MAJOR TRANSIT STATION AREAS

860A_ Rapid Transit Corridors are identified as Protected Major Transit Station Areas, as shown on Map 10.

860B_ Each Rapid Transit Corridor Protected Major Transit Station Area will be planned to achieve a minimum number of 120 residents and jobs combined per hectare.

860C_ Within the Rapid Transit Corridor Protected Major Transit Station Areas, the minimum building height is two storeys or eight metres and the maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station.

860D_ Within the Rapid Transit Corridor Protected Major Transit Station Areas, the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.

860E_ In the Rapid Transit Corridor Protected Major Transit Station Areas, a range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted. Mixed-use buildings will be encouraged.

860F_ Development within the Rapid Transit Corridor Protected Major Transit Station Areas will conform with all other policies of the London Plan including Rapid Transit Corridor Place Type and any Specific Segment or Specific Area Polices.

5. Our Tools of The London Plan for the City of London is amended by adding Policy 1787A as follows:

MAP 10 – PROTECTED MAJOR TRANSIT STATION AREAS

1787A_ This map shows the designated Protected Major Transit Station Areas within the City.

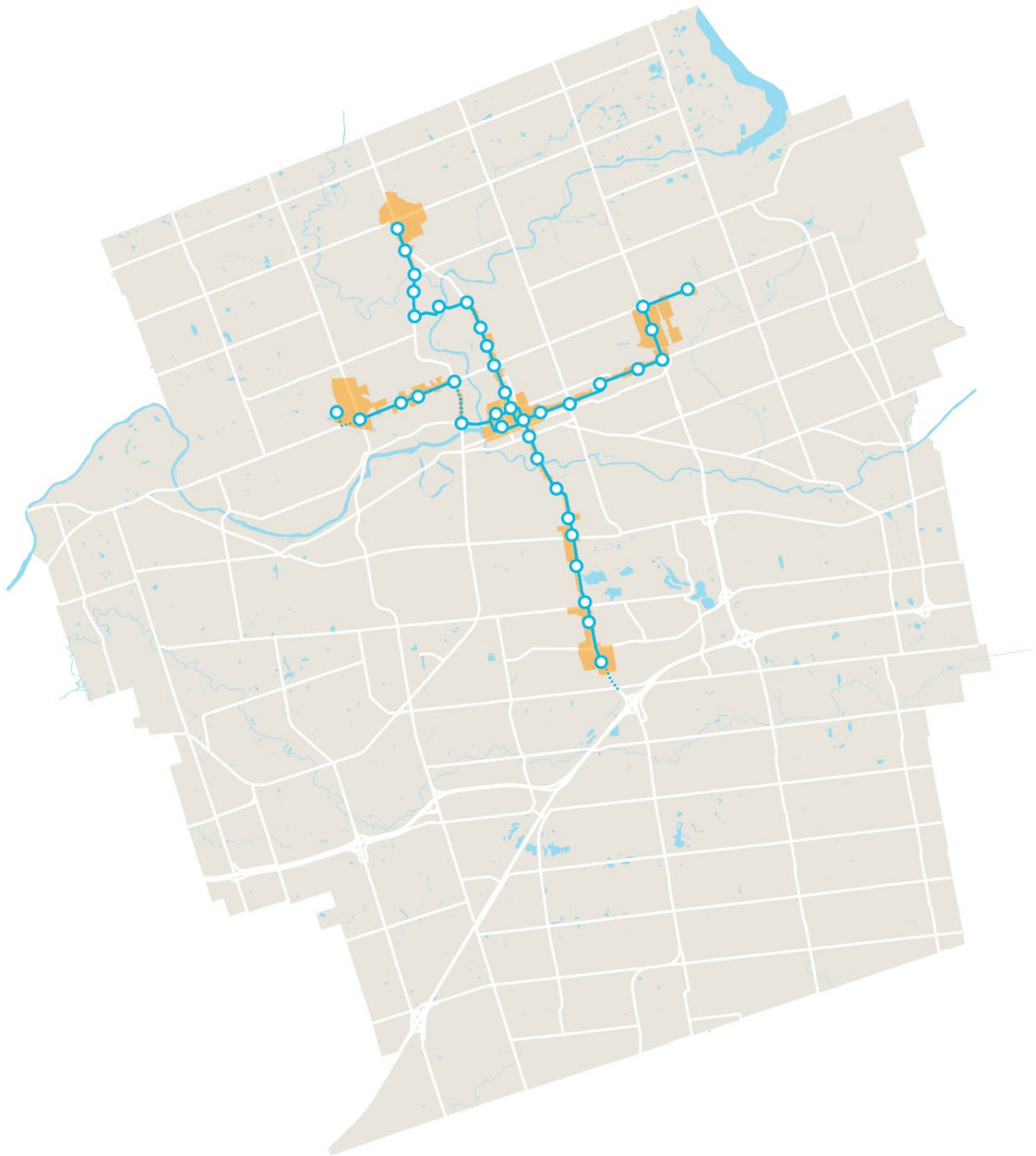
6. Policy 1795 – Our Tools of The London Plan for the City of London is amended by adding a new definition as follows:

Protected Major Transit Station Area means the area surrounding and including an existing and planned higher order transit (e.g. rapid transit) station or stop. The Downtown, Transit Village, and Rapid Transit Corridor Place Types are focused around rapid transit routes and are identified as Protected Major Transit Station Areas.

7. Figure 5 of The London Plan for the City of London is amended by adding Protected Major Transit Station Areas and changing the higher order transit routes as currently depicted to align with the approved Rapid Transit Environmental Project Report, as indicated on “Schedule 1” attached hereto.

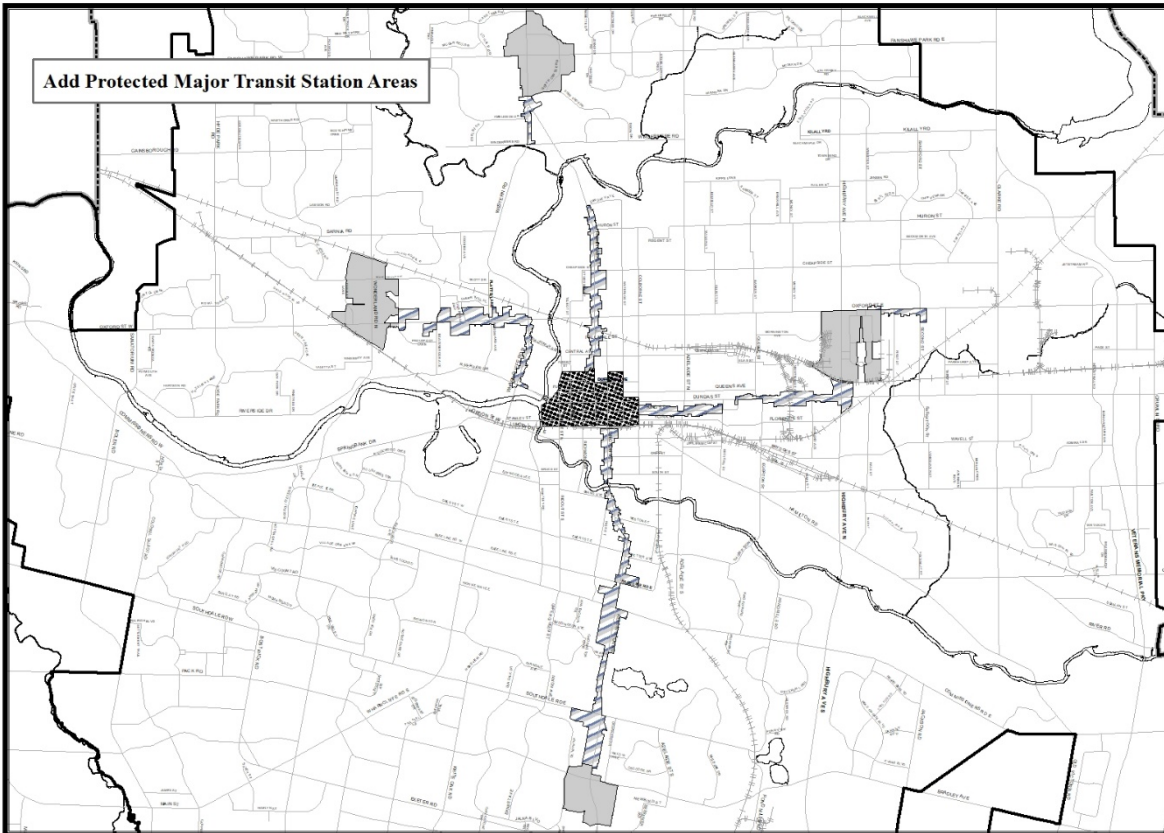
8. Map 10 – Protected Major Transit Station Areas, is added to The London Plan for the City of London Planning Area to indicate Protected Major Transit Station Areas, as indicated on “Schedule 2” attached hereto.

Schedule 1






Schedule 2





AMENDMENT NO:



LEGEND

-  Downtown Protected Major Transit Station Area
-  Rapid Transit Corridor Protected Major Transit Station Area
-  Transit Village Protected Major Transit Station Area

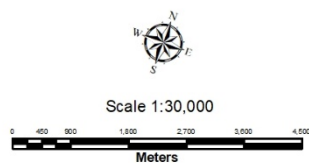
BASE MAP FEATURES

-  Streets (See Map 3)
-  Railways
-  Urban Growth Boundary
-  Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 10 - Protected Major Transit Areas of the London Plan, with added notations.

**SCHEDULE A
TO
THE LONDON PLAN**
AMENDMENT NO. _____

PREPARED BY: Planning Services



FILE NUMBER: O-9208

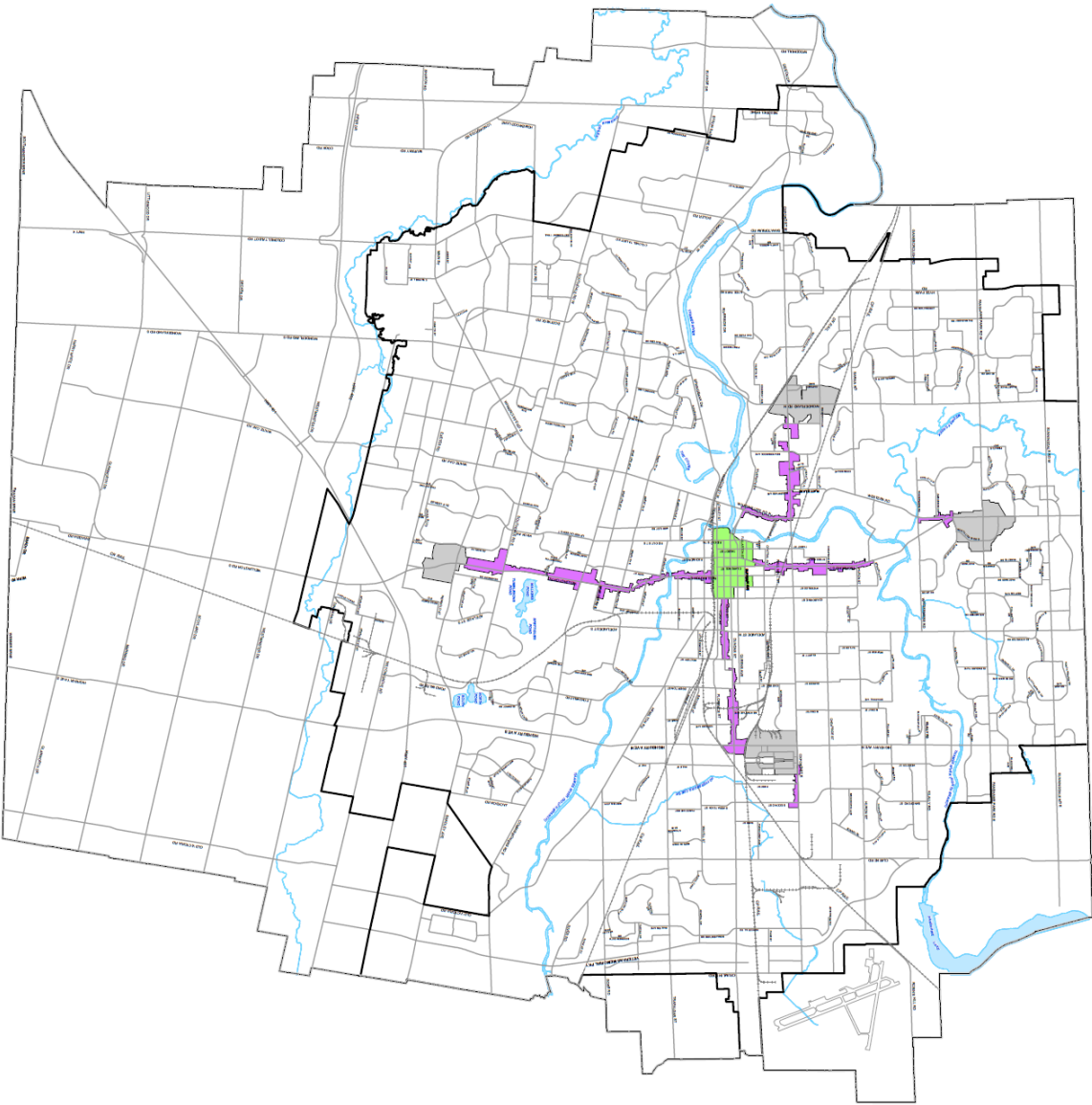
PLANNER: JL

TECHNICIAN: MB

DATE: 11/2/2020

Appendix B – Map 10

MAP 10 - PROTECTED MAJOR TRANSIT STATION AREAS



LEGEND

- Green: Protected Major Transit Station Area
- Purple: Protected Major Transit Station Area
- Grey: Protected Major Transit Station Area
- Blue: Protected Major Transit Station Area

BASE MAP FEATURES

- Orange Line (Map 1)
- Highways
- Urban Street Boundary
- Water Bodies
- Map Contour Lines



LPA _____ approved on (date to be added)

THIS MAP MUST BE READ IN CONJUNCTION WITH THE TEXT OF THE LONDON PLAN

While every effort has been made to ensure that the mapping is accurate, a liability should not be accepted for errors. The City of London, Ontario, 4840 722nd Street, London, Ontario, N6A 7Z2 or by calling (519) 393-1200 extension 4239

Appendix C – Public Engagement

Community Engagement

Public liaison: On May 28, 2020, Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* and circulated to City Planning's official circulation list, including prescribed agencies, as well as advisory committees.

On September 3, 2020, Notice of Application with respect to draft PMTSA policies was published in *The Londoner* and circulated through the circulation list and to interested parties and stakeholders for review and input on the policies. This notice included a Get Involved website link to allow for opportunity for the public to review and provide feedback on the policies.

11 replies were received requesting additional information and clarification about the proposal, and expressing interest to be kept informed.

Nature of Liaison: Possible amendments to *The London Plan*, 2016, to designate Protected Major Transit Station Areas (PMTSAs) and add policies pertaining to building heights and minimum densities for these areas.

PMTSAs are the areas surrounding and including an existing and planned higher order transit station or stop, generally within a 500 to 800 metre radius (a 10-minute walk) of such transit stations. PMTSAs are planned to accommodate increased residential and employment density with highly urban, mixed-use, transit-supportive forms of development. PMTSAs will support the future implementation of rapid transit services in consistency with policies of *The London Plan*.

Possible amendments are to be in accordance with section 16 (15) of the *Planning Act*

Responses: A summary of the various comments received include the following:

Request for more information regarding the proposal and draft policies.

Clarification on changes to the approved higher order transit routes (the North Corridor and West Corridor).

Clarification on the word "protected" in the term "Protected Major Transit Station Areas".

Clarification on the distance criteria of a 500 to 800 metre radius.

Clarification on the Rapid Transit Corridor Place Type boundaries (two minor differences on Richmond Street and Dundas Street)

Consistency with the Provincial Policy Statement, 2020

Concern for:

Intensification along Richmond Street:

Concern regarding higher density development and intensification within the Old North Richmond Street segment that is to be preserved without new mid- or high-rise development.

Consistency with the Provincial Policy Statement, 2020:

Concern regarding potential conflict between the proposed policies which appear to allow for intensification along Oxford Street East and Wharncliffe Road North, as well as on Richmond Street north of Huron Street located within flood plain lands, which is not consistent with the PPS.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
	Cate Grainger Harrison Pensa LLP 450 Talbot Street London, ON N6A 5J6
	Donald Creighton 400 Victoria Street London, ON N5Y 4A9
	Mackenzy Metcalfe University Community Centre, Room 340 London, ON N6A 3K7
	Ben McCauley Zelinka Priamo Ltd. 318 Wellington Road London, ON L6C 4P4
	Harry Froussios Zelinka Priamo Ltd. 318 Wellington Road London, ON L6C 4P4

From: Donald Creighton
Sent: July 7, 2020
To: Lee, Joanne <jolee@london.ca>
Subject: [EXTERNAL] Fw: Planning Amendment - draft
Good Afternoon Joanne:

My understanding through the media is that most of this planning amendment has been withdrawn at this time.

I am opposed to any modifications to the Planning Act that would allow for easy density intensification.

Also, as BRT on the North Route has been voted down by council, I am uncertain as to why it has reappeared as an option.

Would you please keep me informed on planning and transit matters as it relates to the Richmond Street Bus routes. My e-mail can be added to your distribution list.

Sincerely,

Don Creighton

From: Donald Creighton
Sent: September 9, 2020
To: Lee, Joanne <jolee@london.ca>
Subject: [EXTERNAL] London Plan – Amendment – Protected Major Transit Station Areas
Hi Phil:

I hope you are well and safe.

I received the notice of planning application for the Protected Major Transit Station Areas and it has me needing a little clarification.

The way I read it, is that if it goes through, the neighbourhood's ability to question the development choices in a 500-800 metre area of these PMTS areas will be severely curtailed.

My limited understanding of the London Plan is that the area between Oxford and Huron on Richmond is designated to be highly residential with a limited ability for higher intensification. As far as I can see, this is under appeal at LPAT.

If this Planning Amendment goes through, the phrase that has me nervous is "increased density and highly urban." Hypothetically, all of Richmond could be designated for apartment buildings. The backyards are certainly big enough. In fact, that 10-minute walk could have the entire area from Colborne over to Lombardo as multi-unit possibilities.

This seems like over-reaching of authority by City Staff.

As I indicated, a little clarification could help.

All the best.

Don

From: Donald Creighton
Sent: Thursday, September 17, 2020
To: Lee, Joanne <jolee@london.ca>
Cc: Squire, Phill
Subject: [EXTERNAL] Protected Major Transit Station Areas
Good Morning Ms. Lee:

Many thanks for your previous response to my inquiry to Councillor Phil Squire.

The proposed changes to the London Plan raise a number of questions that I would like to have on the public record and I would appreciate having these forwarded to Secretary of the Council Committee (Planning and Environment Committee?) that will be considering the matter.

First off, the North Route of the Bus Rapid Transit Route along Richmond Street was cancelled by Council. Shouldn't the London Plan be changed to reflect this decision by City Council?

I'm not sure what the term "Protected" means in the proposed change. My understanding is that if this amendment is approved and the changes are made to the London Plan, that the neighbourhood's ability to provide public input is limited because of the protected status that has been officially provided to the stations. Is that correct? This requires some clarity. If a planning application comes in and is for intensification, will the public be limited in its ability to oppose or comment on the application? Could you please explain what the term "Protected" will mean for the Old North Neighbourhood?

Further to that, based on Policy 849 of the London Plan, the Old North Neighbourhood is to be protected/preserved. Accordingly, new mid-rise or high rise development is discouraged in the segment of the Richmond corridor between Oxford and Huron Streets. What is the status of those policies? They are in a red box. Are they in effect? Will the new Protected Major Transit Station Policy override the protection policies for Old North?

The Old North Neighbourhood was very clear in their opinions that the BRT was not to go through the Richmond Street corridor between Oxford and Huron. The PMTS proposed amendment appears to be the BRT, but not calling it the BRT - is that correct?

Could you please include me in the notification of any upcoming meetings for this matter and send me the planning report when it has been prepared? Much appreciated.

Many thanks for your time and commitment in these challenging times.

Sincerely,

Don Creighton

Agency/Departmental Comments

London Hydro – September 2, 2020

This site presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. 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.

Upper Thames River Conservation Authority – September 17, 2020 September 17, 2020

City of London - Development Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Joanne Lee (sent via e-mail)

Dear Ms. Lee:

Re: File No. O-9208 Official Plan Amendment - PROTECTED MAJOR TRANSIT STATION AREAS
Applicant: City of London

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 157/06. The application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Board approved policies contained in *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. Finally, UTRCA has provided advisory comments related to policy applicability and to assist with implementation of the *Thames Sydenham Source Protection Plan* under the *Clean Water Act*.

PROPOSAL

The City is proposing to amend the London Plan to add policies for **Protected Major Transit Station Areas** (PMTSAs). PMTSAs are the areas surrounding and including an existing or planned higher order transit station or stop.

PMTSAs are planned to accommodate increased density with highly urban, mixed-use, transit-supportive forms of development. These areas are generally within a 500 to 800 metre radius of such a transit station.

DELEGATED RESPONSIBILITY & STATUTORY ROLE **Provincial Policy Statement 2020**

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the "Provincial One Window Planning System for Natural Hazards" Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the *Planning Act*, are consistent with the

PPS, conform to municipal planning documents, and with the policies in the UTRCA's Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the policies of the UTRCA's Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the *Planning Act* approval process and that a permit application can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

Section 28 Regulations - Ontario Regulation 157/06 Conservation Authorities Act

Developments may require both planning and permitting review by the Conservation Authority. While there is a need to ensure that *Planning Act* applications are coordinated with Section 28 permit applications, these are two distinct processes.

Planning Act applications must meet the tests under the *Planning Act*, Provincial Policy Statement, and the London Plan, whereas Section 28 applications must satisfy the requirements of the *Conservation Authorities Act* and individual CA regulations.

The emphasis is placed on **land use planning first**, which must take into account the same land use constraints that CAs control through their regulations.

The Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation affects what and where a Conservation Authority can regulate. Specifically, this regulation allows the Conservation Authority to:

- 1) Prohibit, regulate or provide permission for development if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.
- 2) Prohibit, regulate or provide permission for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or changing or interfering with a wetland.

As shown on the enclosed mapping, portions of the proposed rapid transit routes/corridor place types and the associated stations including but not limited to West London – a potential Special Policy Area (which has not been approved by the Province) and along Richmond Street are regulated by the UTRCA.

Please be advised that in cases where a discrepancy in the regulation limit mapping occurs, the text of the regulation prevails.

PROVINCIAL POLICY STATEMENT 2020

As indicated in Part IV Vision for Ontario's Land Use Planning System (p. 5) -

It is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Policy 3.0 Protecting Public Health and Safety stipulates that:

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Accordingly, the 2020 PPS includes the following provision for infrastructure –

1.6.4 Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.

The UTRCA had previously expressed concern and continues to advise regarding the potential conflict between the proposed rapid transit policies which appear to allow for intensification in natural hazard lands which is not consistent with the PPS.

In the Spring of 2020, the Province released **Protecting People and Property: Ontario's Flooding Strategy** (MNR 2020). This document is intended to protect people and property and build healthier and safer communities. It sets out the Province's strategy for managing flood risk and incorporates the expert advice provided by Ontario's Special advisor on Flooding Mr. Doug McNeil.

On page 20 it is indicated that "Ontario's Flooding Strategy seeks to enhance Ontario's land use planning framework to ensure municipalities make decisions consistent with provincial policies and that **development, redevelopment and intensification** continues to be directed away from areas where flooding and erosion present unacceptable risks to people, property and the environment."

Provincial guidance regarding dykes is contained in the 'Technical Guide - River & Stream Systems: Flooding Hazard Limit, MNR, 2002'. It is noted that -

'Dams and dykes can reduce flood risk downstream or behind a dyke, but they do not eliminate the risk. The purpose of a dam or dyke is to protect existing development, but not to free up additional land and allow for new development..... Where a dyke has been properly designed and constructed to the flood standard, and a suitable maintenance program is in place, the area behind the dyke can be considered as flood fringe. As such, new development would still be required to be floodproofed to the flood standard..... Construction of these flood control structures may result in an increase in flood levels at the site and along downstream reaches of the river..... Dykes and flood walls are not regarded as permanent flood control structures and the land behind the dykes and flood walls should continue to require protection to the revised (increased) flood standard.'

Additional clarification regarding the current technical guidance is provided from the Province in **Protecting People and Property: Ontario's Flooding Strategy, 2020** as follows –

In recent years, increasing development needed to support a growing population and economy has created pressure on the province and municipalities to adopt a more structural-based approach to flood mitigation. Structural measures for flood mitigation, including regional flood control facilities, berms and flood protection landforms, are seen by some as representing opportunities to either 'protect' existing communities from flooding, or to open up new development opportunities in previously identified hazardous lands. The province has not supported shifting policy in this direction for a number of established reasons. Existing policies do not support using structural approaches to flood mitigation to open new areas for development. Structural measures are costlier to build and maintain, are not resilient to climate change and present increased residual risks to people and property if these structures fail. Berms, dykes, flood protection landforms and other structural measures can be overtopped, making flooding worse and failing to keep people and property out of the floodplain, often inspiring a false sense of security, thereby encouraging further development in hazardous areas.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (PPS, 2020)*.

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on Planning Act applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards and in Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. Prevention is achieved through land use planning and the Conservation Authority's regulations with respect to site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. Consistent with the PPS, the Conservation Authority also does not support the fragmentation of hazard lands through lot creation.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

3.2.3.3 Special Policy Areas

The City of London and the UTRCA have adopted interim policies to deal with proposed land use changes and development in potential SPAs. At the present time, the West London SPA has not been approved by the Province.

The interim policies for Special Policy Areas include:

- i. intensification of use either through the creation of lots or through zoning is not permitted;
- ii. new basements are not permitted;
- iii. the conversion of a non-residential use to a residential use is not permitted;
- iv. conversion of residential uses to commercial uses is encouraged; and
- v. specific construction requirements including maximizing floodproofing are implemented through the Authority's Section 28 Permit process.

Policy 1449 and 1464-1469 of the London Plan presents the provisions for Special Policy Areas as follows:

1449 Within the flood plain, there are some areas of well-established development where additional development would not normally be permitted due to flood plain restrictions. Application may be made to the provincial government for the approval of a "special policy area" status to permit controlled development in these areas, as exceptions to the normal provincial flood plain policies, subject to specific policies. Special policy areas are identified on Map 6.

1466_ Areas of the city which may be considered for special policy area status include portions of West London immediately west of the Thames River, and the Ada Street area. Other proposed special policy areas, as may be determined by City Council and the appropriate conservation authority, will be incorporated into this Plan by amendment. Existing and potential special policy areas are identified on Map 6.

*1467_ On application for a special policy area status, City Council may, in conjunction with the appropriate conservation authority and other relevant agencies or provincial ministries, undertake studies to identify development control regulations and floodproofing measures that may allow for **limited development** in the special policy area in conformity with applicable policies of this Plan, and in accordance with provincial policies.*

3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

3.2.6 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference surrounding a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no impact on the hydrological function of the wetland feature and no potential hazard impact on the development.

ADVISORY COMMENTS

Clean Water Act

Portions of the Rapid Transit Corridor and the associated stations are located within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

UTRCA COMMENTS

As indicated and as shown on the enclosed mapping, portions of the Rapid Transit Corridor Place Type/routes and some of the proposed "Protected Major Transit Station Areas" and the associated areas located within 500 to 800 metres of the stations are proposed within regulated natural hazard lands. Clarification is requested by what is meant by the term "protected".

In our comments on the London Plan (September 30, 2015 and June 13, 2016 - enclosed), the UTRCA expressed concern regarding the proposed policies for the Rapid Transit Corridor Place Type and potential Rapid Transit Boulevards within natural hazard lands. These policies allow for greater intensity and height of development near transit stations along proposed routes including but not limited to West London along Oxford Street East and Wharncliffe Road North as well as on Richmond Street north of Huron Street. Portions of both of these routes and the associated stations are located within flood plain lands.

The UTRCA recommends that the City ensure that the proposed policies for the Protected Major Transit Station Areas and the Rapid Transit Corridor Place Type are consistent with Provincial Policy and can be implemented. We would be pleased to meet to discuss the matter.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 253.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY
Tracy Annett, MCIP, RPP
Manager, Environmental Planning & Regulations
TA/CC/cc

Encl.

1. UTRCA Regulation Limit Mapping (please print on legal size paper for accurate scales)
2. UTRCA Comments on the London Plan dated September 30, 2015 and June 13, 2016

c.c. Sent via email-
UTRCA - Brent Verscheure, Land Use Regulations Officer

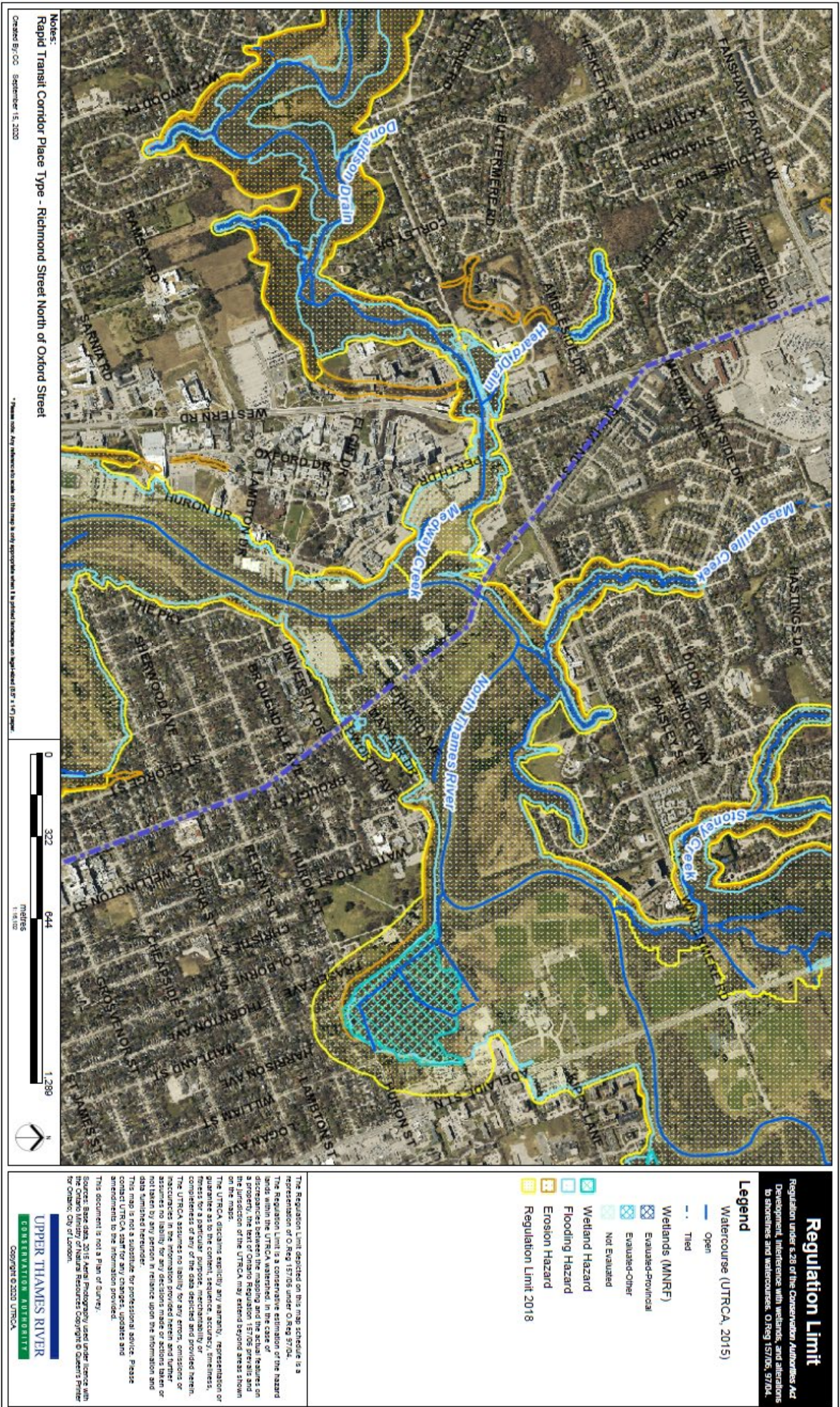


Figure 1. UTRCA Regulation limit mapping: Rapid Transit Corridor Place Type – Richmond Street North of Oxford Street

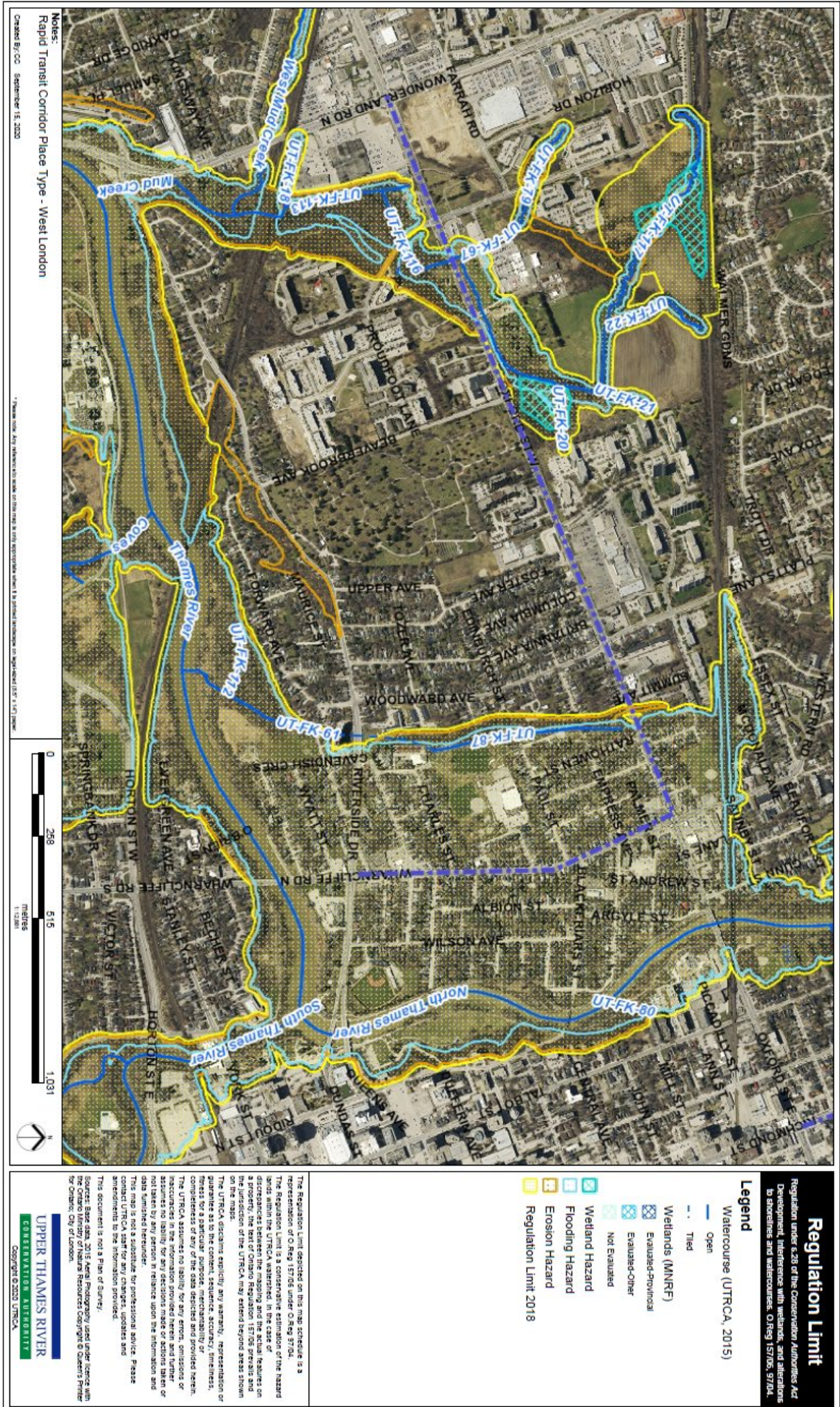


Figure 2. UTRCA Regulation limit mapping: Rapid Transit Corridor Place Type – West London

SWED staff have no SWM related comments to the application.

Development Services – September 21, 2020
No comments from DS.

Appendix D – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

PPS

- 1.1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.3.2 – Land use patterns in settlement areas
- 1.1.3.3 – Appropriate locations for transit-supportive development
- 1.4.3 – Housing
- 1.6.7.4 – Transportation Systems
- 1.8.1 – Energy Conservation, Air Quality and Climate Change

The Planning Act

- 16 (15) – Protected major transit station areas – single-tier municipality

The London Plan

Our Strategy

59 – Direction #5: Build a mixed-use compact city

60– Direction #6: Place a new emphasis on creating attractive mobility choices

Our City

86*

95

96*

97

98

100*

101*

126

127

City Building Policies

185

186

313

345

Place Type Policies

789

Urban Place Types - Downtown

796

798

799

800*

802*

Urban Place Types – Transit Village

806

807

808

809

810

811

813*

Urban Place Types – Rapid Transit and Urban Corridors

826

827*

829*

830*

837*

840*

Table 9*

Note: Policies under appeal are identified in the report with an asterisk (*).

Appendix E – Recommended PMTSA Policies

OUR CITY

Policy	Changes	Rationale/summary of changes
New 97A	97A_ The Downtown, Transit Villages, and Rapid Transit Corridors are identified as Protected Major Transit Station Areas due to their proximity to rapid transit stations, and are shown on Figure 5. The Downtown, Transit Village, and Rapid Transit Corridor Place Type chapters of this Plan provide more detailed policy direction to plan for Protected Major Transit Station Areas.	This policy identifies Protected Major Transit Station Areas in the London Plan that will align with the Downtown, Transit Village, and Rapid Transit Corridor Place Types.
Amended Figure 5	Figure 5 is amended by adding Protected Major Transit Station Areas and changing the rapid transit routes as currently depicted to align with the approved Rapid Transit Environmental Project Report.	Revised Figure 5 indicates Protected Major Transit Station Areas that align with the Downtown, Transit Villages, and Rapid Transit Corridor Place Type boundaries. Figure 5 also reflects the higher order transit system as approved in the Rapid Transit Environmental Project Report. NOTE two minor changes to the Rapid Transit Corridor Place Type boundaries on Richmond Street and Dundas Street are now approved.

DOWNTOWN PLACE TYPE

Policy	Change	Rationale/summary of changes
New 803A	Protected Major Transit Station Area 803A_ The Downtown is identified as a Protected Major Transit Station Area, as shown on Map 10.	This Protected Major Transit Station Area policy aligns with the Downtown Place Type and will promote a transit-supportive, pedestrian-oriented community that accommodates multimodal access to transit stations and supports transit service. A new map (Map 10) indicates the Downtown Protected Major Transit Station Area.
New 803B	803B_ The Downtown Protected Major Transit Station Area will be planned to achieve a minimum number of 280 residents and jobs combined per hectare.	This policy identifies a minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i> . The actual number was 219 residents and jobs per hectare within the Downtown in 2016, and it is forecast to increase to 272 by 2034. 280 residents and jobs per hectare is an appropriate target that will support the character of the

		Downtown as the most intensely developed area.
New 803C	803C_ Within the Downtown Protected Major Transit Station Area the minimum building height is three storeys or nine metres and the maximum building height is 35 storeys.	<p>This policy specifies minimum and maximum building heights within the Downtown to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights in the Downtown Place Type, which permits 3 to 20 storeys, with up to 35 storeys permitted through bonusing.</p> <p>The minimum of 3 storeys prevents low-density development (primarily 1 to 2 storeys in height), which could be out of character with the Downtown.</p> <p>The maximum height of 35 storeys is the greatest height permitted in the City, in keeping with Policy 800, which directs the tallest buildings and the highest densities into the Downtown.</p>
New 803D	803D_ Within the Downtown Protected Major Transit Station Area the minimum density is 60 units per hectare for residential uses or a floor area ratio of 0.6 for non-residential uses.	<p>This policy identifies minimum density as per Section of 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth in the Downtown.</p> <p>60 residential units per hectare will ensure that development within the Downtown Place Type achieves a level of intensity that supports the vision for the Downtown and its role in the City Structure.</p> <p>A floor area ratio of 0.6 fits within the minimum floor area ratio range generally used in GGH municipalities' downtowns and provides development opportunity in each parcel.</p>
New 803E	803E_ In the Downtown Protected Major Transit Station Area, a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted. Mixed use development will be encouraged.	<p>This policy identifies authorized land uses in the Downtown Protected Major Transit Station Area as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses for the Protected Major Transit Station Area align with those for the Downtown Place Type (Policy 800).</p>
New 803F	803F_ Development within the Downtown Protected Major Transit Station Area will conform with all	This policy clarifies that all the Downtown Place Type policies of The London Plan and other

	other policies of the London Plan including the Downtown Place Type and any Specific Area Policies.	applicable plans continue to apply to the Protected Major Transit Station Area.
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TRANSIT VILLAGE PLACE TYPE

Policy	Change	Rationale/implication
New 815A	<p>Protected Major Transit Station Areas</p> <p>815A_ All Transit Villages are identified as Protected Major Transit Station Areas, as shown on Map 10.</p>	<p>This Protected Major Transit Station Area policy aligns with the Transit Village Place Type and will support the character of the Transit Village Place Type as major destinations around rapid transit stations.</p> <p>A new map (Map 10) indicates the Transit Village Protected Major Transit Station Areas.</p>
New 815B	815B_ Each Transit Village Protected Major Transit Station Area will be planned to achieve a minimum number of 150 residents and jobs combined per hectare	<p>This policy identifies the minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i>.</p> <p>150 residents and jobs per hectare falls within the range of 100 to 160 residents and jobs per hectare, which is the minimum density targets for rapid transit as suggested in the Transit-Supportive Guidelines. This number is an appropriate target within the Transit Village context to support the rapid transit service.</p>
New 815C	815C_ Within the Transit Village Protected Major Transit Station Areas the minimum building height is either two storeys or eight metres and the maximum building height is 22 storeys.	<p>This policy specifies minimum and maximum building heights within the Transit Villages to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights of 2 to 15 storeys, up to 22 storeys with bonusing, in the Transit Village Place Type.</p> <p>The minimum of 2 storeys prevents 1-storey development that does not fit into the character of the Transit Villages and will not contribute toward achieving the minimum densities identified in Policies 815B and 815D.</p> <p>The maximum height of 22 storeys supports the vision for the Transit Villages as the second most intense area next to the Downtown in accordance with Policy 807.</p>
New 815D	815D_ Within the Transit Village Protected Major Transit Station Areas the minimum density is 45	This policy identifies minimum density as per Section 16(15)(c) of the <i>Planning Act</i> , and provides

	units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.	<p>further direction to support future residential and employment growth in the Transit Villages.</p> <p>45 residential units per hectare will allow for residential intensification within the Transit Village Place Type to support rapid transit service, while supporting the vision for the Place Type.</p> <p>A floor area ratio of 0.5 is fairly low to apply to each parcel, especially small sites where only limited development is feasible.</p>
New 815E	815E_ In the Transit Village Protected Major Transit Station Areas a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses may be permitted. Mixed-use buildings will be encouraged.	<p>This policy identifies authorized land uses in the Transit Village Protected Major Transit Station Area as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses in the Protected Major Transit Station Areas are consistent with in-force those for the Transit Village Place Type (811).</p>
New 815F	815F_ Development within the Transit Village Protected Major Transit Station Areas will conform with all other policies of the London Plan including the Transit Village Place Type and any Specific Area Policies.	This policy clarifies that the general Transit Village Place Type policies continue to apply to the Protected Major Transit Station Areas.

RAPID TRANSIT CORRIDOR PLACE TYPE

Policy	Change	Rationale/implication
New 860A	<p>Protected Major Transit Station Areas</p> <p>860A_ Rapid Transit Corridors are identified as Protected Major Transit Station Areas, as shown on Map 10.</p>	<p>This Protected Major Transit Station Area policy aligns with the Rapid Transit Corridor Place Type and will support the character of the Place Type as major rapid transit routes to the Downtown and Transit Villages.</p> <p>A new map (Map 10) indicates the Rapid Transit Corridor Protected Major Transit Station Areas.</p>
New 860B	860B_ Each Rapid Transit Corridor Protected Major Transit Station Area will be planned to achieve a minimum number of 120 residents and jobs combined per hectare.	<p>This policy identifies the minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i>.</p> <p>120 residents and jobs per hectare are in the 100-160 residents and jobs per hectare range suggested for rapid transit and are an appropriate minimum number of population and employment for the Rapid Transit Corridors due to</p>

		varying character and intensity by segment.
New 860C	860C_ Within the Rapid Transit Corridor Protected Major Transit Station Areas the minimum building height is two storeys or eight metres and the maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station.	<p>This policy specifies minimum and maximum building heights within the Rapid Transit Corridors to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights in the Rapid Transit Place Type, which permits 2 to 12 storeys, with up to 16 storeys permitted through bonusing.</p> <p>The minimum of 2 storeys prevents one-story development that detracts from the character and function of the Rapid Transit Corridors.</p> <p>The maximum building heights provide a transition from a rapid transit station to surrounding neighbourhoods by directing higher density development within 100 metres of a transit station.</p>
New 860D	860D_ Within the Rapid Transit Corridor Protected Major Transit Station Areas the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.	<p>This policy identifies minimum density as per Section 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth within the Rapid Transit Corridors.</p> <p>45 residential units per hectare avoids low-density residential development that would be out of character with the Rapid Transit Corridors.</p> <p>A floor area ratio of 0.5 is fairly low to apply to each parcel, especially small sites where only limited development is feasible. This floor area ratio also will reduce the mass of large fronting the street and prevent large expanses of blank wall in keeping with Policy 841_3.</p>
New 860E	860E_ In the Rapid Transit Corridor Protected Major Transit Station Areas a range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted. Mixed-use buildings will be encouraged.	<p>This policy identifies authorized land uses in the Rapid Transit Corridor Place Type as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses in the Protected Major Transit Station Areas align with those in the Rapid Transit Corridor Place Type (837_1 to 5, which are under appeal).</p>
New 860F	860F_ Development within the Rapid Transit Corridor Protected Major Transit Station Areas will	This policy clarifies that the general policies for the Rapid Transit Corridor Place Type continue to

	conform with all other policies of the London Plan including the Rapid Transit Corridor Place Type and any Specific Segment or Specific Area Policies.	apply to the Protected Major Transit Station Areas.
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OUR TOOLS

Policy	Changes	Rationale/summary of changes
New 1787A	Map 10 – Protected Major Transit Station Areas 1787A_ This map shows the designated Protected Major Transit Station Areas within the City.	This policy introduces a new map (Map 10) indicating Protected Major Transit Station Areas.
1795 (New Definition)	Protected Major Transit Station Areas means the area surrounding and including an existing and planned higher order transit (e.g. rapid transit) station or stop. The Downtown, Transit Village, and Rapid Transit Corridor Place Types are focused around rapid transit routes and are identified as Protected Major Transit Station Areas.	This policy defines Protected Major Transit Station Areas that aligns with the <i>Planning Act</i> definition. It is noted that Policy 1795 is in full force and effect in its entirety as per the February 7, 2020, LPAT decision.

MAP

Policy	Changes	Rationale/summary of changes
New Map 10	New Map 10 is added to indicate Protected Major Transit Station Areas that align with the Downtown, Transit Village and Rapid Transit Corridor Place Type boundaries.	Map 10 designates Protected Major Transit Station Areas. This Map supports clear understanding and implementation of Protected Major Transit Station Areas and reflects recommended changes to Rapid Transit Corridor Place Type on Richmond Street and Dundas Street that are required due to route changes since the London Plan was approved.

Figure 5

