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March 3, 2021

City Clerk's Office  
Corporation of the City of London  
300 Dufferin Avenue  
Room 308, 3<sup>rd</sup> Floor  
London, ON N6B 1Z2

Attention: Catherine Saunders, City Clerk

**Re: Notice of Appeal of Zoning By-law No. Z.-1-212904**  
**Subject Lands: 690, 696, 698, 700 King St., 400 Lyle St., 701, 725, 729, 735, 737**  
**Dundas St., and 389, 391, 393 Hewitt St.**  
**Applicant: East Village Holdings Limited ("EVHL")**

We have been retained by Unity Project for Relief of Homelessness in London who is the owner of the property municipally identified as 717-721 Dundas Street (the "**UP Property**" or "**Client**") in the City of London, Province of Ontario which is situated immediately adjacent to the Subject Lands.

We are writing to submit our Client's Notice of Appeal concerning the City of London's Passing of Zoning By-law Z-1-212904 (the "**By-Law**").

**OVERVIEW**

The Subject Lands are situated in the area of the City of London identified as Old East Village. The Zoning By-Law Amendment provides for a mixed-use development with one apartment building having 24-storeys with a 6-storey podium and ground floor commercial space. The By-Law amends and updates the bonus zone for the entire parcel to permit the greater height and density in exchange for features such as affordable housing, underground parking and enhanced urban design. EVHL is proposing a total of 243 residential units and two levels of underground parking (the "**Proposed Development**").

The Subject Lands are located in the Old East Village and Dundas Street Corridor Secondary Plan area. The Subject Lands are also subject to the applicable policies of the City of London

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Official Plan (the “**1989 Official Plan**”), and the in-force policies of the new City of London Official Plan (“**The London Plan**”).

## **UNITY PROJECT**

Unity Project has been operating in the area for almost 20 years and provides emergency shelter and supportive housing for adults and youth of all genders age 18 and over. Unity Project’s goals are to divert people from shelters wherever this is an opportunity; to stabilize participants in a moment of crisis by meeting their basic needs; engage participants in their own process toward housing and stability; and, works towards preventing or ending the experience of homelessness for its participants.

As recently as November 25, 2020 the CBC identified that COVID-19 has exposed a widening economic inequality in the City of London resulting in an increasing number of residents needing shelter. Unity Project provides an increasingly required service at its UP Property to help people in their time of need. More recently as a result of the pandemic Unity Project has expanded its operations and plans to continue to do so in the immediate future.

## **SUMMARY OF CONCERNS**

The concerns of Unity Project that have been previously provided as part of the planning process include, among others:

### **1. Affordability**

EVHL has indicated that a total of 13 of the approximately 243 residential units of the Proposed Development will be affordable housing. This is merely 5% of the total units in the Proposed Development and insufficient for the needs of the Old East Village area and the City of London as a whole.

To meet the Province’s and City’s affordability housing goals a minimum of 5% or more of the total number of units permitted on the entire parcel of land (not just the Proposed Development) should be provided as affordable housing. The failure to provide a sufficient amount of affordable housing will result in an irreversible change in the nature and character of the neighbourhood and the Old East Village area as a whole. The Proposed Development will result in the removal of a significant number of affordable housing units in the area without any requirement to replace those units. An increase in the amount of affordable housing provided by the Proposed Development is in-keeping with the Provincial Policy Statement and The London Plan policies.

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## **2. Reduced Setbacks**

Unity Project has significant concerns that EVHL's Proposed Development will negatively impact the UP Property including but not limited to: foundation, drainage slope stability, and future development opportunities, particularly in light of the negligible side yard and tower setback being proposed.

## **3. Impact on Unity Project Heritage Property**

The UP Property was designated as a heritage property in 2011. The impact of the Proposed Development on this heritage resource needs to be taken into consideration and mitigation measures implemented to ensure no negative impacts.

## **4. Increased Density**

The Old East Dundas Street Secondary Plan provides for bonusing in favour of facilities and services, or matters such as: affordable housing; off-site community amenities; contribution to the development of transit features; secure bicycle parking and cycling infrastructure; façade restoration and other heritage investments; and, other facilities or services that provide substantive public benefit. It is unclear as to what facilities or services were provided and accepted by the City of London to justify the approximately additional 8 storeys on the building and an increase in density from 250 units per hectare to 750 units per hectare.

Such an intense development is not in-keeping with the character and nature of the surrounding area specifically the heritage UP Property.

**We are submitting this Notice of Appeal of the Zoning By-law Amendment under Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.**

### **BASIS FOR APPEAL**

The Proposed Development, in providing a negligible number of affordable housing units, and neglecting to protect existing built heritage resources, is inconsistent with the *Planning Act*, and the Provincial Policy Statement ("**PPS**") including the policies set out below.

The Zoning By-law Amendment with the increased density, lack of affordability, failure to respect heritage resources is inconsistent with the Provincial Policy Statement, 2020, specifically:

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- A. Under section 2 of the *Planning Act* regard must be given to matters of provincial interest including:
- h. the orderly development of safe and healthy communities;
  - j. the adequate provision of a full range of housing, including affordable housing;
  - p. the appropriate location of growth and development; and,
- B. Policy 1.0, Building Strong Healthy Communities, the proposed Zoning By-law Amendment fails to take into consideration the impact of the proposed development on the surrounding land use patterns in the area;
- C. Policy 1.1.1 of the PPS provides that healthy, liveable and safe communities are sustained by:
- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term;
  - b. accommodating an appropriate affordable and market-based range and mix of residential (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
  - c. avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- D. Policy 1.4.3 of the PPS provides that planning authorities shall provide an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:
- d. establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. ...

- E. Policy 1.7.1 of the PPS provides that long-term economic prosperity should be supported by: (e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;
- F. Policy 2.6.1 of the PPS confirms that *significant built heritage resources* and *significant cultural heritage landscapes shall be conserved*.

The Zoning By-law Amendment does not conform to numerous policies in The London Plan including but not limited to the policies associated with: Homeless Prevention and Housing; providing an integrated mixture of affordable and adequate housing options for the greatest number of people in need; facilitating an adequate and appropriate supply of housing to meet the economic, social, health and well-being requirements of Londoners; promoting a choice of housing types; affordable housing targets and components; and, homelessness prevention.

The Zoning By-law Amendment also fails to conform to The London Plan Buildings policies as it relates to the Proposed Development's scale, massing, materials, relationship to adjacent buildings, heritage impact and other such form-related consideration, among others.

Unity Project attended the Public Meeting and made submissions before City Council as it relates to the Proposed Development and submitted detailed comments.

Please find enclosed a completed Local Planning and Appeal Tribunal ("LPAT") A1 Appeal Form and a cheque in the amount of \$1,100.00, payable to the Minister of Finance.

Do not hesitate to contact us if you have any questions or wish to discuss this letter in more detail.

Yours very truly,

Siskinds LLP



e-signature

Per:

Paula Lombardi  
Partner

c: Client