

--	--

**File: Z-8285**  
**Planner: Mike Davis**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: RYGAR CORPORATION INC. 100 FULLARTON STREET &amp; 475 TALBOT STREET PUBLIC PARTICIPATION MEETING ON FEBRUARY 18, 2014</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Rygar Corporation Inc. relating to the properties located at 100 Fullarton Street and 475 Talbot Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 25, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Downtown Area (DA2) Zone which permits a wide range of office, commercial, retail, residential and institutional uses, and a Holding Downtown Area (h-3•DA2•D350) Zone which permits a wide range of office, commercial, retail and institutional uses and a range of residential uses up to a maximum density of 350 units per hectare, with a holding provision requiring the completion of a wind impact assessment to ensure development over 15.0 metres will not have an adverse impact on pedestrian level wind conditions in the Downtown prior to the removal of the holding provision, **TO** a Bonus Holding Downtown Area (B(\_)/h-3•DA1•D350) Zone to permit a wide range of office, commercial, retail and institutional uses and a range of residential uses including apartment buildings at the same height and density as the existing zone, with a bonus zone which will facilitate a development design which includes a 33-storey (108.15m tall) mixed-use apartment building with approximately 705m<sup>2</sup> of commercial/retail space on the ground floor, structured parking from floors 2-6, 770m<sup>2</sup> of office space on the 7<sup>th</sup> floor and a total of 248 residential apartment units on floors 8 to 33, which shall be implemented through a development agreement in return for the provision of the following services, facilities and matters:
- A point-tower building design which, with minor variations at the City's discretion, matches the Site Plan, Elevations, Sections and Renderings shown in Schedule "1" and attached to this report, and includes an architecturally differentiated base, middle and top:
    - With the base consisting of the portion of the façades between the ground floor and the top of the 6<sup>th</sup> floor with a maximum height of six (6) storeys; positioned at the front and exterior lot lines at the corner of Talbot Street and Fullarton Street; incorporating architectural detail which creates a prominence on the Talbot/Fullarton Street corner; including retail uses at street level abutting the Fullarton and Talbot Street frontages, with a minimum ceiling height of 3.6 metres and transparent glazing of at least 2.5 metres in height, for 60% or more of the frontages; with entrances to each retail unit provided, where possible, directly to the street, flush with the sidewalk grade; including permanent awnings or architectural elements projecting above pedestrian entrances at street level; and above-grade structured parking which is screened with a variation in materials and colours;
    - With the middle portion consisting of the portion of the façades between the top of the base and the top of the 32<sup>nd</sup> floor; clad primarily in glass window-wall panels, and employing balcony design which creates articulation and variation in the facades; includes variation in the massing of the tower through building step-

--	--

**File: Z-8285  
Planner: Mike Davis**

backs at the 7<sup>th</sup> floor and the 8<sup>th</sup> floor respectively; with a vegetated green roof incorporated into the rear 7<sup>th</sup> floor step-back and terrace and outdoor amenity space provided at the rear 8<sup>th</sup> floor step-back and terrace;

- With the top consisting of the portion of the façades above the top of the 32<sup>nd</sup> floor; employing building step-backs on the 33<sup>rd</sup> floor to provide for outdoor terraces; employing further step-backs above the 33<sup>rd</sup> floor to articulate the top of the building; using attractive materials and architectural design to screen all mechanical elements located above the 33<sup>rd</sup> floor; using high-quality building materials and incorporating decorative lighting elements to create an aesthetically pleasing cap;
  - 2-levels of below grade parking (minimum 65 spaces);
  - Locating waste and recycling facilities within the proposed building screened from views of adjacent properties;
  - Providing barrier-free access to all floors in accordance with the City of London Facility Accessibility and Design Standards (to the extent feasible to facilitate access and use); and,
  - The provision of public art.
- (b) The Site Plan Approval Authority **BE REQUESTED** to implement the design features recommended in part (a) above, through the Site Plan approval process as well as consider, where possible:
- i) Additional screening of the receiving/moving/garbage truck bays from the Talbot Street sidewalk while maintaining pedestrian and vehicular visibility to the northwest retail space;
  - ii) Landscaped screening west of the six (6) northern most surface parking spaces;
  - iii) A modified design for the fenestration in the vertical strip which extends from the seventh floor to roof level on the north and west elevations to provide for a more aesthetically pleasing contribution to the skyline; and,
  - iv) The use of glazed accent windows in place of or in addition to the aluminium panel slot detailing on the parking garage elevations from floors 2 to 6 inclusive to provide an opportunity for breaking up the façade (especially at the corner) and animating the façade at night.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

None

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect of the recommended Zoning By-law amendment is to allow for the development of a 33-storey (108.15m tall) mixed-use apartment building of a specific architectural design with approximately 705m<sup>2</sup> of commercial/retail space on the ground floor, structured parking from floors 2-6, 770m<sup>2</sup> of office space on the 7<sup>th</sup> floor and a total of 248 residential apartment units on floors 8 to 33. The proposed development will be facilitated through a site-specific bonus zone which will allow for an increased density of 1,155 units per hectare and a maximum height of 110 metres in return for such facilities, services and matters as prescribed by the regulations of the bonus zone which include the matters provided in clause (a) of the recommendation above and, without limiting the above, generally requires features such as underground parking, enhanced accessibility features, common recreational facilities and amenity space, high design standards and architectural consistency with the intent of the Downtown Design Guidelines.

--	--

**File: Z-8285**  
**Planner: Mike Davis**

<b>RATIONALE</b>
------------------

- i) The recommended amendment is consistent with the policies of the *Provincial Policy Statement (PPS), 2005*, which promote intensification, redevelopment and compact form in strategic locations in order to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents;
- ii) The recommended amendment is consistent with the policies of the *Provincial Policy Statement, 2005* which require planning authorities to facilitate pedestrian and non-motorized movement by promoting a land use pattern, density and a mix of uses that serve to minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes;
- iii) The recommended amendment is supported by the objectives of the Downtown Area designation of the City of London Official Plan which encourages growth in the residential population of the downtown through high density residential development and design features which serve to enhance the pedestrian environment;
- iv) The recommended amendment will allow for the proposed development including the required increases to height and density, through a bonus zone which requires that the ultimate form of development be consistent with the Site Plan, Elevation Drawings and Renderings attached as Schedule "1" to this report and contains specific regulations for design which must be secured in order to allow for the higher density development. Should the applicant not satisfy all of the provisions of the bonus zone, the increased height and density will not be permitted;
- v) The recommended amendment will require a "point tower" form which includes an architecturally defined base, middle and top with the base serving to frame the pedestrian realm at a human-scale, provide for significant step-backs and variation in the massing of the proposed structure which reduce the visual impact of the tower and provide for effective integration with the surrounding built context of the downtown, and provides for a visually attractive cap on the tower which screens all mechanical elements and enhances the City skyline;
- vi) The recommended bonus zone provides for a height of 110 metres and a net density of 1,155 units per hectare in return for a series of design related matters which will result in a benefit to the general public through enhanced design and communal facilities which would be difficult to secure through the normal development process, or by way of the as-of-right zoning permissions on the subject lands in accordance with Section 19.4.4 of the Official Plan; and,
- vii) The recommended amendment maintains the spirit and intent of the various Council approved Guideline Documents which provide direction for development in the Downtown.

<b>BACKGROUND</b>
-------------------

<b>Date Application Accepted:</b> October 29, 2013	<b>Agent:</b> Alan Patton
<b>REQUESTED ACTION:</b> Change Zoning By-law Z.-1 <b>FROM</b> a Downtown Area (DA2) Zone which permits a wide range of office, commercial, retail, residential and institutional uses, and Holding Downtown Area (h-3•DA2•D350) Zone which permits a wide range of office, commercial, retail and institutional uses and a range of residential uses up to a maximum density of 350 units per hectare, with a requirement for the completion of a wind impact	

--	--

**File: Z-8285**  
**Planner: Mike Davis**

assessment to ensure development over 15.0 metres will not have an adverse impact on pedestrian level wind conditions in the Downtown prior to the removal of the holding provision, **TO** a Downtown Area Bonus (DA1•B-\*) Zone which would permit a wide range of office, commercial, retail and institutional uses and a range of residential uses including apartment buildings, with a bonus zone which would allow for a density of 1,155 units per hectare and a maximum height of 110 metres and require the inclusion of features such as underground parking, public realm improvements, enhanced accessibility features, recreational facilities, high design standards and architectural consistency with the Downtown Design Guidelines.

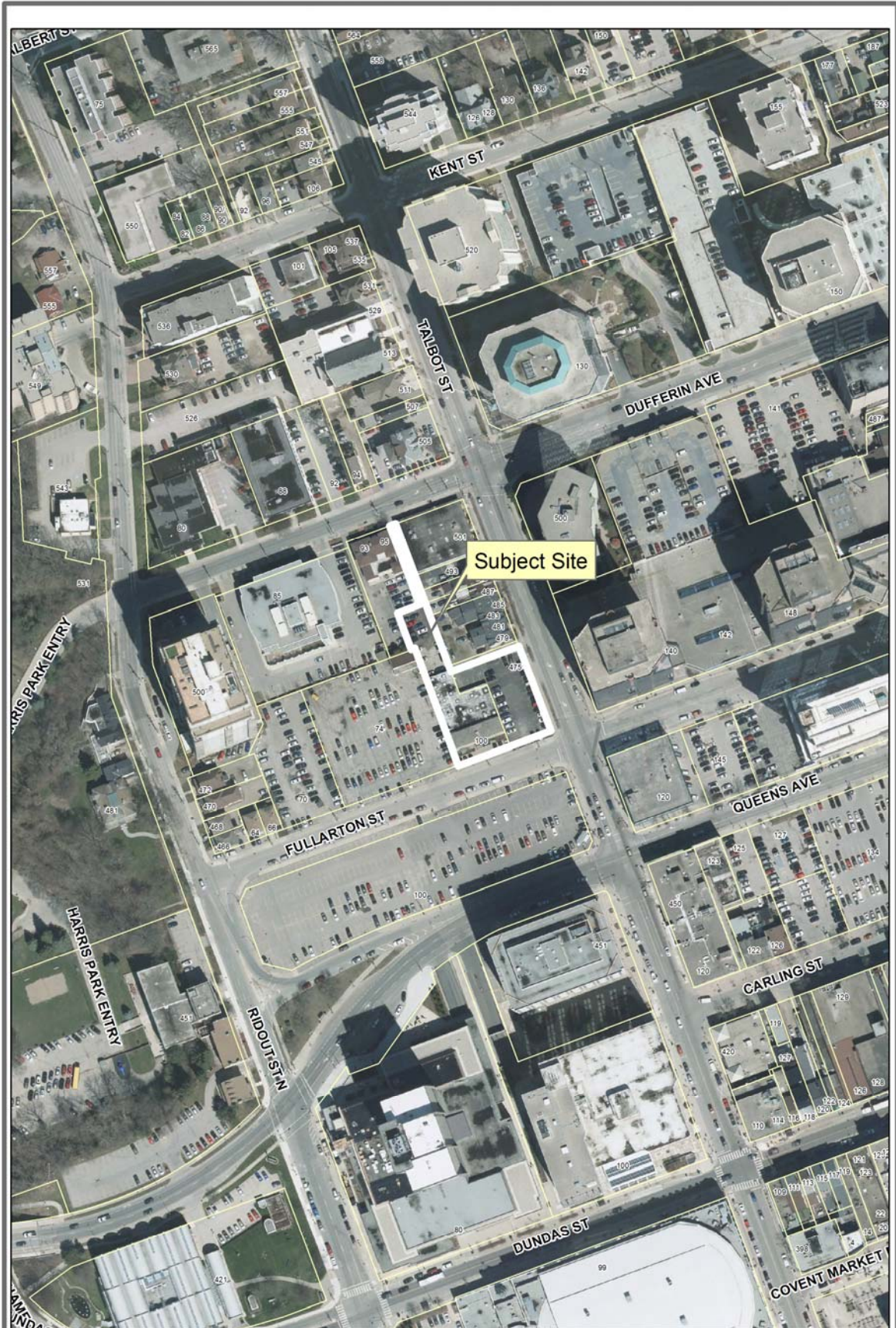
- SITE CHARACTERISTICS:**
- **Current Land Use** – Surface parking lot and 2-storey office building
  - **Frontage** – 42 metres (Talbot St.)
  - **Depth** – 45.5 metres (Fullarton St.)
  - **Area** – 0.23 hectares
  - **Shape** – Irregular

- SURROUNDING LAND USES:**
- **North** - Street townhouses (Priority 1 in the City of London Inventory of Heritage Resources) and a low-rise office building
  - **South** - Surface parking lot (Note: this property is within the Downtown HCD)
  - **East** - High-rise office building
  - **West** - Surface parking lot

- OFFICIAL PLAN DESIGNATION:** (refer to Official Plan Map on page 6)
- Downtown Area
- EXISTING ZONING:** (refer to Zoning Map on page 7)
- Downtown Area (**DA2**) Zone and Holding Downtown Area (**h-3•DA2•D350**) Zone
- DA2** – permits a broad range of commercial, residential and institutional land uses up to a maximum density of 350 units per hectare, a maximum height of 90 metres, a maximum lot coverage of 95%, a requirement for 5% landscaped open space with no requirements for minimum yard setbacks and allows residential uses on the ground floor.
- h-3** – to ensure that development over 15 metres in the DA2 zone does not have an adverse impact on pedestrian wind levels in the Downtown Area, the h-3 requires a wind impact assessment which may, at the request of the City, include wind tunnel testing, be prepared by a qualified professional and submitted to the City, and any recommendation contained therein for building design or site modifications necessary to achieve acceptable wind conditions be incorporated in the proposed development to the satisfaction of the City of London prior to removal.

--	--

File: Z-8285  
Planner: Mike Davis



**Aerial Photo Location Map**

File No.: Z-8285

MD

Date Prepared: 2014/01/10

CK

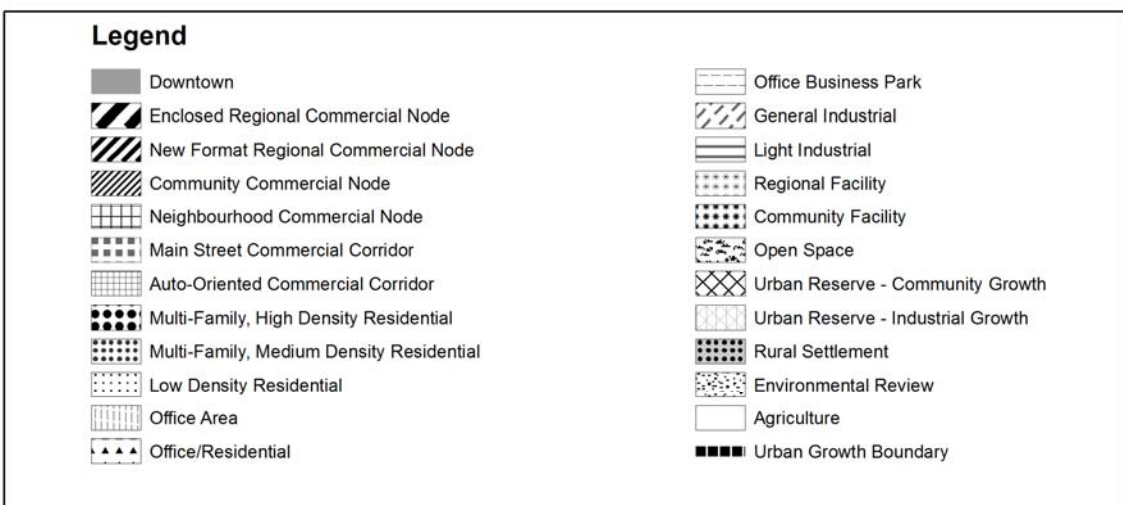
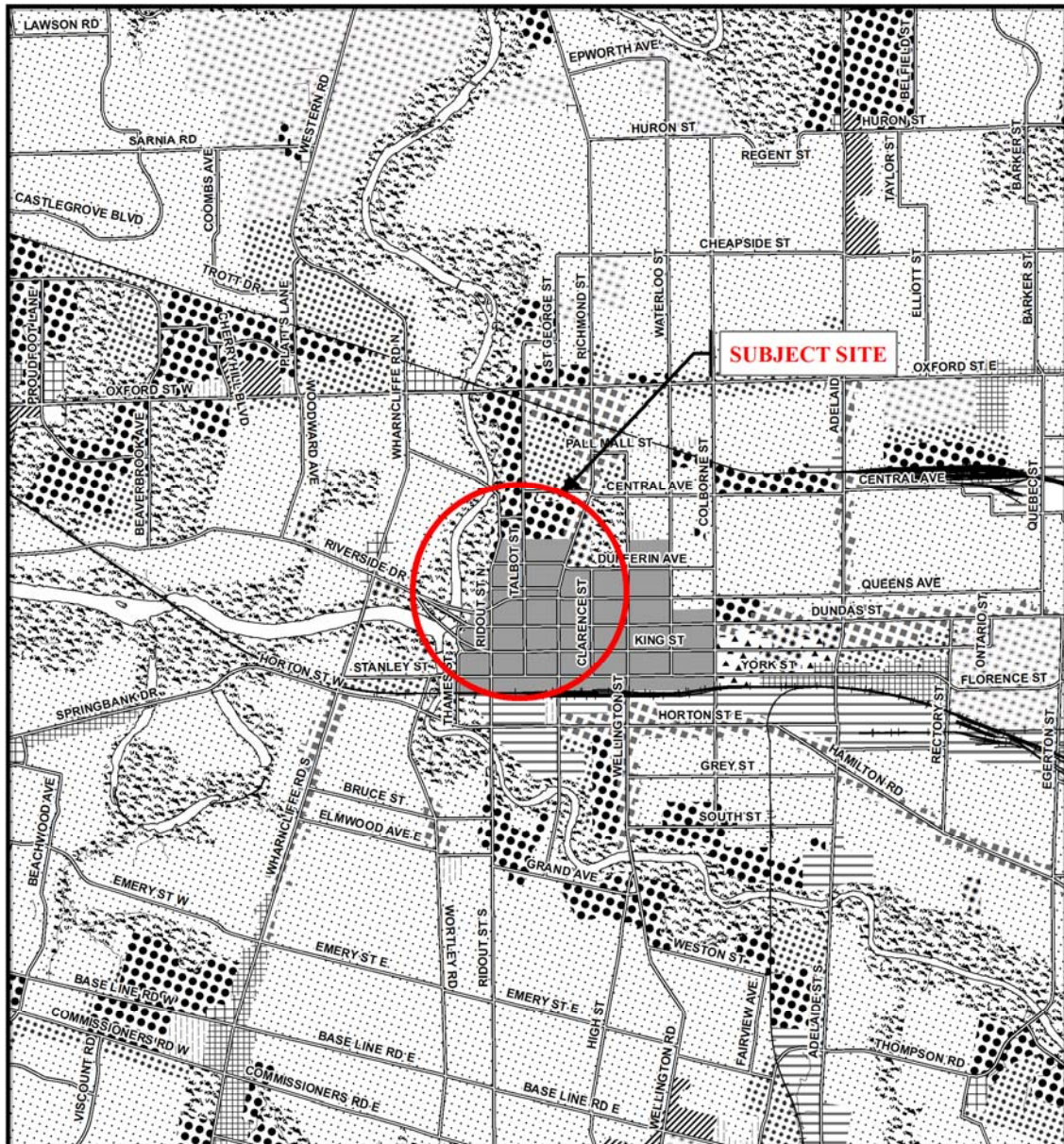
Prepared by : Graphics & Information Services, Planning Division, Corporation of the City of London  
Photography based on April 2010 flight info.

SCALE: 1:2,000



Note: Parcel linework, when shown, is not for official or legal use.

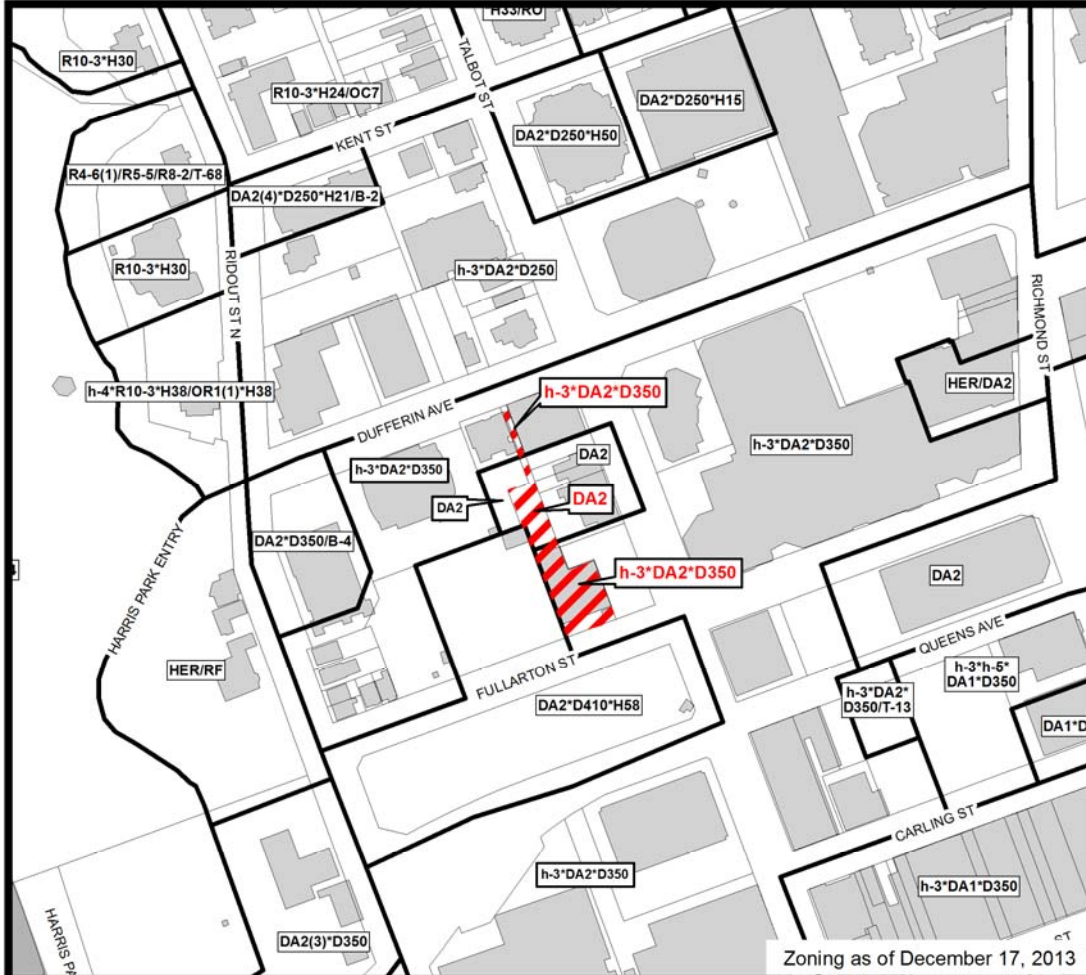
--	--



<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 0 100 200 300 400 500 600 700 800 900 1,000 Meters	<p>FILE NUMBER: Z-8285</p> <p>PLANNER: MD</p> <p>TECHNICIAN: CK</p> <p>DATE: 2014/01/10</p>
--	---	---

--	--

File: Z-8285  
Planner: Mike Davis



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-3\*DA2\*D350 & DA2**

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE
  
- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
  
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

**CITY OF LONDON**

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



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

FILE NO:  
Z-8285 MD

MAP PREPARED:  
2014/01/10 CK

1:2,750

0 12.5 25 50 75 100  
Meters

--	--

**File: Z-8285  
Planner: Mike Davis**

**PLANNING HISTORY**

The subject lands are comprised of two separate properties, municipally known as 100 Fullarton Street and 475 Talbot Street. 475 Talbot Street is currently used as a surface commercial parking lot and was historically used as an automobile repair establishment. The former London Auto Glass Inc. repair establishment was demolished in 2007 and the site has remained vacant since that time. 100 Fullarton Street currently accommodates a 2-storey office building.

It is important to note that the subject lands are located adjacent to the Downtown Heritage Conservation District. This district is designated under Part V of the *Ontario Heritage Act* and land use decisions in this district are, in part, guided by the Downtown Heritage Conservation District Plan. The northern boundary of the District extends to Fullarton Street, directly south of the subject lands. As the subject lands are situated outside the boundaries of the Heritage Conservation District, the provisions of the Plan provide limited direction to the proposed redevelopment of the site. However, the presence of the district has been recognized and considered in staff's evaluation of the proposed redevelopment.

Also of importance to note, beginning in 2009 the City initiated a process to develop a Master Plan for the Downtown. The Draft Downtown Master Plan was approved by Council in June of 2013 and is intended to set the context for future public and private sector investment in the downtown. The Draft Downtown Master Plan provides principles by in which private development applications should contribute to the overall vision for the Downtown. Consideration to the provisions of the Draft Downtown Master Plan has also been provided in Staff's evaluation of the proposed Zoning By-law amendment below.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Urban Design**

*Urban design staff have reviewed the application for rezoning for the above noted address and provide the following urban design principles consistent with the Official Plan, applicable by-laws, and guidelines:*

- *A tall, mixed-use building in this location is consistent with City policy and priorities regarding the revitalization of Downtown. Any development of this height and prominence, should exemplify a very high quality of urban design and architectural treatment to contribute to the streetscape and skyline.*
- *High quality urban design, public art and sustainable design features should be incorporated into the project in return for permitted increases to height and density.*
- *All mechanical elements associated with maintenance and elevators should be enclosed by providing an attractive cap on the top of the building. Attention should be paid to the appearance of the building from important Downtown sites, such as the Forks of the Thames, and the development should contribute positively to the London skyline.*
- *The tower and podium portions of the building should relate to one another through materials and vertical architectural details, in order to appear as one unified development.*
- *The ground floor retail units should be street-oriented and address the intersection of Talbot Street and Fullarton Street, in order to create an enjoyable pedestrian environment.*

**Urban Design Peer Review Panel**

*The applicant should consider incorporation of the following UDPRP comments within the Mixed Use Tower proposed for 100 Fullarton Street, London, ON:*

1. *Integrate street trees and design treatment of the abutting public sidewalk into the site plan;*



--	--

**File: Z-8285**  
**Planner: Mike Davis**

2. *Screen the receiving/moving/garbage truck bays from the Talbot Street sidewalk while maintaining pedestrian and vehicular visibility to the Northeast retail space (reference 3D perspective view page 32 of January 2014 portfolio);*
3. *Provide appropriate landscaping west of the 6 vehicular spaces (off the laneway which extend to Dufferin Avenue);*
4. *Study impact of future as-of-right development to the west of project site and modify project west elevation accordingly;*
5. *Consider alternate design for the fenestration in the vertical strip which extends from the seventh floor to roof level on the north and west elevations and redesign accordingly;*
6. *Consider the use of glazed accent windows in place of or in addition to the aluminum panel slot detailing on the parking garage elevations from floors 2 to 6 inclusive. This will provide the opportunity for breaking up the façade especially at the corner, and animate the façade at night; and*
7. *Integrate documentation of a) exterior cladding materials, and b) the impact of the wind study and the remedial mitigation response, into the project report as part of the developer's formal Site Plan Approvals submission.*

**Urban Forestry**

*Urban forestry has no comments for this rezoning. We will look at the details of the plan at the site plan review stage.*

**Stormwater Management Unit**

*The SWM Unit has no objections to the proposed 100 Fullarton St /475 Talbot St Application. All necessary servicing and drainage requirements/ controls, SWM, etc. will be addressed at Site Plan approval. In addition to the Pre-application Consultation, the SWM Unit provides the following comments to be addressed at the site plan approval stage:*

- *The subject lands are located in the Central Thames Subwatershed. The Owner shall be required to apply the proper SWM practices to ensure that the storm discharges from the subject site under the post development conditions will not exceed the peak discharge of storm run-off under pre-development conditions.*
- *The owner's Professional Engineer shall address minor, major flows, SWM measures (quantity, quality and erosion control), and identify outlet systems (major and minor) in accordance with City of London Design Permanent Private Stormwater Systems and MOE's requirements, all to the satisfaction of the City Engineer.*
- *The C value for subject site could not be verified. The owner's professional engineer must complete a storm sewer capacity analysis study to confirm that there is enough capacity in the existing storm sewer system for the proposed development, all to the satisfaction of the City Engineer. The owner's professional engineer must also update the storm sewer design sheet(s) for the subject lands.*
- *The municipal storm sewer outlet for this development is the existing 900 mm diameter storm sewer on Fullarton Street.*
- *Due to the nature of the land use the owner may be required to have a consulting Professional Engineer design and install an Oil/Grit Separator to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer.*
- *The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within this development application and all to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and all to the satisfaction of the City Engineer.*
- *The Owner is required to provide a lot grading and drainage plan that includes, but it is not limited to, minor, major storm/drainage flows that are generally contained within the subject site boundaries and safely conveys all minor and major flows up to the 250 year storm event that is stamped by a Professional Engineer, all to the satisfaction of the City Engineer.*

--	--

**File: Z-8285**  
**Planner: Mike Davis**

- *The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City Engineer.*
- *The owner shall be required to comply with the City's Drainage By-Laws (WM- 4) and acts, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent lands, all to the satisfaction of the City Engineer.*

**Wastewater and Drainage Engineering**

*The Wastewater and Drainage Engineering Division has no Comment with respect to this application.*

**Transportation Planning and Design**

*A transportation impact study was included with this application. This study failed to analyze vehicle queuing on Talbot St at Queens Ave or at Dufferin Ave. Concerns were expressed that the queue reach along Talbot St may block the access to the site. A review of our records regarding existing conditions showed the queue will just be short of the access to this site and should not pose any traffic concerns the majority of time. The study recommends a two-way left turn lane be implemented along Talbot St to accommodate vehicles turning into this site, other nearby property and the intersection of Talbot St and Fullarton St. Through the site plan review process we will request the proponent to change existing pavement markings to implement the two-way left turn lane. These and other transportation issues including access design will be discussed through the site plan review process.*

**Upper Thames River Conservation Authority**

*The UTRCA has no objections to this application.*

**Bell Canada**

*We have no conditions/objections to the Zoning By-law amendment application.*

**London Hydro**

*London Hydro has no objection to this Zoning By-law amendment.*

<b>PUBLIC LIAISON:</b>	On November 21, 2013, Notice of Application was sent to 140 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on November 21, 2013. A "Possible Land Use Change" sign was also posted on the site.	Five (5) replies were received: Four (4) written responses and one (1) telephone call (from Middlesex County Health Unit)
<p><b>Nature of Liaison:</b> The purpose and effect of the requested Zoning By-law amendment is to allow for the development of a 33-storey (108m tall) mixed use apartment building with approximately 781m<sup>2</sup> of commercial/retail space on the ground floor, structured parking from floors 2-6, 769m<sup>2</sup> of office space on the 7<sup>th</sup> floor and a total of 248 residential apartment units on floors 8 to 33.</p> <p>Change Zoning By-law Z.-1 <b>FROM</b> a Downtown Area (DA2) Zone which permits a wide range of office, commercial, retail, residential and institutional uses, and Holding Downtown Area (h-3•DA2•D350) Zone which permits a wide range of office, commercial, retail and institutional uses and a range of residential uses up to a maximum density of 350 units per hectare, with a requirement for the completion of a wind impact assessment to ensure development over 15.0 metres will not have an adverse impact on pedestrian level wind conditions in the Downtown prior to the removal of the holding provision, <b>TO</b> a Downtown Area Bonus (DA1•B-*) Zone which would permit a wide range of office, commercial, retail and institutional</p>		

--	--

**File: Z-8285**  
**Planner: Mike Davis**

uses and a range of residential uses including apartment buildings, with a bonus zone which would allow for a density of 1,155 units per hectare and a maximum height of 110 metres and require the inclusion of features such as underground parking, public realm improvements, enhanced accessibility features, recreational facilities, high design standards and architectural consistency with the Downtown Design Guidelines. The City may also consider the application of holding provisions to ensure adequate servicing is available to the site.

**Responses:**

Support

- Density of the proposed development will contribute to a built environment and land use pattern which supports walkability and alternative modes of transportation resulting in positive public health benefits.

Concern

- Pedestrian level wind impacts;
- Concerns regarding height and density;
- Loss of views to the Forks of the Thames;
- Unacceptable sun/shadow impacts;
- Increased traffic;
- Impact of tall buildings on mortality of migratory birds;
- Noise of construction activity;
- Geotechnical concerns regarding suitability of soils to accommodate scale of development;
- Concerns about façade material and potential defects in glass exterior exposed to wind pressure;
- Negative effect on adjacent property values;
- Parking problems during construction; and
- Impacts on continued use of common laneway off of Dufferin Ave.

**ANALYSIS**

**Subject Lands:**

The subject lands are comprised of two separate properties municipally known as 100 Fullarton Street and 475 Talbot Street. The site is located in the northwest quadrant of Downtown London, approximately 200 metres east of Harris Park and approximately 250 metres north of the Budweiser Gardens. Combined, these properties form a total site area of approximately 0.23 hectares (0.56 acres).

The western portion of the property (475 Talbot Street) contains 20 metres of frontage along Fullarton Street and a depth of approximately 42 metres along Talbot Street. The property is currently used as a surface commercial parking lot and, as noted, was historically used for an automobile repair establishment. The automobile repair establishment was demolished in 2007 and the property has remained undeveloped since that time.

The eastern portion of the subject lands (100 Fullarton Street) has approximately 25.6 metres of frontage along Fullarton Street and extends north to Dufferin Avenue by way of a three (3m) metre right-of-way which provides an alternative access to the rear portion of the subject property as well as a group of street townhouses located directly north of the subject property. Access rights to the townhouse lands are subject to an easement registered on the title of 100 Fullarton Street and will need to be maintained subsequent to any planning approvals for redevelopment of the site. As noted, this portion of the site currently contains a two-storey office building.

Agenda Item # Page #

--	--

File: Z-8285  
Planner: Mike Davis



(Looking northwest from Talbot Street and Fullarton Street)



(Looking west from Talbot Street)

--	--

**File: Z-8285**  
**Planner: Mike Davis**

**Nature of Application:**

The applicant has applied to change the zoning of the subject property from a Downtown Area (DA2) Zone and Holding Downtown Area (h-3•DA2•D350) Zone to a Bonus Downtown Area (B(\_)/DA1•D350) Zone with a bonus zone which would allow for a density of 1,155 units per hectare and a maximum height of 110 metres and require the inclusion of features such as underground parking, enhanced accessibility features, common amenity space and recreational facilities, high design standards and architectural consistency with the Downtown Design Guidelines. The City has also considered the inclusion of special regulations in the bonus zone to provide for a variety of reduced yard setbacks from the residential portion of the proposed tower as well as the retention of the h-3 holding provision on the base zone.

The proposed zoning changes, as described above, are intended to allow for the development of a 33-storey mixed-use apartment tower of a specified design which includes:

- Two (2) levels of underground parking (minimum 65 spaces);
- Retail uses (705m<sup>2</sup>) at street level, particularly along the Fullarton and Talbot Street frontages;
- Structured indoor parking from floors 2-6;
- Up to 770m<sup>2</sup> of Office space to be provided on the 7<sup>th</sup> floor; and
- A maximum of 248 residential apartment units, to be located on floors 8-33.

A visual overview of the proposed form of development, as described above, is provided in the Site Plan, Elevation Drawings and Illustrations **(Figure 1(a)-(c))** below.

--	--

Figure 1(a): Site Plan

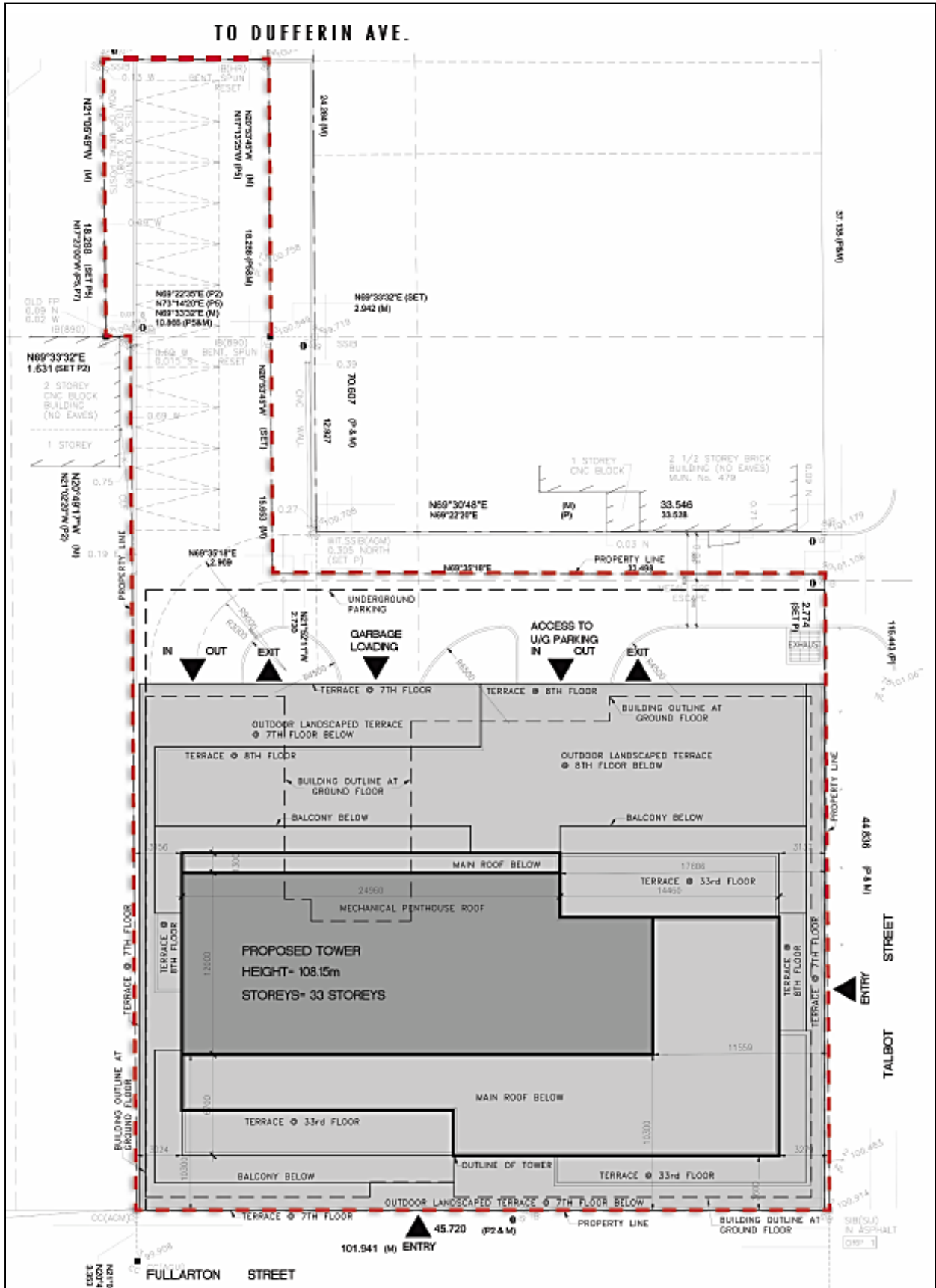
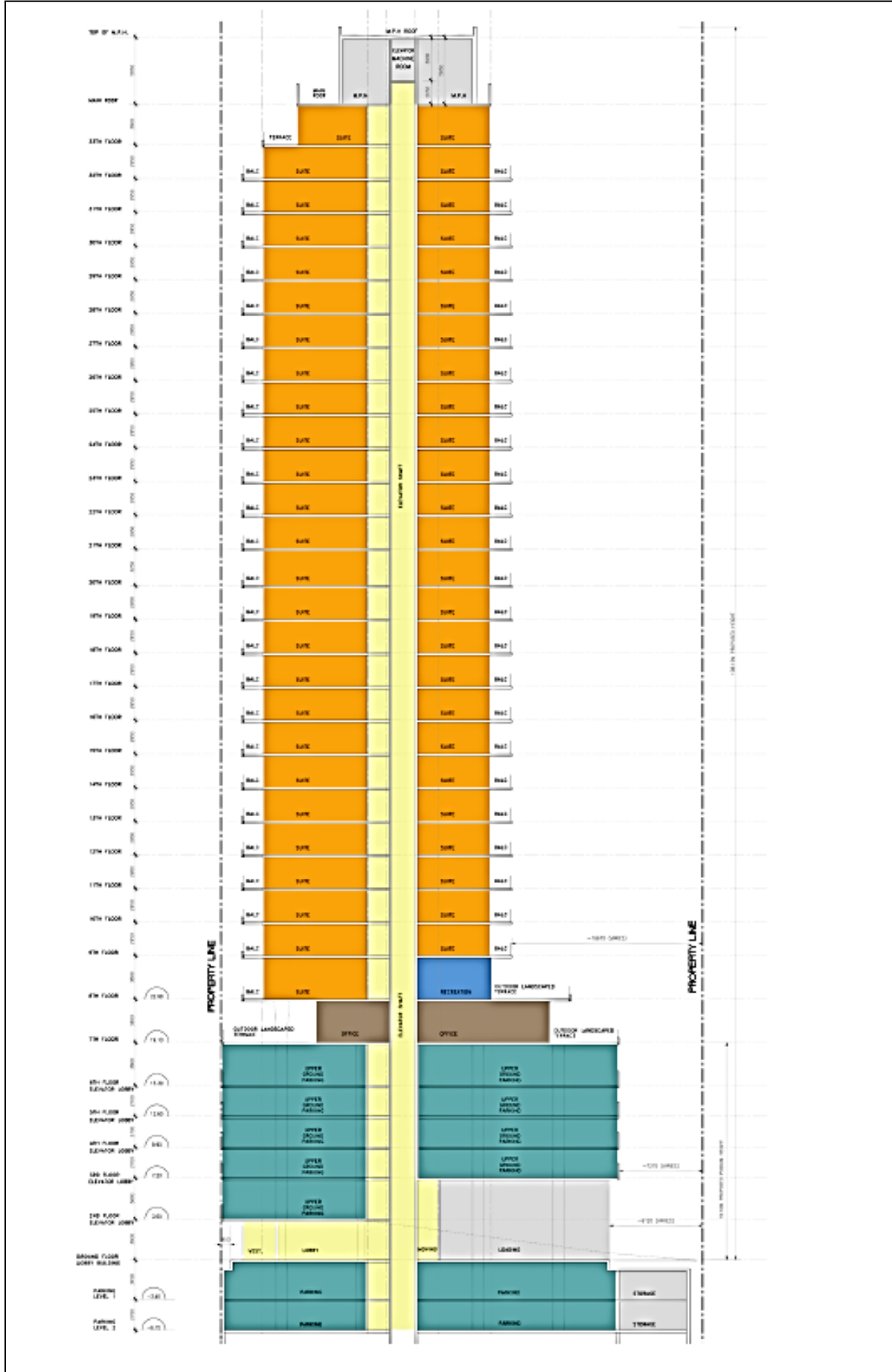




Figure 1(b): East-West Section



--	--

Figure 1(c): Renderings



(Looking north from Talbot Street and Queens Avenue)



(Looking south from Talbot Street and Dufferin Avenue)



--	--



(Looking southeast at rear of proposed tower)



(Looking northeast from Queens Avenue)

**Table 1** below provides an overview of the development regulations in the requested zoning vs. those provided in the existing zoning on the subject lands to highlight the difference between the two. It should be noted that while some of the concerns raised by the public focused on loss of views, sun/shadow impacts, impact of building on migratory birds and other issues, we must

--	--

**File: Z-8285**  
**Planner: Mike Davis**

recognize the context set by the existing land use permissions, and consider the requested change in the context of what could theoretically be built today as-of-right, without the requirement for a Zoning By-law amendment.

**Table 1: Zone Comparison**

<b>Existing vs. Requested Zone</b>			
<b>Zone provisions</b>	<b>Existing DA2</b>	<b>Proposed DA1</b>	<b>Proposed Bonus Zone</b>
Permitted Uses	Wide range of residential, commercial and institutional uses	Wide range of residential, commercial and institutional uses	-
Lot Frontage (m) MINIMUM	3.0	3.0	-
All Yard Depths (m) MINIMUM	0.0	0.0; The required setback for the residential portion of buildings shall be 1.2 metres (3.9 feet) per 3 metres (9.8 feet) of main building height or a fraction thereof above 15 metres (49.2 feet).	For residential component of building: <b>3.0m</b>
All Yard Depths Abutting a Residential Zone (m) MINIMUM	0.5 metres for each 4.0 metres of building height or fraction thereof, but in no case less than 6.0 metres	<b>0.0</b>	-
Landscaped Open Space (%) MINIMUM	5	<b>0</b>	-
Lot Coverage (%) MAXIMUM	95	<b>100</b>	-
Height (m) MAXIMUM	90	90	<b>110</b>
Density – Units Per Hectare MAXIMUM	350	350	<b>1,155</b>
Floor area Ratio for non-residential uses	6:1	6:1	-
Gross Floor Area Retail (m) MAXIMUM	The lesser of 20% or 5,000	<b>N/A</b>	-
Location of Residential Uses	N/A	<b>Restricted to the 2<sup>nd</sup> floor or higher</b>	-
Location of Retail Uses	Restricted to the 1 <sup>st</sup> and 2 <sup>nd</sup> floors	<b>N/A</b>	-

The requested Downtown Area DA1 Zone will allow for a reduction to the landscaped open space requirements and an increase in the permitted lot coverage from the existing DA2 Zone. The base DA1 Zone will allow for the same height and density as is currently permitted, however, the bonus zone will provide for an increased height of 110 metres and increased density of 1155 UPH if the matters outlined in clause (a) of the recommendation above are satisfied as well as additional special regulations for yard setbacks to the residential component of the building.

--	--

**File: Z-8285**  
**Planner: Mike Davis**

**Provincial Policy Statement, 2005**

The *Provincial Policy Statement, 2005 (PPS)* provides policy direction on matters of provincial interest related to land use planning and development outlined in Section 2 of the *Planning Act*. The objectives of the PPS pertain to three major policy areas including 1.0 – Building Strong Communities, 2.0 – Wise Use and Management of Resources, and 3.0 – Protecting Public Health and Safety. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are applied to each situation. Section 3 of the *Planning Act* requires that decisions of any authority affecting planning matters “shall be consistent” with the PPS. As it relates to this application, the PPS provides the following direction.

Section 1.1 of the PPS promotes healthy, liveable and safe communities, in part, by *encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; and promoting cost effective development standards to minimize land consumption and servicing cost*. Further, Section 1.1.3 of the PPS directs municipalities to provide opportunities for *intensification and redevelopment where it can be accommodated taking into account the existing building stock and the suitability of existing or planned infrastructure*.

The recommended zoning by-law amendment will facilitate the redevelopment of an underutilized site containing a small-scale office building and surface parking lot to a mixed-use apartment tower with 248 residential units and a combined 1,475m<sup>2</sup> of retail and office space. The proposed redevelopment will increase the utilization and efficiency of existing hard and soft municipal services and will help to minimize the demand for greenfield development elsewhere in the City. The “point tower” form of the proposed development serves to complement the existing built character of the downtown and reduce visual and shadow impacts on adjacent properties. The recommended zoning by-law amendment provides for reduced development standards to facilitate compact a compact urban form.

Policy 1.5.1 states that, *“Healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling”*. The recommended amendments provide for the development of a high-rise mixed-use apartment building and residential intensity in close proximity to a wide range of commercial and personal service uses, major employment uses and major transit corridors and a future rapid transit terminal. As such, the proposed development is conducive to alternative modes of transportation including walking, cycling and public transit. In addition, the recommended amendment will result in the inclusion of active ground floor uses (retail) to enhance the pedestrian environment and support alternative modes of transportation in conformity with the policies of the PPS.

Policy 1.6.5.4 (Transportation Systems) of the PPS requires that, *“A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus.”* Similarly, Section 1.6.5.5. of the PPS states that, *“Transportation and land use considerations shall be integrated at all stages of the planning process.”* The recommended amendment will introduce high-density form of residential development in the Downtown. By providing for intensification in the Downtown Area, within close proximity to transit and commercial services, the recommended amendment will contribute positively to achieving a broader land use pattern which supports and enhances the viability of higher order transit in the City.

**City of London Official Plan**

The Official Plan contains Council’s objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan primarily relate

--	--

**File: Z-8285  
Planner: Mike Davis**

to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

As noted previously in this report, the subject lands are designated “Downtown Area” in the City of London Official Plan. Section 4.1 of the Official Plan contains policies specifically intended to guide land use and development on lands designated “Downtown Area”. The relevant policies of Section 4.1 have been considered below including an evaluation of the proposed development’s conformity with those policies.

#### **4.1 Downtown Designation**

The Downtown Area, as designated by the Official Plan, includes a majority of the lands generally bounded by Princess Avenue and Kent Street to the north, Ridout Street North and Thames Street to the west, the CN Railway to the south and Colborne Street to the east. The Downtown Area is intended to serve as the primary multi-functional activity area both for the City of London and the broader regional area. The Downtown Area is generally characterized by its intensive, multi-functional land use pattern and is intended to be the major office employment centre and commercial district in the City. Additionally, it is intended that the Downtown’s function as a location for new medium and high density residential development will continue to strengthen over time.

Maximum scale criteria for development in the Downtown Area, including height and density, are intended to be less restrictive than the Multi-Family, Medium Density Residential and Multi-Family, High Density Residential designations located outside of the Downtown and allow for greater flexibility in considering increases to the maximum criteria. New development in the Downtown is expected to improve and enhance the pedestrian environment.

##### 4.1.1. Planning Objectives

- iii) Encourage growth in the residential population of the Downtown and adjacent gateway areas through new development and the renovation and conversion of existing buildings;*

The recommended amendment will facilitate the redevelopment of a surface parking lot and two-storey office building to a 33-storey mixed use apartment tower which will contain up to 248 residential apartment units. Through redevelopment of an underutilized Downtown site, the recommended amendment will contribute to growth in the residential population, consistent with the planning objectives for the Downtown Area.

##### 4.1.2. Urban Design Objectives

- i) Promote a high standard of design for buildings to be constructed in the strategic or prominent locations of the Downtown;*

The recommended amendment and the regulations of the recommended site-specific bonus zone will facilitate a form of development which incorporates a number of desirable design features contributing to the development of a “landmark” building in the Downtown. The proposed building and site design has been reviewed by the City of London’s Urban Design Staff as well as the Urban Design Peer Review Panel. Considerations resulting from this design review have been incorporated into the bonus zone in order to ensure that a high standard of design is achieved and that the development results in a positive contribution to the City skyline.

- ii) Discourage development and design treatments that are considered detrimental to the functional success and visual quality of Downtown;*

The design-related regulations of the recommended site-specific bonus zone include requirements for design treatments which serve to enhance the function and visual quality of the proposed development including requirements for high-quality, contemporary building materials

--	--

**File: Z-8285**  
**Planner: Mike Davis**

and for variation in the massing of various elements of the tower. The requirements for underground parking and requirements for retail uses at the street level will enhance the pedestrian environment and the public realm.

- v) *To the extent feasible, position new development to minimize the obstruction of view corridors to natural features and landmarks;*

The building design includes various step-backs to create an architecturally defined base, middle and top. The reduced massing of the middle and top provided by building step-backs at the 7<sup>th</sup>, 8<sup>th</sup> and 33<sup>rd</sup> floors serve to minimize the tower floor-plate and thereby minimize the obstruction of views including views to the Forks of the Thames. The overall “point tower” form ensures that, to the extent feasible, view corridors to the Thames River are maintained.

- vi) *Design new development to provide for continuity and harmony in architectural style with adjacent uses that have a distinctive or attractive visual identity or are recognized as being of architectural and/or historic significance; and,*

The recommended site specific bonus zone regulations require that the proposed development ultimately be consistent with the Site Plan, Elevation drawings and Illustrations attached as Schedule “1” to this report. The proposed form of development, as generally provided in Schedule “1”, is contemporary in design with materials that serve to enhance and complement the existing built context. The inclusion of a base podium building with a maximum height of six (6) storeys and the requirement for step-backs of the middle tower portion contribute to a harmonious integration of this tall building into the existing streetwall provided by the 3-storey townhouses to the north.

#### 4.1.6 Permitted Uses

- iv) *The development of a variety of high and medium density housing types in the Downtown will be supported. Residential units may be created through new development or through the conversion of vacant or under-utilized space in existing buildings. Residential development within the Downtown Shopping Area shall provide for retail or service – office uses at street level.*

The recommended amendment will facilitate the redevelopment of a surface parking lot and two-storey office building to a mixed-use apartment tower which will include up to 248 residential apartment units and up to 1,475m<sup>2</sup> of combined commercial space. The recommended site specific bonus zone regulations will require retail uses at street level, particularly along the Fullarton and Talbot Street frontages, with active facades including doors, and clear glazing and prominent entrances with accented awnings in order to animate the street level.

- x) *Mixed-use buildings that provide for the vertical integration of two or more permitted uses, other than light industrial, shall be a permitted form of development in all areas of the Downtown. Mixed-use development proposals shall be subject to the policies pertaining to the separate land use components.*

The recommended zone will facilitate a mixed-use apartment tower which includes retail space at the street level, office space on the 7<sup>th</sup> floor, residential apartment units from floors 8-33 and common indoor and outdoor recreational and amenity space.

#### 4.1.7. Scale of Development

*The Downtown will accommodate the greatest height and density of retail, service, office and residential development permitted within the City of London.*

- i) *Development in the Downtown may be permitted up to a maximum floor area ratio (FAR) of 10:1 for commercial uses and will normally not exceed 350 units per hectare (140 units per*

--	--

**File: Z-8285  
Planner: Mike Davis**

acre) for residential uses. Increases in density may be permitted without amendment to this Plan provided the proposal satisfies density bonusing provisions of Section 3.4.3. iv) and 19.4.4. of the Plan, conforms to the Site Plan Control By-law and addresses standards in the Downtown Design Guidelines.

*This maximum level of intensity will not be permitted on all sites. In areas which cater primarily to pedestrian shopping needs, including portions of Dundas Street and Richmond Street, the height of buildings at or near the street line will be restricted in the Zoning By-law to provide for a pedestrian-scale streetscape which allows adequate levels of sunlight and minimizes wind impacts. Where a site fronts onto a street which caters to pedestrian shopping needs, building heights will be permitted to increase in a step-like fashion away from areas of pedestrian shopping activity. Parts of the Downtown that are located adjacent to lower density, residential areas will be subject to height, density and site coverage limits in the Zoning By-law that are intended to provide for an appropriate transition in the scale of development.*

The recommended amendment will provide for the development of a 33-storey (108.15 metre) tower of a specified design with up to 248 apartment units and approximately 1,475m<sup>2</sup> of commercial space (retail and office). This combination of residential and commercial space results in a net density of approximately 1,155 units per hectare, given the size of this site. It is intended, as noted above, that the Downtown Area will accommodate the greatest height and density of residential development permitted within the City of London. The Scale limitations prescribed by Section 4.1.7 i) of the Official Plan, noted above, outline that residential densities in the Downtown will not normally exceed 350 units per hectare. However, it is recognized that increases to the typical density limitations may be appropriate in certain instances and may be permitted in accordance with the density bonusing provisions of Section 3.4.3 iv) and 19.4.4 of the Official Plan, without an amendment to the Plan.

- ii) *The proponents of development projects in the Downtown will be encouraged to have regard for the positioning and design of buildings to achieve the urban design principles contained in Chapter 11, conform to the Site Plan Control By-law and address standards in Downtown Design Guidelines. It is intended that Downtown development should enhance the street level pedestrian environment and contribute to the sensitive integration of new development with adjacent structures and land uses.*

The regulations of the recommended site specific bonus zone require a built form which responds to the existing built context of the Downtown by requiring a “point tower” design with an architecturally defined base, middle and top. The base component of the tower is positioned at the front and exterior lot lines along the Fullarton and Talbot Street frontages with retail uses and active frontages at grade to enhance and animate the pedestrian realm. The recommended bonus zone requires various building step-backs which provide for a variation in the massing of the primary elements of the tower and result in a harmonious integration into the existing built context of the Downtown. The regulations of the recommended site-specific bonus zone, as provided in clause (a) of the recommendation, include design requirements which reflect the Urban Design principles contained in Chapter 11 of the Official Plan and address standards in the Downtown Design Guidelines in return for the increase in permitted height and density.

- iii) *The design and positioning of new buildings in the Downtown shall have regard for the potential impact that the development may have on ground level wind conditions on adjacent streets and open space areas. New development should not alter existing wind conditions to the extent that it creates or aggravates conditions of wind turbulence and velocity which hamper pedestrian movement, or which discourage the use of open space areas.*

Potential wind impacts have been addressed through the completion of a preliminary wind impact assessment by Gradient Microclimate Engineering Inc. This assessment concluded that “wind conditions over the sidewalks at the base of the Tower are expected to be suitable for

--	--

walking or better year round”.

**4.1.8. Redevelopment, Rehabilitation and Conversion**

*The efficient utilization of lands and buildings within the Downtown will be encouraged through the development of vacant or under-utilized land and the rehabilitation, where feasible, of buildings that are functionally viable but require improvements in appearance and/or condition.*

The recommended zoning by-law amendment will facilitate the redevelopment of an underutilized site which currently contains a small-scale office building and surface parking lot to a mixed-use apartment tower with 248 residential units and a combined 1,475m<sup>2</sup> of retail and office space.

**4.1.9. Circulation Pedestrian**

*The enhancement of a pedestrian circulation system throughout the Downtown will be supported.*

The recommended regulations of the site-specific bonus zone require retail uses at the street level and active frontages with a minimum 60% transparent glazing along Fullarton and Talbot Street. The combination of transparent facades and active ground floor uses provides visual interest which will serve to animate and enhance the pedestrian environment.

**3.4.3 Density Bonusing**

As prescribed by Section 4.1.7 of the Official Plan and noted above, the Downtown Area designation contemplates height and density increases through the application of bonus zoning. The parameters and restrictions regarding bonus zoning are defined in Section 3.4.3 of the Official Plan, and generally provided in subsection iv) below:

- iv) Council, under the provisions of policy 19.4.4 and the Zoning By-law, may allow an increase in the density above the limit otherwise permitted by the Zoning By-law in return for the provision of certain public facilities, amenities or design features. The maximum cumulative bonus that may be permitted without a zoning by-law amendment (as-of-right) on any site shall not exceed 25% of the density otherwise permitted by the Zoning By-law. Bonusing on individual sites may exceed 25% of the density otherwise permitted, where Council approves site specific bonus regulations in the Zoning By-law. In these instances, the owner of the subject land shall enter into an agreement with the City, to be registered against the title to the land.*

The above noted policies of the Official Plan allow the City to incorporate performance measures or bonus regulations into the Zoning By-law which provide for as-of-right increases in height and density without an amendment to the Zoning By-law. The maximum cumulative bonus permitted through the inclusion of such public facilities, amenities or design features, as-of-right, is not to exceed 25% of the existing maximum permitted density.

However, bonusing on individual sites may exceed 25% of the density otherwise permitted where Council approves site specific bonus regulations in the Zoning By-law. The recommended amendment includes site specific bonus regulations which provide for an increase in the maximum permitted height and density in return for the inclusion of a range of amenities and design features, identified in Section 19.4.4 of the Official Plan and outlined in clause (a) of the recommendation above. The recommended bonus regulations require the inclusion of amenities and design features which provide a public benefit and cannot be secured through the normal development process. The recommended site specific bonus regulations ensure appropriate matters are incorporated into the proposed redevelopment to justify the resulting increases to height and density.

--	--

**File: Z-8285**  
**Planner: Mike Davis**

Both the Official Plan and Zoning By-law quantify the density of residential or mixed-use development through the measure of *units per hectare*. This measure provides a standard for comparing the intensity of various developments across various sized sites. Staff recognize that the matter of density is difficult to visualize and have provided some examples in **Table 2** below based on a selection of primarily residential developments in Downtown London. These examples are intended to assist in visualizing the measure of density.

**Table 2: Visualizing Density**

Project	Site Area	Units	UPH	Height
"The Renaissance" 59-73 King Street, 342-360 Ridout Street North and 68 York Street	0.81ha	600	741	93 metres
"The Harriston" 484-500 Ridout Street North	0.28ha	210	750 UPH	70 metres
"City Place" 310 Dundas St. and 405 Waterloo St.	0.62ha	440	710 UPH	81 metres
"King's Inn" 186 King Street	0.155ha	219	1412 UPH	~33 metres
<b>Proposed Tower</b> 100 Fullarton Street and 475 Talbot Street	0.23ha	248 residential; 1,475m <sup>2</sup> non-res GFA (14.8 units); Total = 262.8	1142 UPH	108.15 metres

**The Renaissance:** 59-73 King Street, 342-360 Ridout Street North and 68 York Street





--	--

**File: Z-8285**  
**Planner: Mike Davis**

**The Harriston:** 484-500 Ridout Street North



**City Place:** 310 Dundas St. and 405 Waterloo St.



--	--

**File: Z-8285**  
**Planner: Mike Davis**

**King's Inn: 186 King Street**



#### **19.4.4. Bonus Zoning**

*Under the provisions of the Planning Act, a municipality may include in its Zoning By-law, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provision of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as bonus zoning, is considered to be an appropriate means of assisting in the implementation of this Plan.*

Section 19.4.4 provides the local policy basis for bonus zoning. Bonus zoning refers to the practice of permitting increases to height and density in return for certain facilities, services and/or matters. It is intended, through the relevant provisions of the Planning Act and the Official Plan, that the facilities, services or matters provided in consideration of height and density bonuses should bear an appropriate relationship in terms of their cost/benefit implications and must result in a benefit to the general public and/or enhancement of the design or amenities of a development to the extent that a greater height or density is warranted. It is further directed that height and density bonuses should not result in a scale of development which is incompatible with adjacent land uses or exceeds the capacity of available municipal services.

Bonus zoning is to encourage features which result in a public benefit which cannot be obtained through the normal development process, or through the provisions provided by as-of-right zoning on a given site. Section 19.4.4 of the Official Plan specifically provides that “bonus zoning will be used to support the City’s urban design principles, as contained in Chapter 11 and other policies of this Plan.” Section 19.4.4 ii) provides further policy direction as to matters which may be considered in return for height and density bonuses.

The following provides an evaluation of the recommended site specific bonus regulations with regard to the applicable Bonus Zoning policies of Section 19.4.4. of the Official Plan. Section 19.4.4 states that bonusing may be considered for, among other things:

--	--

**File: Z-8285**  
**Planner: Mike Davis**

- (b) to support the provision of common open space that is functional for active or passive recreational use;*

The recommended regulations of the site-specific bonus zone include a requirement for the provision of both indoor and outdoor common amenity space that is multi-functional and caters to both active and passive use. The 7<sup>th</sup> floor of the proposed tower includes terraces and building step-backs which will be used for a vegetated green roof. The 8<sup>th</sup> floor includes common terraces for outdoor residential amenity space as well as indoor amenity space for recreation.

- (c) to support the provision of underground parking;*

The recommended site-specific bonus zone regulations include a requirement for two levels of underground parking to limit the amount of above-ground structured and at-grade surface parking. Underground parking serves to minimize the visual impact of surface and above ground parking. The existing zoning on the subject lands does not include a requirement for underground parking. As such, this would be difficult to achieve through the normal development process.

- (d) to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;*

The requested DA1 zone is intended to provide a framework for downtown, pedestrian-oriented urban development. As such, there are no minimum requirements for landscaped open space in the DA1 zone. The recommended bonus zone will require landscaped open space in the form of outdoor terraces which are to be accommodated through building step-backs and recesses which complement the overall contemporary building design. These design features would be difficult to secure through the normal development process. The bonus zone will also ensure that, where possible, soft landscaped open space is provided at grade.

- (h) to support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit;*

The recommended amendment will facilitate the remediation of a former automobile repair establishment site and provide for residential intensification in a location which is well served by existing transit and future planned rapid transit. The proposed redevelopment will help support the viability of future transit related investments in key downtown locations and make for more efficient use of these public resources. The regulations of the recommended site-specific bonus zone also include requirements for a green roof on the 7<sup>th</sup> floor terrace with vegetated cover which serves to reduce the urban heat island effect and reduce stormwater runoff.

- (j) to support the provision of design features that provide for universal accessibility in new construction and/or redevelopment.*

The regulations provided in the recommended site-specific bonus zone include a requirement for the proposed building to consider enhanced accessibility standards, in accordance with the City of London Facility Accessibility and Design Standards to facilitate access and use.

## **11. Urban Design**

Section 11 of the Official Plan contains a range of urban design principles which address more subjective matters related to the visual character, aesthetics, and compatibility of land uses and to the qualitative aspects of development. The urban design principles contained in Section 11 are intended to supplement the land uses policies of Section 4.1 – Downtown Area – in evaluating the development proposals. It is recognized that the principles are primarily used as a guideline. The guidance provided by these principles is key in the consideration of increases

--	--

**File: Z-8285**  
**Planner: Mike Davis**

in height and density contemplated through bonus zoning. The proposed development and the requirements secured through the recommended bonus regulations will provide for the following:

- Natural Features and Open Views – the proposed development includes an architecturally defined base, middle and top with building step-backs and variation in massing which serves to maintain, to the greatest extent feasible, views to Harris Park and the Forks of the Thames.
- High Design Standards – the proposed development includes design treatments which serve to enhance the function and visual quality of the proposed development including the use of high-quality contemporary building materials, a point tower form which includes variation in the massing of various elements of the tower and transparent glazing at street level which, combined with active ground floor uses, will animate the pedestrian environment.
- Architectural Continuity – The “point tower” form of the proposed development serves to create variation in the visual massing of the tower and includes step-backs which provide for a defined base to frame the pedestrian realm. The podium “base” of the tower is limited in height to maintain harmony with the streetwall established by the adjacent historic townhouses to the north.
- Redevelopment – The recommended amendment will facilitate the redevelopment of a surface commercial parking lot and 2-storey office building to a high-density mixed use apartment tower. The proposed redevelopment will provide for a range of uses supported by the land use policies of Section 4.1 – Downtown Area.
- Streetscape and Pedestrian Traffic Areas – The proposed development includes a number of street oriented features such as active retail uses at the street level, primarily transparent glazing on facades adjacent to Fullarton and Talbot Streets, pronounced entrances with visually attractive permanent awnings and a defined podium base which provides for a human-scale transition to the residential tower.
- Access to Sunlight – The proposed development includes an architecturally defined base, middle and top with building step-backs that provide for variation in the massing of the proposed tower and serve to minimize the shadow impacts on surrounding development and open space. The point tower form, and limited floor-plate of the proposed tower provide for a sleek form which limits shadow impacts and could not, in and of itself, be effectively secured by way of the existing zoning.
- Landscaping – The proposed development includes a vegetated green roof on the 7<sup>th</sup> Floor which will serve to reduce the urban heat island effect, reduce stormwater runoff and enhance the visual appearance of building step-backs. The bonus zone regulations require that, where possible, soft landscaping is incorporated at grade.
- Accessibility – The recommended site-specific bonus zone regulations require that the development incorporate, to the greatest extent feasible, the City of London Facility Accessibility and Design Standards to facilitate access and use.
- Parking and Loading – Parking facilities are provided both below grade and in structured format from floors 2-6. Loading facilities will be located within the ground floor, at the rear of the building. The positioning of both parking and loading facilities is designed to minimize the visual impact on adjacent properties to the greatest extent feasible.
- Privacy – The point tower form of the proposed development serves to achieve a number of urban design objectives. The building step-backs at floors 7 and 8 ensure that residential units are further separated from existing development to the north and east to provide more seamless integration into the existing built context of the Downtown.

--	--

**File: Z-8285**  
**Planner: Mike Davis**

- Recreational Facilities – The recommended bonus zone requires the inclusion of recreational amenity space which is intended to be provided on the 8<sup>th</sup> floor.

### 19.2.2. Guideline Documents

Section 19.2.2 of the Official Plan provides that “Council may adopt guideline documents to provide detailed direction for the implementation of Official Plan policies.” It is intended that Guideline Documents are initiated by Council and may contain “policies, standards, and performance criteria that are either too detailed, or require more flexibility, in interpretation or implementation than the Official Plan would allow”. It is recognized that depending on the nature of the guideline document that they may provide specific direction for the review of development proposals. Staff have reviewed the applicable guideline documents and provided an evaluation of the relevance and direction contemplated by each as it relates to the requested amendment.

#### Transportation Master Plan

The City of London’s 2030 Transportation Master Plan (TMP): *Smart Moves* was completed in May of 2013 to provide a long-term transportation strategy for the City that will help guide the City’s transportation and land use decisions through to 2030 and beyond. The Transportation Master Plan is focused on improving mobility for residents of the City by providing viable and increased choices in modes of travel.

The TMP includes modal share targets and recommends strategies to assist the City of London and the London Transit Commission (LTC) in meeting a 20% transit modal share target by 2030. To achieve this objective, the growth management strategies in the Transportation Master Plan encourage directing growth to locations where it supports transit ridership, walking and biking. Such locations include the Downtown Area and planned rapid transit nodes and corridors identified in the 2030 Transportation Master Plan. The Growth Strategy stresses the importance of strengthening land use policies around nodes and corridors, including the Downtown, to focus future high-density development and employment in these areas.

The recommended amendment will provide for high-density mixed-use residential development in the Downtown and, as such, reflects a land use pattern which is conducive to the use of public transit and improves the mix of employment and housing uses to shorten commute journeys.

#### Downtown Design Guidelines

The Downtown Design Guidelines were prepared in 1991 and were intended to provide a guideline for the creation of Official Plan policies and Zoning regulations related to the form, scale and intensity of development in the Downtown. The guidelines also serve to provide a supplemental framework for the interpretation of Official Plan policies and for the evaluation of development proposals and public investments in the Downtown. Among other principles, the Downtown Design Guidelines include direction to:

- *Discourage development and design treatments that are considered to be detrimental to the functional success and visual quality of the Downtown;*
- *Encourage development and design treatments that are considered to be beneficial to the functional success and visual quality of the Downtown; and*
- *Allow flexibility in individual design creativity and innovation.*

These overarching principles of the Downtown Design Guidelines have been incorporated into the specific land use policy in the Official Plan for the Downtown Area. Accordingly, the recommended amendments will provide for a development that includes design treatments which serve to enhance the function and visual quality of the proposed development including

--	--

**File: Z-8285**  
**Planner: Mike Davis**

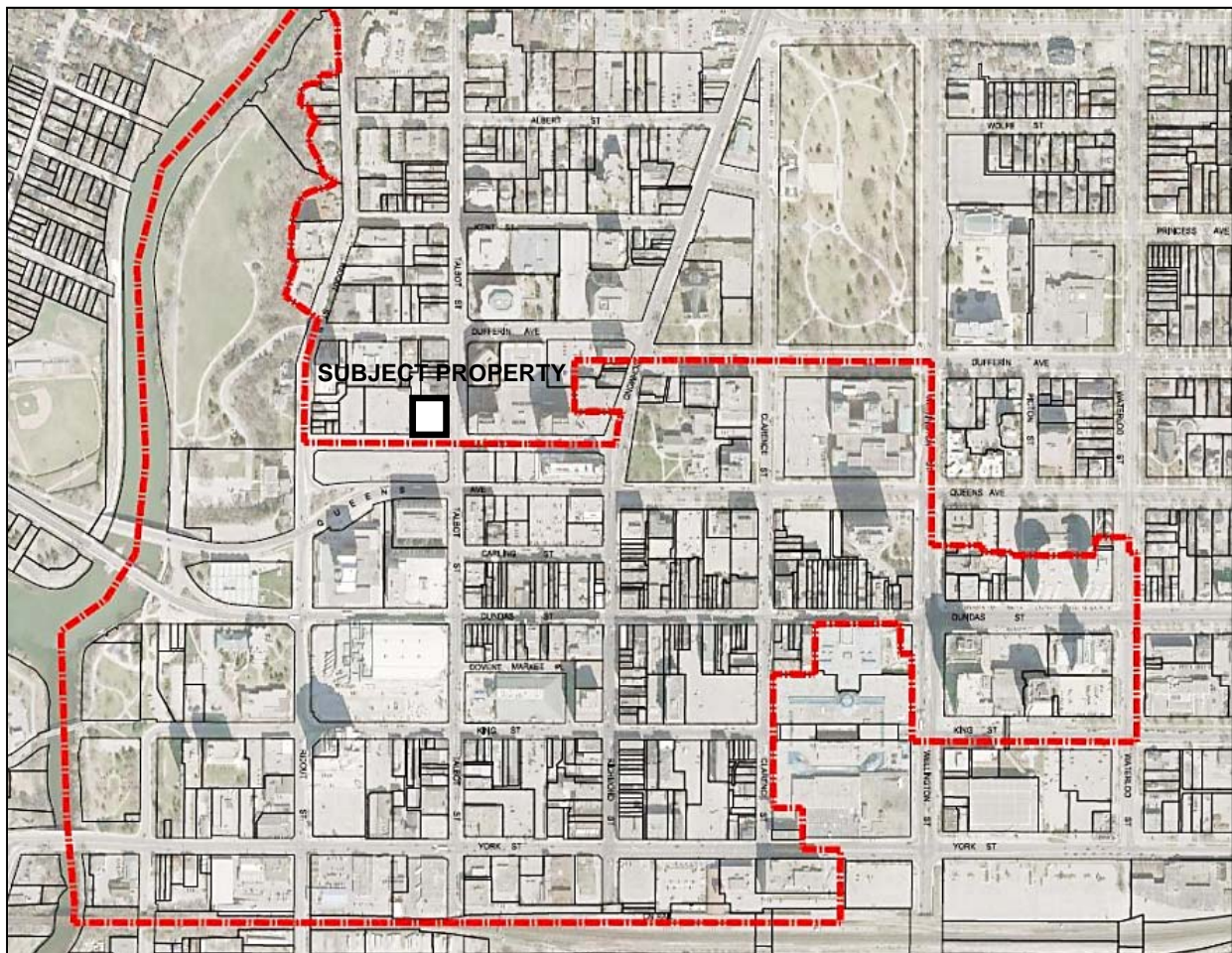
requirements for high-quality, contemporary building materials and for variation in the massing of various elements of the tower. The requirements for underground parking and requirements for retail uses at the street level will enhance the pedestrian environment and the public realm.

Downtown Heritage Conservation District Plan

Pursuant to the *Ontario Heritage Act*, Municipal Council may designate all or parts of the municipality as a Heritage Conservation District. The ability to designate such districts under Part V of the *Ontario Heritage Act* allows for the protection and enhancement of groups of properties that collectively represent a certain aspect of the development of the municipality considered worthy of preservation. It is intended that the overall character and value of a Heritage Conservation District is derived from both individual properties and the combined historic and aesthetic value of the structural and natural components of the area. Section 19.2.2. of the City’s Official Plan provides Council the ability to develop Plans to manage land use and built form on lands within and adjacent to Heritage Conservation Districts.

The City of London has established a Downtown Heritage Conservation District and subsequently adopted the Downtown Heritage Conservation District Plan in order to preserve, maintain and enhance the collective historic character of the Downtown. The Downtown Heritage Conservation District includes the lands identified on the map below.

**Figure 2:** Downtown Heritage Conservation District Boundaries



As is evident from **Figure 2** above, the subject lands are located adjacent to the northern boundary of the Downtown Heritage Conservation District but are, in fact, outside the boundaries. As such, the provisions of the plan do not provide specific direction or guidance to the subject application. Given the nature of the existing land use within the conservation district on the property to the south (a surface parking lot) there is no contextual heritage impact to the interface with the District.

--	--

**File: Z-8285**  
**Planner: Mike Davis**

Draft Approved Downtown Master Plan

The Downtown Master Plan was approved in draft form by Municipal Council in June of 2013. The Downtown Master Plan is intended to provide an overarching framework for the future development of the downtown including guidance for public investments and the structural elements on the downtown core. In general, the provisions of the Draft Downtown Master Plan do not provide specific direction in considering the merits of the proposed Zoning By-law amendment. However, the Draft Downtown Master Plan does provide broad principles which relate to development in the Downtown including encouraging the maintenance of views to the Forks of the Thames and Harris Park, the enhancement of the pedestrian realm and the encouragement of a variety of residential dwelling types in the Downtown.

In this regard, the recommended amendment will facilitate a form of development which, to the extent feasible, through step-backs and point tower design, maintains views to the Forks of the Thames. The proposed development includes active retail uses and transparent facades at the street level to animate and enhance the pedestrian environment and includes smaller urban style apartment units which allow for an efficient use of land and resources while contributing to a broadened range in the housing options available in Downtown.

**Zoning By-law No. Z.-1**

As previously noted in this report, the subject property is currently zoned Downtown Area (DA2) Zone which permits a wide range of office, commercial, retail, residential and institutional uses, and Holding Downtown Area (h-3•DA2•D350) Zone which permits a wide range of office, commercial, retail and institutional uses and a range of residential uses up to a maximum density of 350 units per hectare, with a requirement for the completion of a wind impact assessment to ensure development over 15.0 metres will not have an adverse impact on pedestrian level wind conditions in the Downtown prior to the removal of the holding provision.

Staff's recommendation proposes to rezone the subject lands to a Bonus Holding Downtown Area (B(\_)/h-3•DA1•D350) Zone which would allow for the development of a 33-storey (108.15m tall) mixed-use apartment building of a specified design with approximately 705m<sup>2</sup> of commercial/retail space on the ground floor, structured parking from floors 2-6, 770m<sup>2</sup> of office space on the 7<sup>th</sup> floor and a total of 248 residential apartment units on floors 8 to 33. The proposed development will be facilitated through a site specific bonus zone which will allow for an increased density of 1,155 units per hectare and a maximum height of 110 metres in return for such facilities, services and matters as prescribed by the regulations of the bonus zone which include the matters provided in clause (a) of the recommendation above and, without limiting the above, generally requires features such as underground parking, enhanced accessibility features, common recreational facilities and amenity space, high design standards, architectural continuity and consistency with the intent of the Downtown Design Guidelines.

Section 20.1 of Zoning By-law Z.-1 – General Purpose of the DA Zone – describes the rationale behind the DA zone variations. This section states that the DA Zone, *“provides for and regulates the City’s most dominant and intensive commercial business area which serve the City and region. The permitted uses include a full range of commercial, service, and office uses with residential uses permitted above the first floor. Zone variations are established to emphasize the pedestrian-oriented shopping area and to regulate the scale of retail permitted.*

*The primary difference between the DA1 Zone and the DA2 Zone variation is that the DA1 Zone is applied to main retail shopping area centred along Dundas and Richmond Streets. The DA2 Zone variation is applied to other peripheral areas of the Downtown and permits ground level office and residential uses”. The DA Zone variations both permit residential development to a maximum density of 350 units per hectare and a maximum height of 90 metres.*

In accordance with the intent of the DA Zone variations as prescribed above, the proposed

--	--

**File: Z-8285**  
**Planner: Mike Davis**

(B\_/h-3•DA1•D350) Zone is appropriate in order to facilitate the development of a pedestrian-oriented apartment building which includes active ground floor uses and residential uses above the first floor. The application of the DA1 Zone variation as the base zone requires residential units to be located above the first floor, which is desirable in this area of the Downtown. The h-3 holding provision requiring a wind impact assessment has been maintained on the base zone to ensure a wind impact assessment is carried out, should the applicant choose to forego the bonus zone and opt to change the development proposal and construct a building within the parameters of the base zone for which the wind impact has not been evaluated. The proposed Bonus Zone includes special regulations to permit reduced yard setbacks from the residential component of the tower and will allow for an increase to the maximum allowable height and density to 110 metres and 1,155 units per hectare in return for a specified building design which achieves many of eligible bonus zoning features outlined in Section 19.4.4 of the Official Plan. The inclusion of such features results in a public benefit which would be difficult to achieve through the normal development process. The recommended h-3 holding provision will not apply to the bonus zone given that a wind impact assessment has been completed for the specified building design and the bonus zone regulations do not allow for deviation from that design to a significant extent.

**CONCLUSION**

The recommendation for approval of the proposed Zoning By-law amendment has been supported by the foregoing planning analysis. The proposal has been evaluated in the context of the applicable land use policy and is supported by the objectives of the Provincial Policy Statement, 2005, and the City of London Official Plan which promote intensification, redevelopment and compact form in appropriate locations in order to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents. The recommended site specific bonus zone regulations will allow for an increase in the maximum allowable height to 110 metres and an increase in the maximum allowable density to 1,155 units per hectare in return for a specified building design which achieves a variety of eligible bonus zoning criteria outlined in Section 19.4.4 of the Official Plan, and which would be difficult to achieve through the normal development process or by way of the existing zoning permission on the subject lands. The specified building design, provided in Schedule “1” and attached to this report, includes high-quality contemporary building materials and a variety of design treatments which will enhance the visual and functional attributes of the Downtown. Further, the design includes a “point tower” form with an architecturally defined base, middle and top which includes variation in the massing of different elements in order to provide for harmonious integration into the existing built context of the Downtown and minimize impacts on adjacent properties. Finally, the specified building design achieves reflects the urban design principles contained the Section 11 of the Official Plan and will contribute positively to both the pedestrian realm and the City skyline. Given the foregoing, the recommended amendments represent sound land use planning.



Agenda Item #    Page #

--	--

**File: Z-8285**  
**Planner: Mike Davis**

<b>PREPARED BY:</b>	<b>REVIEWED BY:</b>
<b>MIKE DAVIS, B.U.R.PI. PLANNER II, COMMUNITY PLANNING AND DESIGN</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN</b>
<b>SUBMITTED BY:</b>	<b>RECOMMENDED BY:</b>
<b>JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN</b>	<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>

February 3, 2014  
MD

Y:\Shared\implemen\DEVELOPMENT APPS\2013 Applications 8135 to\8285Z - 100 Fullarton St-475 Talbot St (MD)\Reports\Z8285  
ZBL Amendment Report.docx

--	--

**File: Z-8285**  
**Planner: Mike Davis**

**Responses to Public Liaison Letter and Publication in “Living in the City”**

<u>Telephone</u>	<u>Written</u>
Bernie McCall London-Middlesex Health Unit	David Nuttall 500 Talbot Street
	Stan Fisher 93-95 Dufferin Avenue
	Les Eisner 500 Talbot Street
	Residents of 500 Talbot Street

--	--

**File: Z-8285**  
**Planner: Mike Davis**

**Bibliography of Information and Materials**  
**Z-8285**

**Request for Approval:**

City of London Zoning By-law Amendment Application Form, completed by Alan Patton, October 29, 2013.

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Richmond Architects Ltd. *Site Plan, Renderings, Floor Plans, Elevations*, October, 18, 2013.

Richmond Architects Ltd. *Sun/Shadow Study*, October 20, 2013.

Zelinka Priamo Ltd. *Planning Justification Report*, October 2013.

F.R. Berry & Associates. *Transportation Impact Assessment*, October 2013.

Gradient Microclimate Engineering Inc. *Preliminary Pedestrian Wind Commentary*, October 23, 2013

**Correspondence: (all located in City of London File No. Insert File No. unless otherwise stated)**

**City of London -**

Moore R., City of London, Wastewater and Drainage Engineering. E-mail to M. Davis. December 4, 2013.

Postma R., City of London, Urban Forestry. E-mail to M. Davis. November 28, 2013.

Clavet Y., City of London, Stormwater Management Unit. E-mail to M. Davis. December 9, 2013.

O'Hagan B., City of London, Urban Design Section. Memo to M Davis. December 10, 2013.

Couvillon A., City of London, Transportation Planning & Design. E-mail to M Davis. December 17, 2013

Mercier B., City of London, Committee Secretary, London Advisory Committee on Heritage. E-mail to M Davis. January 13, 2014.

**External Agencies -**

Creighton C., UTRCA. Letter to M. Davis. December 5, 2013.

Dalrymple D., London Hydro. Memo to M. Davis. January 20, 2014.

**Other:**

Site visit January 14, 2014 and photographs of the same date.

--	--

**File: Z-8285  
Planner: Mike Davis**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2014

By-law No. Z.-1-14\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 100 Fullarton Street and 475 Talbot Street.

WHEREAS Rygar Corporation Inc. has applied to rezone an area of land located at 100 Fullarton Street and 475 Talbot Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 100 Fullarton Street and 475 Talbot Street, as shown on the attached map comprising part of Key Map No. A107, from a Downtown Area (DA2) Zone and a Holding Downtown Area (h-3•DA2•D350) Zone to a Bonus Holding Downtown Area (B(\_)/h-3•DA1•D350) Zone.
- 2) Section Number 4.3 (Bonus Zones) of the General Provisions to By-law No. Z.-1 is amended by adding the following Site Specific Bonus Provision:

4.3(4) B-(\_) 100 Fullarton Street and 475 Talbot Street

This bonus zone is intended to facilitate a development design which includes a 33-storey (108.15m tall) mixed-use apartment building with approximately 705m<sup>2</sup> of commercial/retail space on the ground floor, structured parking from floors 2-6, 770m<sup>2</sup> of office space on the 7<sup>th</sup> floor and a total of 248 residential apartment units on floors 8 to 33, which shall be implemented through a development agreement in return for the provision of the following services, facilities and matters:

- A point-tower building design that, with minor variations at the City's discretion, match the Site Plan, Elevations, Sections and Renderings shown in Schedule "1" attached to this amending by-law, and includes an architecturally differentiated base, middle and top:
  - With the base consisting of the portion of the façades between the ground floor and the top of the 6<sup>th</sup> floor with a maximum height of six (6) storeys; positioned at the front and exterior lot lines at the corner of Talbot Street and Fullarton Street; incorporating architectural detail which creates a prominence on the Talbot/Fullarton Street corner; including retail uses at street level abutting the Fullarton and Talbot Street frontages, with a minimum ceiling height of 3.6 metres and transparent glazing of at least 2.5 metres in height, for 60% or more of the frontages; with entrances to each retail unit provided, where possible, directly to the street, flush with the sidewalk grade; including permanent awnings or architectural elements projecting above pedestrian entrances at street level; and above-grade structured parking which is screened with a variation in materials and colours;
  - With the middle portion consisting of the portion of the façades between the top of the base and the top of the 32<sup>nd</sup> floor; clad

--	--

**File: Z-8285**  
**Planner: Mike Davis**

primarily in glass window-wall panels, and employing balcony design which creates articulation and variation in the facades; includes variation in the massing of the tower through building step-backs at the 7<sup>th</sup> floor and the 8<sup>th</sup> floor respectively; with a vegetated green roof incorporated into the rear 7<sup>th</sup> floor step-back and terrace and outdoor amenity space provided at the rear 8<sup>th</sup> floor step-back and terrace;

- With the top consisting of the portion of the façades above the top of the 32<sup>nd</sup> floor; employing building step-backs on the 33<sup>rd</sup> floor to provide for outdoor terraces; employing further step-backs above the 33<sup>rd</sup> floor to articulate the top of the building; using attractive materials and architectural design to screen all mechanical elements located above the 33<sup>rd</sup> floor; using high-quality building materials and incorporating decorative lighting elements to create an aesthetically pleasing cap;
- 2-levels of below grade parking (minimum 65 spaces);
- Locating waste and recycling facilities within the proposed building screened from views of adjacent properties;
- Providing barrier-free access to all floors in accordance with the City of London Facility Accessibility and Design Standards (to the extent feasible to facilitate access and use); and,
- The provision of public art.

The following regulations apply within the bonus zone:

i) Height (Maximum)	110.0 metres
ii) Density (Maximum)	1,155 units per hectare
iii) Yard Setbacks for Residential Component of Building (Minimum)	3.0 metres
iv) Yard Setbacks for Non-residential Component of Building (Minimum)	0.0 metres (From existing road allowance)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on February 25, 2014.

Agenda Item # Page #

--	--

**File: Z-8285**  
**Planner: Mike Davis**

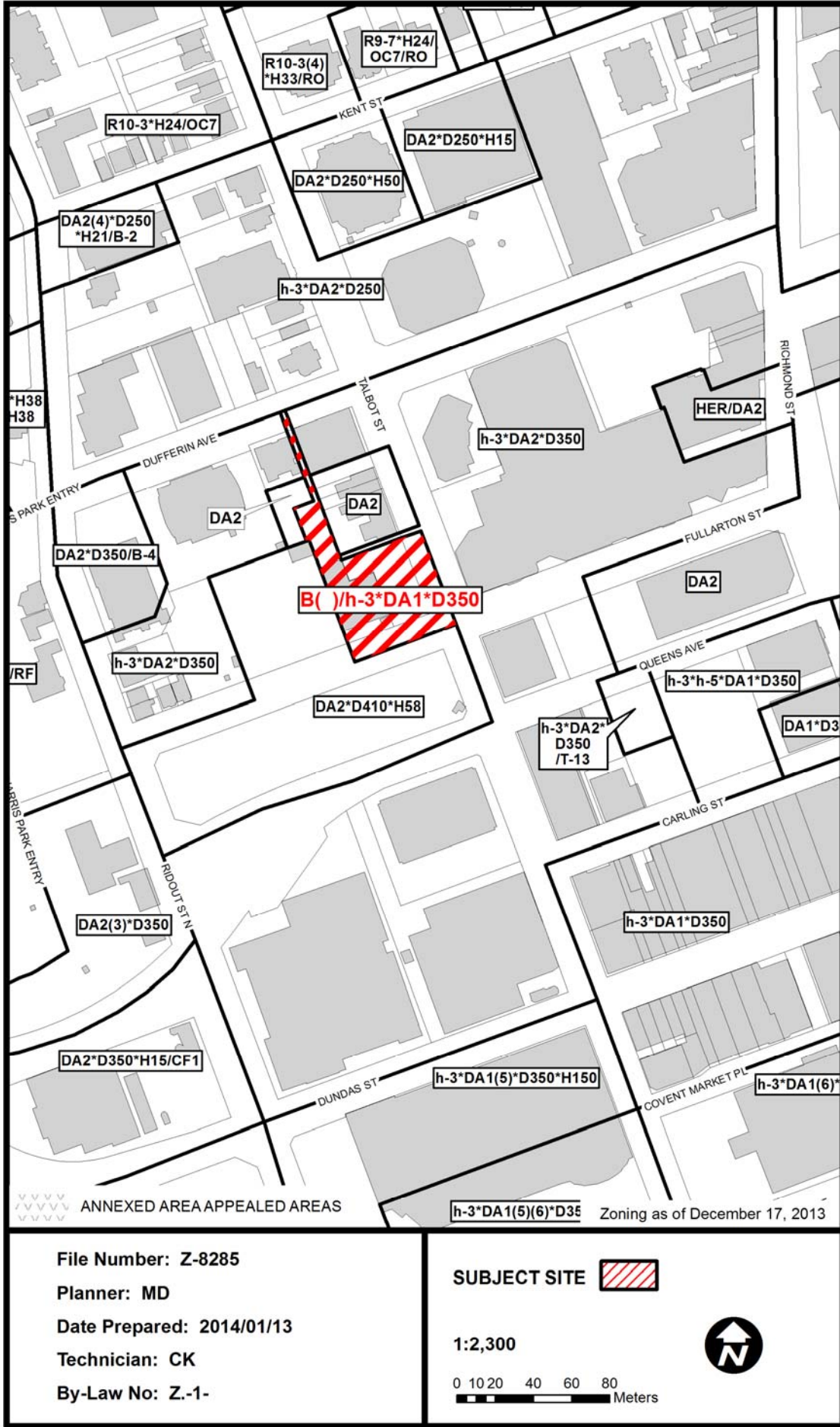
Joe Fontana  
Mayor

Catharine Saunders  
City Clerk


First Reading – February 25, 2014  
Second Reading – February 25, 2014  
Third Reading – February 25, 2014

Empty boxes for Agenda Item # and Page #

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

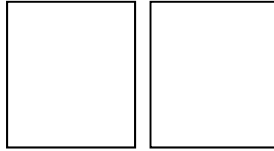


File Number: Z-8285  
 Planner: MD  
 Date Prepared: 2014/01/13  
 Technician: CK  
 By-Law No: Z.-1-

SUBJECT SITE   
 1:2,300  
 0 10 20 40 60 80 Meters

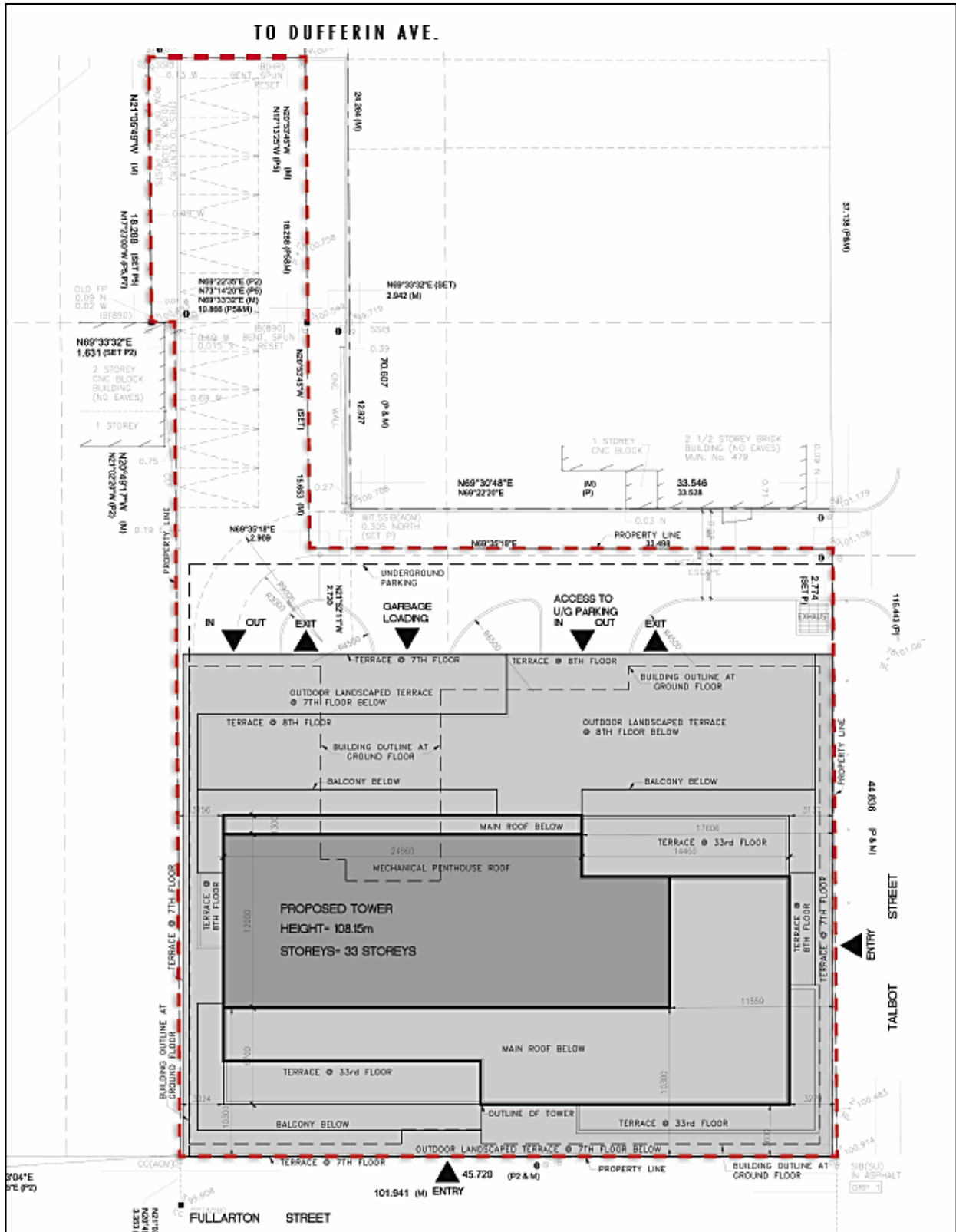


Geodatabase



Schedule "1"

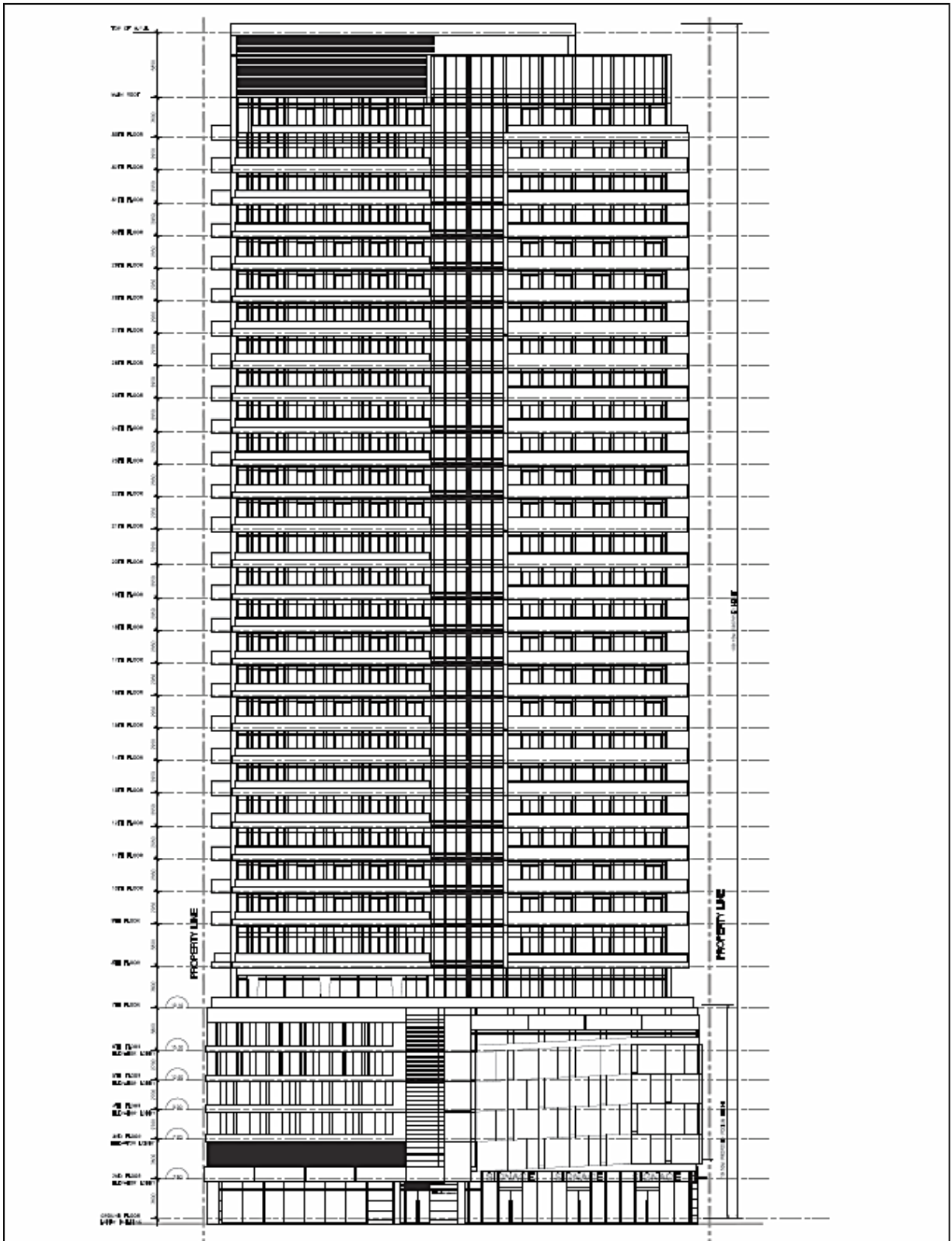
Site Plan





--	--

South Elevation

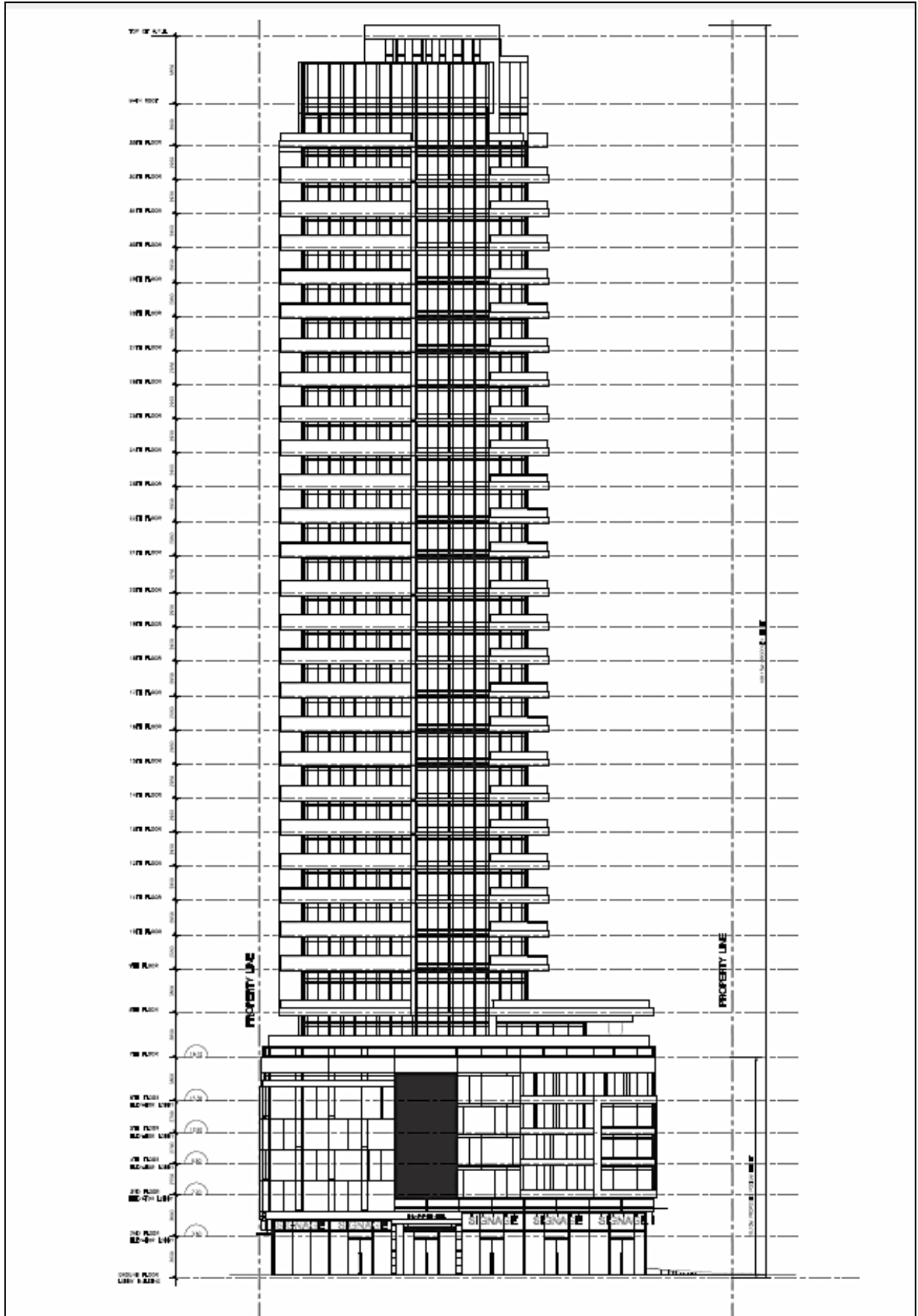




--	--

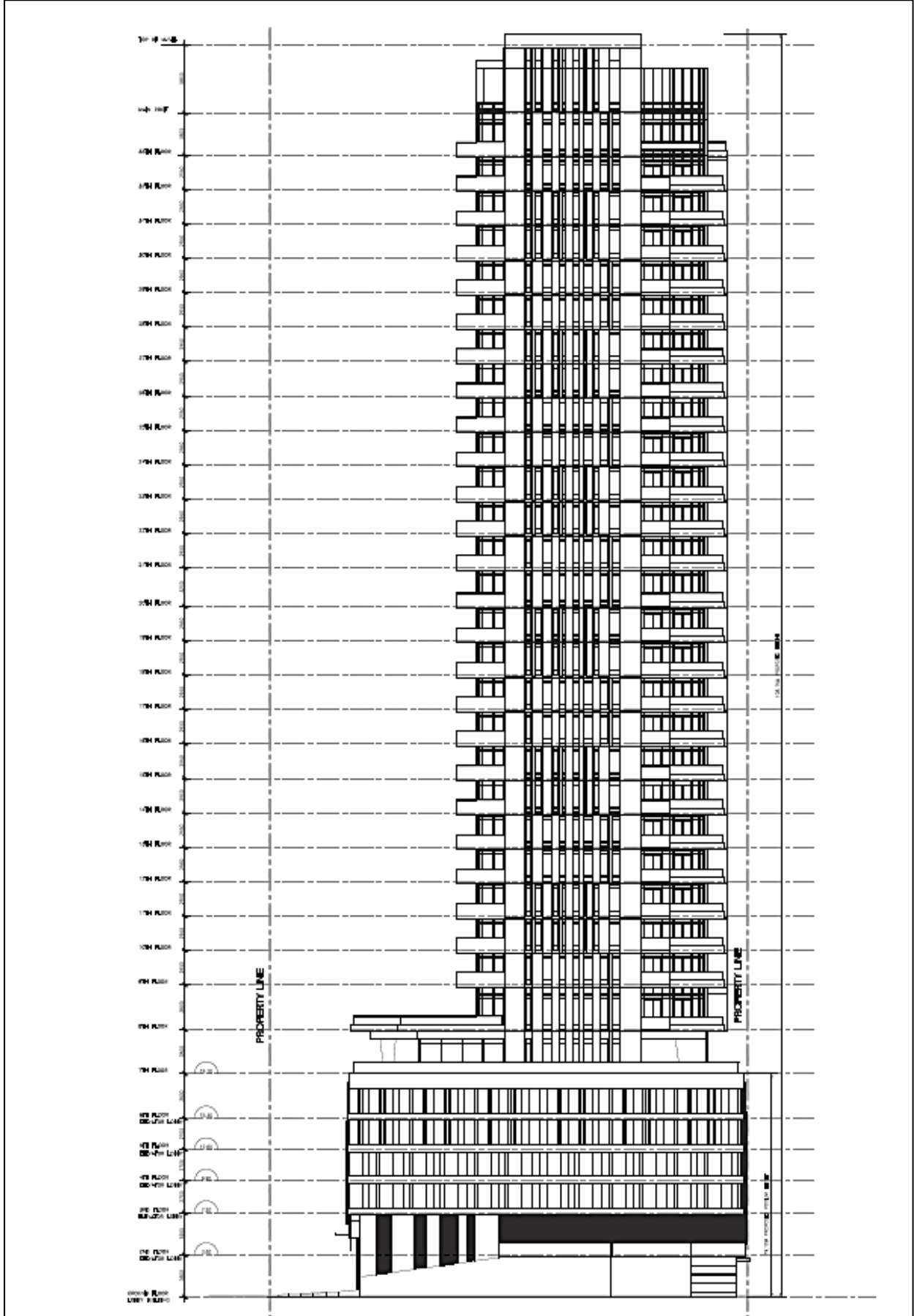
File: Z-8285  
Planner: Mike Davis

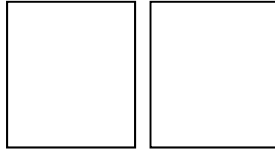
East Elevation



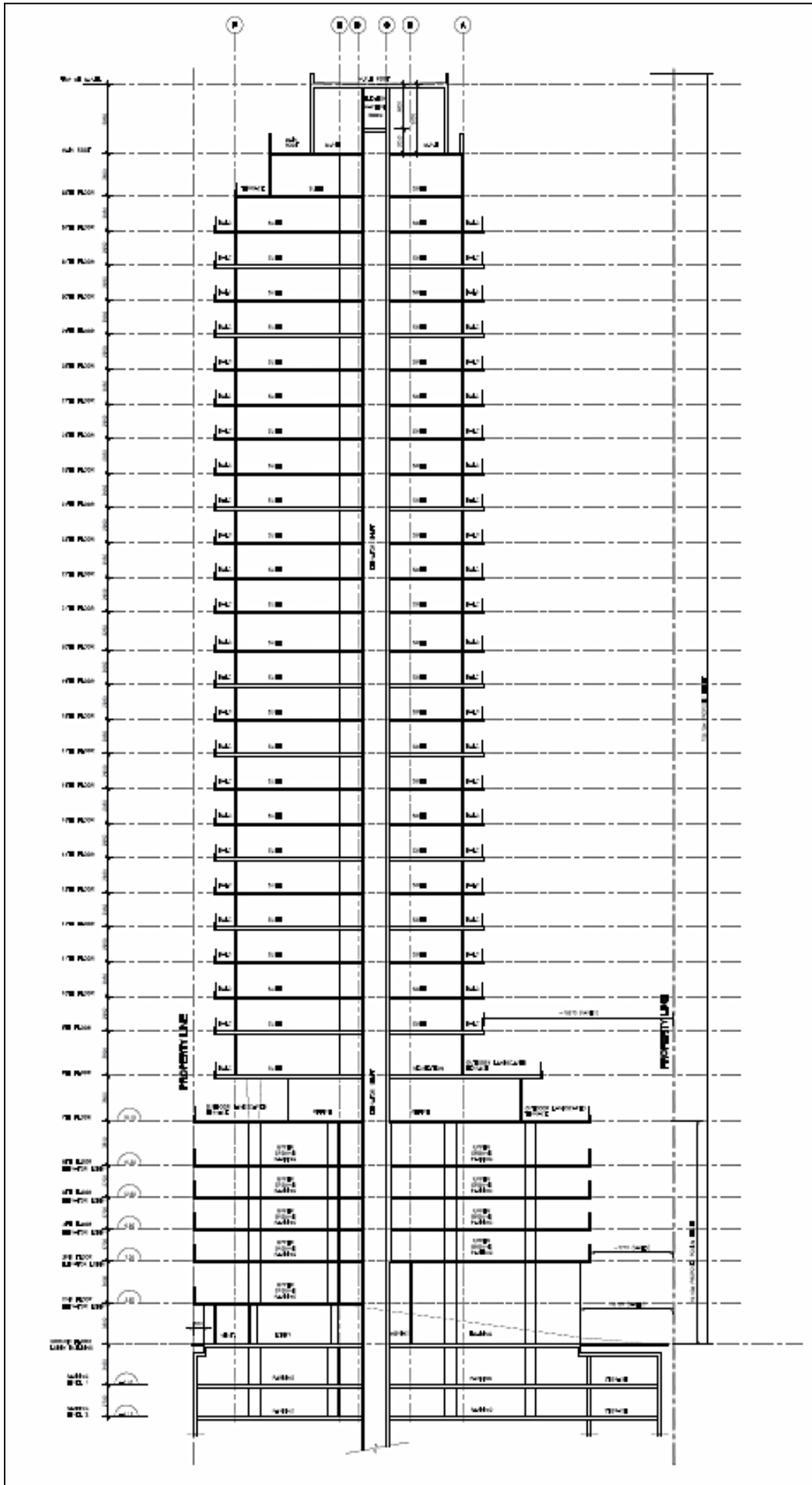
--	--

West Elevation





East-West Section



--	--

File: Z-8285  
Planner: Mike Davis

Renderings



--	--

File: Z-8285  
Planner: Mike Davis

