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Z-8525
Sonia Wise

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: JING FOR JING LTD 89 YORK STREET PUBLIC PARTICIPATION MEETING ON DECEMBER 14, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following action be taken with respect to the application of Jing for Jing Ltd relating to the property located at 89 York Street:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 21, 2015 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*D350) Zone, **TO** a holding Downtown Area Bonus (h-1*h-3*DA2*D350*B(□)) Zone. The Bonus Zone shall be implemented through a development agreement to provide for increased density up to 754 units per hectare in return for the provision of the following services, facilities and matters which are described in greater detail in the proposed by-law:

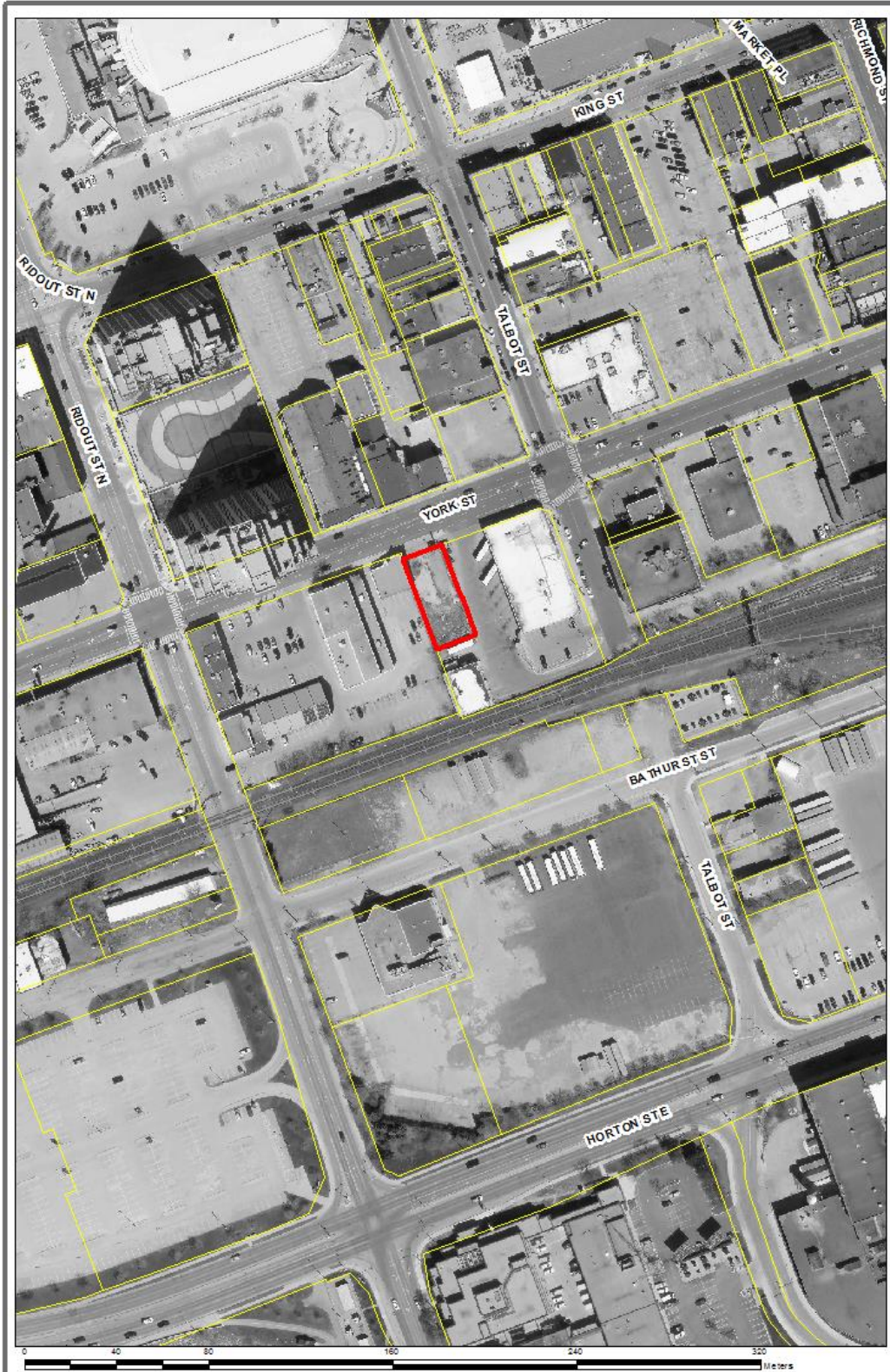
A high quality of building design, including the following:

- i. Abundant use of transparent glazing on the ground and second floors;
- ii. A high proportion of glass materials and natural stone and a relatively low proportion of exposed concrete or similar materials;
- iii. Provision of an outdoor area on the second storey in the form of a patio or terrace which faces the street to provide: articulation of the front façade, shelter for the ground floor entry, and activation of the street edge along York Street;
- iv. Parking provided by a mechanical parking system to be located on the third storey (spanning a maximum of 1.5 storeys in height);
- v. Inclusion of floor to ceiling glazing on the third storey to screen the parking level using a combination of graphics etched on or placed behind translucent glazing, which may be backlit, to provide a visibly interesting and artistic treatment, and animation of the street edge;
- vi. All parking spaces provided are to be accessible parking spaces;
- vii. Sustainable development features including solar panels and green roof treatments on the fifth and tenth levels; and
- viii. The visually interesting angled and stepped back building cap that will contribute positively to the Downtown London skyline;

- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
- i) Provision of a lay-by lane to provide stacking space on York Street for vehicles waiting to be parked;
 - ii) Clear delineation between pedestrian entrances/exits, service/loading areas and the parking garage entrance using methods such as distinct paving materials, bollards, signage, etc. in order to avoid vehicular-pedestrian conflicts.
 - iii) Provision of basement flooding protection for any development located on the subject lands for the prevention of possible sewage backflow from the existing 1050mm combined sewer.

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Z-8525
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LOCATION MAP

Subject Site : 89 York St
Applicant: Jing for Jing Ltd.
File Number : Z-8525

Planner : SW
Created By : MB
Date : 2015/11/09
Scale : 1:2,000

Legend

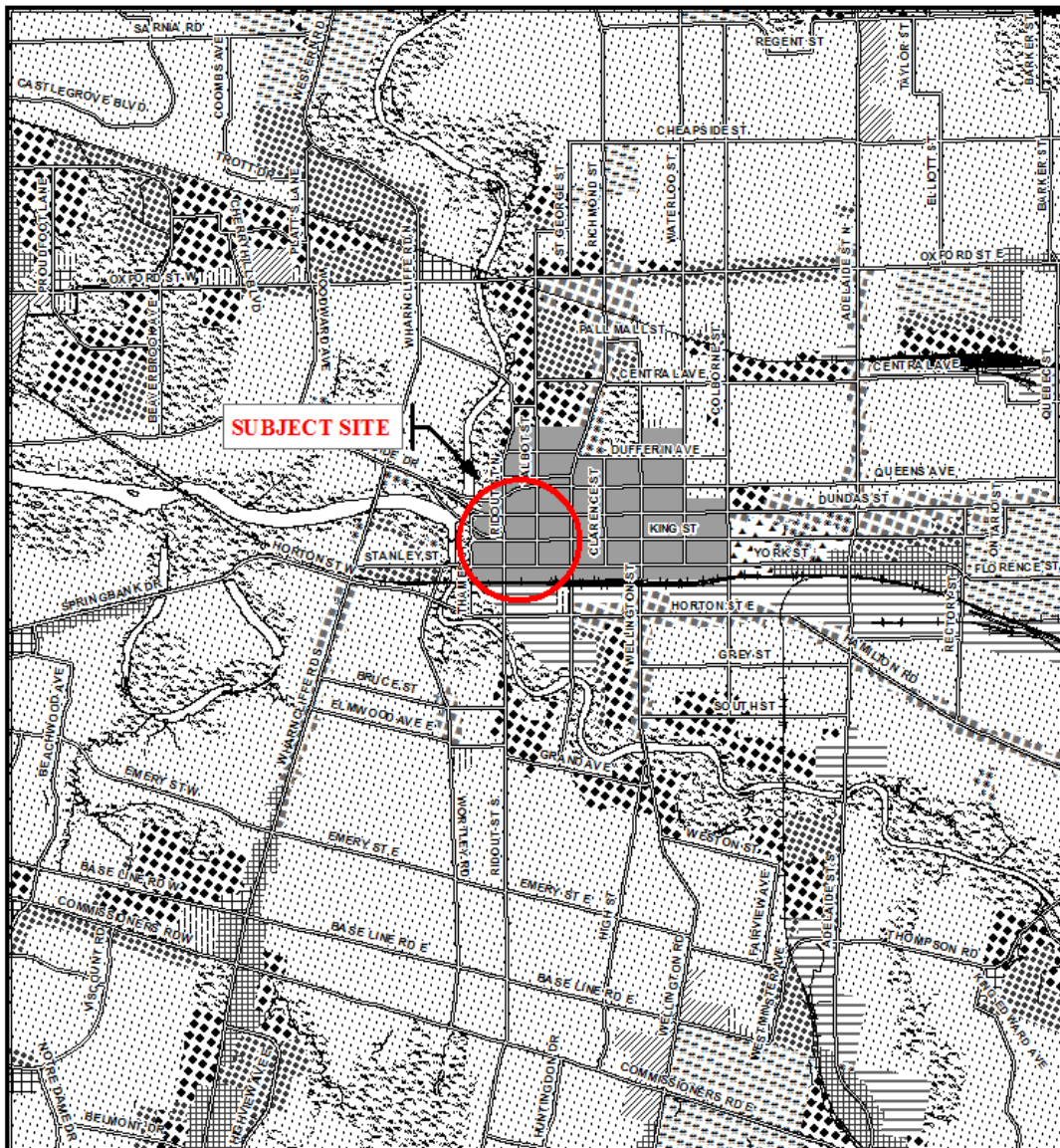
 Subject Site

Prepared by : Graphics & Information Services , Planning Division
Corporation of the City of London
File: \\janning\projects\p_locationmaps\MXDc



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Z-8525
Sonia Wise

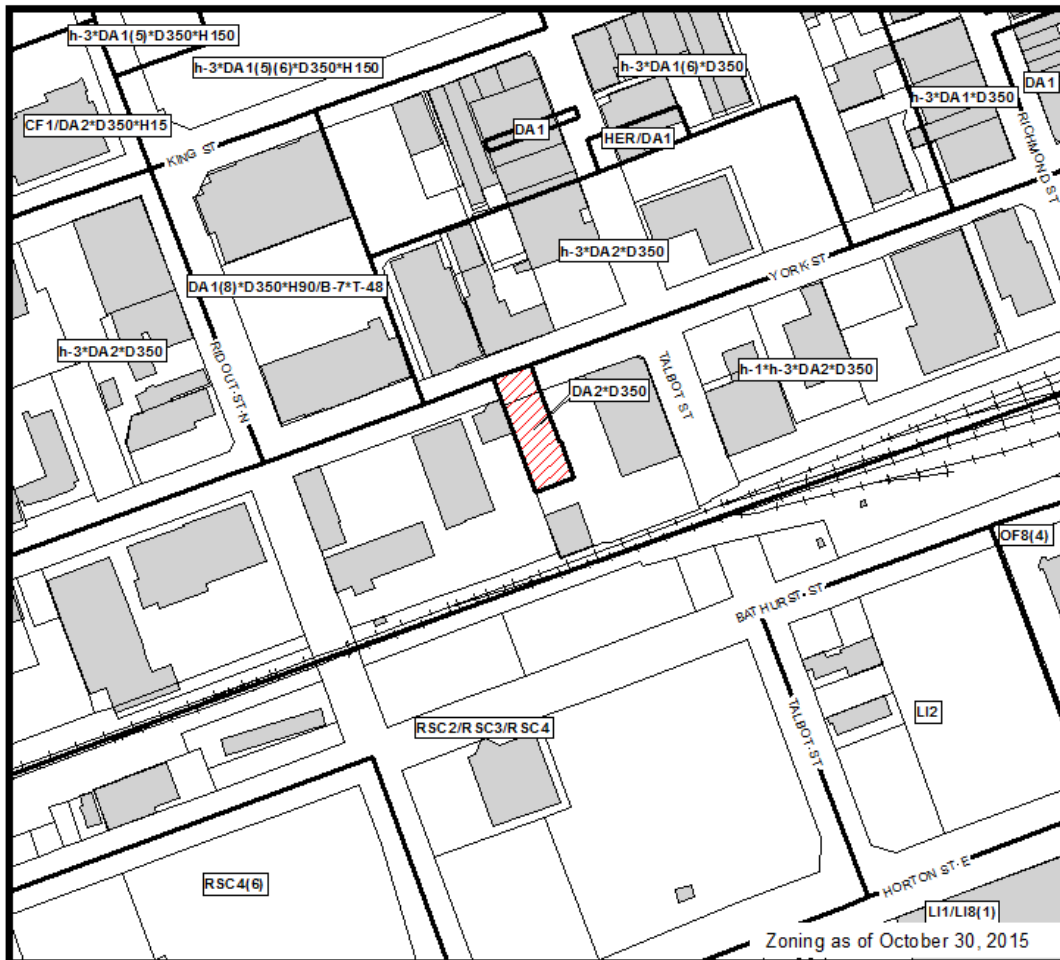


<p>Legend</p> <ul style="list-style-type: none"> Downtown Wonderland Road Community Enterprise Corridor Enclosed Regional Commercial Node New Format Regional Commercial Node Community Commercial Node Neighbourhood Commercial Node Main Street Commercial Corridor Auto-Oriented Commercial Corridor Multi-Family, High Density Residential Multi-Family, Medium Density Residential Low Density Residential Office Area 	<ul style="list-style-type: none"> Office/Residential Office Business Park General Industrial Light Industrial Regional Facility Community Facility Open Space Urban Reserve - Community Growth Urban Reserve - Industrial Growth Rural Settlement Environmental Review Agriculture Urban Growth Boundary 	
<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8525</p> <p>PLANNER: SW</p> <p>TECHNICIAN: MB</p> <p>DATE: 2015/11/09</p>

PROJECT LOCATION: e:\planning\proj\dt\slp_official\plan\work\cnso\00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

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Z-8525
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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: DA2*D350

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

- | | |
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| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 |
|--|---|

<p>CITY OF LONDON PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z-1</p> <p>SCHEDULE A</p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		<p>FILE NO: Z-8525 SW</p> <hr/> <p>MAP PREPARED: 2015/11/09 MB</p> <hr/> <p style="text-align: center;">1:2,500</p> <p style="text-align: center;">0 12.525 50 75 100 Meters</p>
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**Z-8525
Sonia Wise**

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law Amendment is to permit a 10 storey, mixed-use building that includes 18 residential units, restaurant, commercial and retail units, and an increased density of 754 units per hectare.

RATIONALE

- i) The recommended amendment is consistent with the *Provincial Policy Statement (PPS), 2014*, which promotes appropriate intensification, redevelopment and a compact form in strategic locations to minimize land consumption and servicing costs and provide for a range of housing types and densities;
- ii) The recommended amendment supports 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;
- iii) The recommended bonus zone provides for a density of 754 units per hectare in return for a facilities, services and matters which will result in a benefit to the general public through enhanced design and features which would not be possible 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;
- iv) The recommended amendment will allow for the proposed development, including the requested increase to density, through a bonus zone which requires that the ultimate form of development be consistent with the renderings attached as Appendix "1". Should the applicant not satisfy all of the provisions of the bonus zone, the increased density will not be permitted;
- v) The bonusing of the subject site ensures the building form and design will fit within the surrounding area and provide for an enhanced design standard;
- vi) The recommended amendment is consistent with the Downtown London Heritage Conservation District Plan, and is a complementary form of development;
- vii) The recommended amendment facilitates the redevelopment of a vacant and underutilized site within the downtown, and encourages an appropriate form of intensification; and
- viii) The recommended amendment maintains the spirit and intent of the various Council approved Guideline Documents, including Our Move Forward and the Downtown London Heritage Conservation District Plan which provides direction for development in the Downtown.

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**Z-8525
Sonia Wise**

BACKGROUND

Date Application Accepted: September 3, 2015	Agent: Kirkness Consulting Inc.
REQUESTED ACTION: Request for a site specific bonus zone to permit a density of 754 units per hectare for a 10 storey, mixed-use development that features retail, commercial and residential uses.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Vacant • Frontage – 17.8m (58.4 ft) • Depth – 42.5m (139.4 ft) • Area – 757m² (8,148.3 sq ft) • Shape - Rectangular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Mixed Use • South - passenger bus terminal and railway corridor (Greyhound) • East - Passenger bus terminal (Greyhound) • West - Commercial Plaza

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Downtown
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Downtown Area (DA2*D350)

PLANNING HISTORY

The subject site was previously used as a one storey commercial building which was demolished in early 2012. The site has been vacant for the past few years with no on-site activity.

A.127/10

The site was the subject of a minor variance application in 2010, (file A.127/10). The request was to allow for a reduction in parking from six (6) required spaces to zero (0), to facilitate the development of a mixed use building. The Committee of Adjustment refused the application and it was appealed to the Ontario Municipal Board by the applicant. The appeal was later withdrawn on February 24, 2011.

SP12-012426

The site was the subject of two site plan applications, SP10-031591 in 2010, and SP12-012426 in 2012. The 2012 site plan application received approval and a development agreement was

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**Z-8525
Sonia Wise**

entered into with the City of London for a five (5) storey mixed-use building with five (5) residential apartments. Security in the amount of \$22,000 was received, and parkland dedication cash in lieu of \$10,600 was paid.

H-8064

There was an application to remove the holding provisions h-1 and h-3 from the site in 2012. The application was successful and the holding provisions were removed from the property zoning on November 20, 2012.

Downtown Heritage Conservation District

The subject lands are within the Downtown Heritage Conservation District though do not feature any individual historically significant buildings. The district is designated under part V of the Ontario Heritage Act and provides direction to ensure proposed development is compatible with the precinct.

Our Move Forward – London’s Downtown Plan

The lands are also subject to *Our Move Forward – London’s Downtown Plan* (“*Downtown Plan*”) which was approved by Council in April, 2015. The Downtown Plan sets the context for future public and private sector investment and identifies how development should contribute to the overall Downtown vision.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Bell – September 30, 2015: No objections

UTRCA – October 5, 2015: No objections

CN Rail – October 2, 2015: It should be noted that CN has concerns of developing residential uses abutting the railway right-of-way. This is due to noise, vibration and potential trespass issues that will result. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN’s guidelines reinforce the safety and well-being of any existing and future occupants of the area.

Please refer to CN’s guidelines for this type of development (attached). CN urges the municipality pursue the implementation of the criterion as conditions of an eventual project approval. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities – <http://www.proximityissues.ca> for more information.

CN will anticipate the opportunity to review a noise and vibration study conducted by an acoustic consultant accounting for all potential railway operations in this area.

Be advised that in the event of the proposal moving forward, CN will be seeking the registration of an environmental easement on title, as well as a warning clause.

Development Services – Engineering, October 21, 2015: Consolidated Comments:

Transportation – A right turn lay-by is required on York Street to accommodate vehicles waiting to use the mechanical parking system.

WADE – The sanitary outlet for the subject lands is the municipal 1050mm combined sewer on York Street. A new sanitary p.d.c. to City Standards will be required.

Based on discussions with SWED (Storm Water Eng Div) there is currently no storm outlet available; Notwithstanding this, based on previously accepted drawings it was proposed to outlet storm flows from the subject lands to the same municipal 1050mm combined sewer on York Street

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Z-8525
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In an effort to distinguish between storm and sanitary p.d.c.'s to the combined sewer marker tape must be used along the length of each p.d.c. to distinguish sanitary from storm. The use of marker tape is to make certain as part of any future capital works project the separation of the sanitary sewer flows from the storm sewer flows on York Street. In addition a note is to be added to the drawings and a clause put in the DA to the effect that the Owners' professional Engineer is [to] provide a PDC report to WADE, as well as, update City records to reflect installation and location of the respective storm and sanitary PDC's all in accordance with the accepted drawings.

The proposed high rise's footprint will take up the entire lot leaving no room for a sanitary inspection manhole.

The Developer shall be required to provide basement flooding protection for any development located on the subject lands for the prevention of possible sewage backflow from the existing 1050mm combined sewer.

SWM – The site is to be serviced by the existing combined sewer along York Street fronting the site. Although this combined sewer may have capacity to accommodate the expected sanitary flows, it is not clear at this time the nature and amount of expected storm flows that need to be accommodated in the combined sewer. The SWED and WADE will provide further information in conjunction with the future Site Plan Consultation regarding specific comments with storm and sanitary flows.

Due to the nature of the proposed land use and especially the 5BY2 parking system, the owner may be required to have a consulting Professional Engineer design and install an Oil/Grit Separator(s) to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer.

Please note that this response has been made without input from the Water Engineering Division.

The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

Urban Design Peer Review Panel

1. This project proposal is problematic. We support the applicant's concept of a building designed to express and demonstrate principles related to positive energy (*chi*) and good health. The reference and attention paid to *feng shui*, for example, is understood and supported. Aspects of the site and building program seem to be at odds with basic planning and design principles though and that leads us to question the validity of a bonus zoning.
2. We are particularly concerned about the implications for the project if adjacent sites are intensified. For example, the viability of the proposed residential units would be compromised in relation to building code requirements for day light in particular rooms.
3. The proposed accommodation of parking is novel; however, in-ground parking is preferred and further investigation in that regard warranted. The commercial function of the building and the automated parking proposed will result in vehicles waiting on the street to enter the parking garage. That has implications for the flow of traffic on York Street. This could be further compromised through building servicing requirements.
4. A service elevator opening to the sidewalk from below is proposed. It is not shown on the A101 Site Plan. The function of the elevator cover and the northwest exit door should be clarified. As service to the proposed kitchens will be by way of the exterior elevator, the impact of service vehicles on the public sidewalk and roadway has to be clarified. Such a situation was not uncommon in cities but is now avoided due to the negative

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**Z-8525
Sonia Wise**

impact on the pedestrian realm when in use. If built as proposed, building servicing will have to be strictly managed.

5. A Level 2 patio dining area is shown to overhang the public sidewalk. That and the construction of a service elevator in the public right-of-way may require a precedent-setting reconsideration of encroachments on the public right-of-way.
6. The proposed dynamic wall at the first, second and third levels, is related to the parking garage above grade. It is an interesting proposal and could contribute positively to the public realm, and in this case may be a valid way to mask and incorporate parking levels in building architecture at such a small scale. Such a feature should be carefully detailed and specified to aid approval given its potential visual impact. As a positive contribution to the public realm, such a feature could be a bonus condition.
7. This UDPRP review is based on City planning and urban design policy, the submitted brief and noted presentation. It is intended to inform the ongoing planning and design process. We question the proposed bonus zoning because of the tenuous situation related to proposed residential use and the proximity of building to property lines on three sides, as well as the potential confusion of vehicle, pedestrian and service function at the street.

Urban Design – November 10, 2015

Urban design staff have reviewed the submitted concept plan and urban design brief for the application at the above mentioned property and provide the following comments:

The site plan authority should be requested to address the following design issues through the site plan process:

- Ensure there is a clear delineation between pedestrian entrances/exists, service/loading areas and the parking garage entrance using methods such as distinct paving materials, bollards, signage, etc. in order to avoid vehicular-pedestrian conflicts.
- Ensure that the outdoor area on the second storey facing the street includes active uses such as a patio, terrace, etc. in order to create an active street edge along the York Street frontage.
- Ensure that all internal parking is located above the second storey (spanning a maximum of 1.5 storeys in height). Screen the parking storeys using a combination of graphics etched on or placed behind transparent glazing with the opportunity of being backlit to provide interest and animate the street edge.

London Advisory Committee on Heritage (LACH) – November 11, 2015

That the following actions be taken with respect to the Heritage Alteration Permit Application for the property located at 89 York Street:

- a) consistent with the Delegated Authority By-Law (By-Law No. C.P.-1502-129), and as recommended by the London Advisory Committee on Heritage (LACH), the alterations to the designated property located at 89 York Street, within the Downtown Heritage Conservation District, BE PERMITTED by the City Planner, with the following terms and conditions:
 - i) the final drawings submitted for Site Plan approval and Building Permit be consistent with the features described in this proposal included in the staff report dated November 11, 2015, to the satisfaction of the City Planner;

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**Z-8525
Sonia Wise**

- ii) the display of a Heritage Alteration Permit be placed in a location visible from the street during the construction of the structure; and,
- b) the Civic Administration BE ADVISED that the LACH expressed the following with respect to this matter:
 - i) given the location of the site and the relatively low proposed height and small lot area, the LACH supports the Heritage Alteration Permit application;
 - ii) the LACH received and concurred with the Heritage Impact Statement dated October 26, 2015, prepared by Kirkness Consulting;

it being noted that the LACH reviewed and received the Heritage Impact Statement dated, and heard verbal delegations from L. Kirkness, Kirkness Consulting Inc., E. Lui, Jing for Jing and E. Poletti, Architect Inc., with respect to this matter; it being further noted that the LACH was impressed with the thoroughness of the Heritage Impact Statement and more specifically found "Table 1 – Proposed Development Design Response to HCD Plan Guidelines" helpful in understanding the decision making process.

PUBLIC LIAISON:	On September 16, 2015, Notice of Application was sent to 226 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 September 17, 2015. A "Possible Land Use Change" sign was also posted on the site.	4 replies were received
<p>Nature of Liaison: The purpose and effect of the requested Zoning By-law Amendment is to permit a 10 storey, mixed-use building with an increased density that includes 18 residential units, restaurant, commercial and retail units. Possible change to Zoning By-law Z.-1 from a Holding Downtown Area (h-1*h-3*DA2*D350) Zone which permits a wide range of residential, office and commercial uses, up to 350 units per hectare, to a Downtown Area Bonus (DA2*D350*B-()) Zone which permits a wide range of residential, office and commercial uses, with a density up to 754 units per hectare.</p>		
<p>Responses: 1) One response was received that expressed support for the idea, and expressed hope that the design is in 'good taste' and acts as a catalyst for additional projects on York Street. 2) One response was received that expressed concern that the property was an inadequate size to support the proposal, there would be inadequate parking and that the bus station is very noisy. 3) One response was received that expressed concern for the effect of the Labatt's brewery on the residential amenity of the site regarding noise and odour. 4) One response was received that requested additional information about the proposal.</p>		

Public Information Meeting

An informal public information meeting was held by the applicant on October 29, 2015, to discuss the details of the proposed development with the community. The property owner, project architect and planning consultant presented the proposal to the public in attendance.

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**Z-8525
Sonia Wise**

ANALYSIS

Subject Site

The site is located on the south side of York Street with a frontage of 17.8m and a lot area of 757m². There was previously a one storey commercial building which has been demolished, and the site is currently vacant. There is an existing commercial plaza (Yorkville Centre) to the west, the Greyhound Bus Station to the east and south, and mixed commercial and residential uses to the north, including a heritage listed apartment building at 88-90 York Street.



Figure 1: Previous occupant of 89 York Street and loading area

Nature of Application

The requested amendment will permit a 10 storey mixed use development with a focus on health and well-being which is ingrained in both the building design and the variety of uses proposed. The building has elements of feng shui and biogeometry reflected in the interior layout and use of space to promote good flow and energy. The intended uses which are consistent with the health and wellness theme include healthy restaurants, a small health food store, teaching kitchen and office space for a non-profit organization.

The development is requesting a bonus zone to allow for an increase in density in return for various design improvements. A bonus zone would specifically describe the bonusable features and elements of the proposal, and 'tie' the elevations and site plan together. The zoning amendment references elements of the design to provide clarity for the intention and interpretation of what is bonused, and whether the requirements have been met. As such, more intensive consideration for design elements, the façade and elevations occurs at the Zoning amendment application stage to ensure that the proposal meets the intent of the policies and guidelines so there will not be any significant changes that emerge from additional approval processes such as Heritage or Site Plan Approval.

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Figure 2: Proposed 10 storey mixed use building

Use

Provincial Policy Statement (PPS) 2014

The PPS promotes healthy, livable and safe communities by accommodating an appropriate range and mix of residential, employment, and other uses to meet long term needs (1.1.1 b) PPS). The proposal provides for a mix of residential and commercial uses which are suitable and encouraged in the downtown location. The site is within the core of an existing settlement area which is the focus for growth and development, as the “vitality of settlement areas is critical to the long-term economic prosperity of our communities” (1.1.3 PPS). Long-term economic prosperity is further supported by maintaining and enhancing the vitality and viability of downtowns and mainstreets, which is relevant for the proposal as development and investment in the downtown positively enhances the City as a whole (1.7.1. c) PPS).

Official Plan

London’s Downtown is the multi-functional activity area for the City of London and the regional centre for Southwestern Ontario. It is the primary business, office, institutional, entertainment and cultural centre, and is characterized by its intensive land use pattern. The downtown is strengthened by promoting: residential development, entertainment and cultural facilities, a high standard of design for downtown development and public spaces, and improving the accessibility by all modes of transportation (s. 2.12.1 & 2.12.2 Official Plan). The range of uses in the Downtown Area designation and Downtown Area (DA2) Zone is the most permissive in the City, and the proposed restaurant, commercial, office and residential uses are considered desirable and complementary in this location of the City.

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Proposal

Commercial (levels: basement, 1, 2, 4 and penthouse)

The site is located just south of the Downtown Shopping Area which is a precinct with a greater emphasis on retail and active ground floor uses (4.1.4 OP). The development proposes commercial, restaurant and retail floorspace on the main and second floors which activates the ground floor, enhances the pedestrian realm, and provides complementary uses to the nearby shopping area. The basement accommodates the culinary activities that support the restaurant use, and also provides residential storage space, bicycle parking and mechanical equipment.

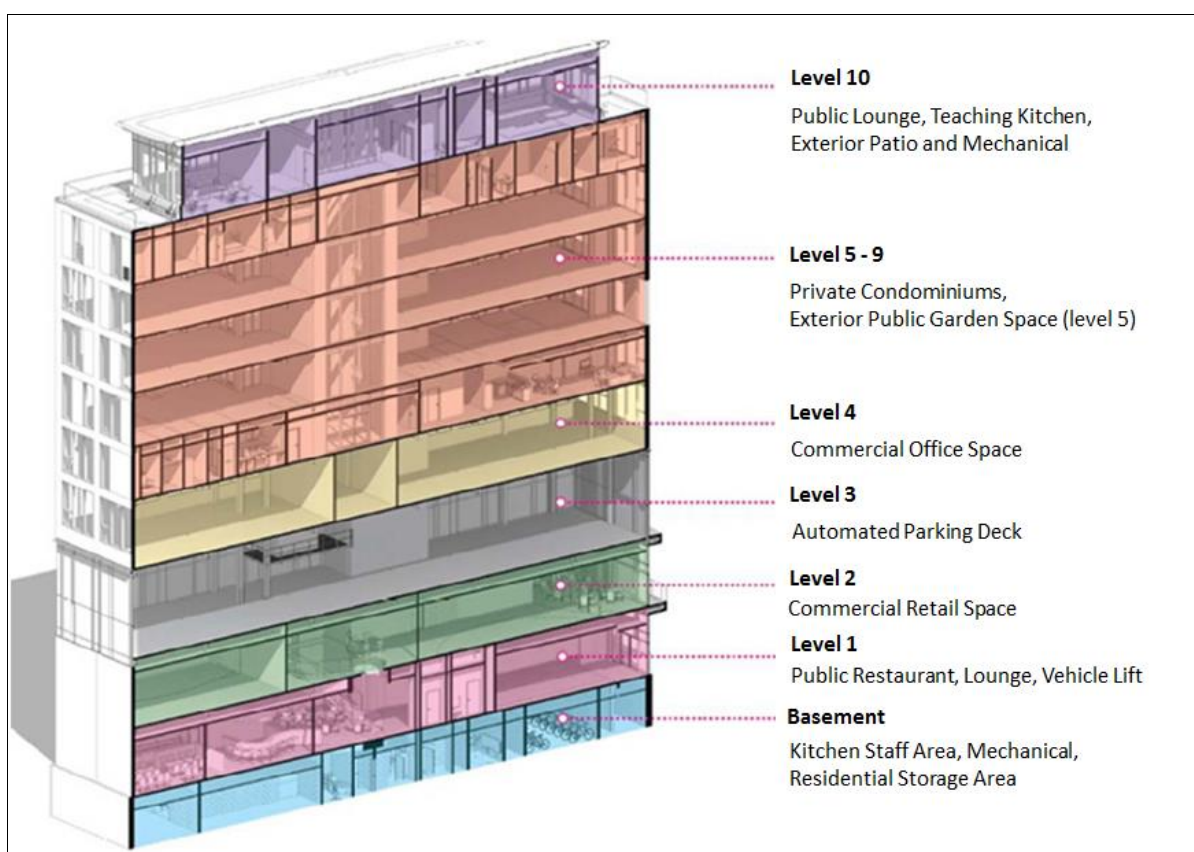


Figure 3: Cross-section of proposed uses

The fourth floor is proposed to be used for commercial and office space which provides additional employment floorspace in the downtown, and increases the office variety.

The penthouse on the 10th storey proposes a lounge, teaching kitchen, fitness centre, greenhouse and patio space, as well as some mechanical equipment. The range of uses and activation of the penthouse provides public access to a level that has unique views and vantage points of the City.

Residential (levels: 5-9)

There are 18 residential units located on floors 5-9 which will modestly increase the downtown population and the diversity of housing options. Additional residents have a positive effect on the downtown by increasing the vibrancy and sense of liveliness, which contributes to feelings of safety and comfort (The Value of Investing in Canadian Downtowns, p23). The result is a moderate increase in population, but an increase that will continue to contribute towards reaching a critical mass needed to support desired services such as a downtown grocery store.

Parking (level: 3)

The building is proposing to utilize a mechanical parking system known as '5by2' which uses an

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Z-8525
Sonia Wise

elevator and platform system to store vehicles on the third floor instead of traditional ramps. Generally, the preferred location for parking is underground to reduce the impact of the vehicles presence on the design and function of the building; though it is not feasible to locate the parking underground given the constraint of the water table and additional excavation that would be required for the '5by2' system. The parking is instead located on the third floor which implements appropriate screening measures, and enables the ground and second floors to be entirely utilized for active uses. The mechanical system provides a desired design outcome which has similar benefits to a traditional underground scenario.

Our Move Forward: London's Downtown Plan

Strategic Direction 5 (Build a Great Neighbourhood) supports the development of a larger downtown residential community, and the proposed development regenerates a vacant lot with commercial activity and a total of 18 residential units.

Intensity

Provincial Policy Statement

The PPS requires that sufficient lands be available for intensification and redevelopment within settlement areas, and that development patterns be cost-effective to minimize land consumption and servicing costs (1.1.1 e & 1.1.2 PPS). The site represents an infill opportunity on an existing vacant site which does not generate the need to expand the settlement area. Land use patterns within settlement areas should be based on densities and uses that efficiently utilize land, resources, and public infrastructure, minimize negative impacts to air quality, promote energy efficiency, and support active transportation and transit (1.1.3.2 a) PPS). The proposed density is appropriate for the downtown location where the development will utilize existing services and infrastructure.

Official Plan

The Downtown Area is the focus for the highest densities permitted in the City, and the location where the limitation on the scale of development is less restrictive (4.1 Official Plan). The Official Plan encourages residential growth by supporting in the downtown through "a variety of high and medium density housing types" (s. 4.16.iv Official Plan). The proposed density for the site is 754 units per hectare which is based on 18 residential units and the converted commercial floor space of 3,902m² on a parcel with an area of 757m². The commercial floorspace translates to one residential unit for every 100m² of gross floor area (GFA) for the purpose of calculating density to enable the comparison of equivalent units of measurement. The location within the downtown is supportive of increased density, and the proposal contributes to the vitality of the area without resulting in an over-use of the site.

The density of 754 units/hectare is higher than the existing permission of a maximum of 350 units/hectare, and the applicant has requested a bonus zone to allow for the increase. Bonus zoning is used to support the City's urban design principles in return for the provision of bonusable features that result in a public benefit which could not be otherwise obtained through the normal development process. The proposal provides the following bonusable features to support the increased density:

Design

The proposed building represents excellence in design with a high proportion of preferred materials such as the use of glass and natural stone, along with concrete and metal cladding panels. The second floor patio provides passive surveillance along York Street, while activating the façade and sheltering the ground floor entry. The use of the mechanical parking system allows the vehicle parking to be located on the third floor in a compressed format compared to traditional parking structures that require an extensive network of ramps and drive aisles, and enables the ground and second floors to be entirely utilized for active uses. The parking area

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Z-8525
Sonia Wise

on the third floor will have innovative screening through decorative glazing with an etched design which may include illumination that enhances the aesthetics of the building and street.

Environmentally Sensitive Design

The building design incorporates methods of energy conservation including the use of solar panels, green roof treatment, and the innovative, and LEED accredited, mechanical parking system.

Universal Accessibility

The application accommodates universal design principles and allows individuals with disabilities to have full access to the building. There are an additional 15% of the residential units that are designed to be universally accessible, and all parking spaces on site are accessible.

Parking

Parking is required for commercial, office, retail and other non-residential uses in the Downtown Area. The zoning regulations for the residential component does not generate the need for the provision of parking spaces, given the downtown's central location, high walkability, access to a wide range of goods and services, and connection to the broad transit network.

The parking rate is based on the proposed amount of commercial floor space less the previous or existing amount of commercial floorspace. There is a total of 3,902m² of non-residential gross floor area proposed, and the previous commercial building had 972m² which reduces the total floorspace to 2,930m² for the purpose of the parking calculation. The downtown parking rate requires 1 space per 90m² of gross floor area, which generates the need for 33 parking spaces. The applicant is providing a total of 56 parking spaces which meets and exceeds the required minimum.

Bicycle Parking

The bicycle parking rate is required for both the residential and non-residential uses. The number of bicycle parking spaces for the residential units is based on 0.75 spaces per unit which equates to 14 spaces. The non-residential demand is based on 7% of the total number of required vehicle parking spaces which equates to an additional 3 spaces, for a total of 17 spaces. The applicant is proposing to accommodate 24 spaces, which meets and exceeds the minimum requirement.

Landscaped and Amenity Space

The landscaped open space requirement within the Downtown Area (DA2) zone is 5% of the site. The minimum 5% is provided, and there is additional amenity and patio space available for the residents and users of the building proposed on the 5th level and penthouse. The site also has access to a number of nearby green spaces to provide for leisure and recreation including Victoria Park, Ivey Park, Harris Park and the Thames River.

Form

Provincial Policy Statement

The policies of the PPS promote development standards which facilitate appropriate intensification, redevelopment and a compact form (1.1.3.4 PPS). The proposal represents an appropriate design and form suitable for the downtown location. The PPS encourages 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" (1.7.1 d) PPS). The built form is paramount in such a prominent location as the

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Z-8525
Sonia Wise

downtown, as well as a design that respects the local downtown heritage character.

Official Plan

The Official Plan contains urban design objectives for the Downtown to ensure new developments are designed to provide for continuity and harmony of architectural style with existing buildings, and that the planning and design is coordinated with streetscape improvements in the Downtown, such as the upgrading of building facades (4.12.vi), 4.1.2.vii) Official Plan). The recommended amendment enhances the street level pedestrian environment and integrates the new development with surrounding structures and existing land uses. The massing and height of the building at 44.3m or 10 storeys will not produce any significant negative shadowing impacts on the nearby properties.

Holding Provisions

There are two holding provisions recommended to be added to the zone including the h-1 and h-3. The h-1 holding provision is applied to require a noise and vibration study and the inclusion of attenuation measures prior to development for residential uses. The h-3 holding provision is applied to require a wind assessment to be undertaken, and any mitigation measures are incorporated to ensure there are no adverse effects on pedestrian comfort.

Building Form

The ground floor height of 4.6m is consistent with the *Downtown Design Manual*, which recommends a minimum first floor height of 4.5m. A ground floor entrance is recessed under the second floor patio which provides a canopy feature for the ground floor and some shelter from the elements. The second level patio is associated with a restaurant use which engages the street and provides seasonal passive surveillance. The third level provides the decorative glass panels which may be illuminated with LED lights, or have a permanent design etched in the glass, which conceals the storage of vehicles.



Figure 4: Front façade floors 1-3

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**Z-8525
Sonia Wise**

The fifth floor – west elevation has a recessed area which acts as a light well bringing natural light to the interior areas of the building. There is also a small patio feature on the 5th floor which is a green amenity space for the residents (see figure 5).



Figure 5: West Elevation – 5th floor recessed area

The 10th floor has a stepped-back penthouse to provide for outdoor patio and landscaped amenity space. The roof or cap of the structure has a distinctive curve and setback which is easily distinguished from the rest of the building, which creates interest and will contribute positively to the City skyline (see figure 6).



Figure 6: View of Proposed Building Cap from northeast and northwest respectively

Parking 5by2

There are 56 parking spaces proposed for the development through an innovative stacked parking arrangement provided by the company 5by2 which is based on a “sliding puzzle” system. A user drives their vehicle onto the ground floor platform, turns the vehicle off, exits the vehicle, and then the platform automatically carries the vehicle to the third floor for storage. Users are able to retrieve their vehicles using an electronic keychain or ‘fob’.

Minimal to no lighting is required as there is no driver access to the level; and since the engines are off during the storage and maneuvering, there is no need for enhanced ventilation either. The ground floor vehicle entry is the only point where a user has contact with their vehicle and since the ground floor vehicle entry is accessible, the result is that all parking spaces in the development are accessible spaces.

The system features a single car entrance/exit point and will have a cycle time from when one car enters to the next car of 90 seconds. There is a proposed signal system to provide priority movements for ingress and egress, and to ensure vehicles only move when it is safe. The City’s transportation division requires a right turn lay-by area on York Street to accommodate vehicles waiting to park.

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Figure 7: Example of typical vehicle storage level

As the mechanical parking system is an innovative alternative to the traditional parking garage, certain parking requirements prescribed in the Zoning By-law will not be met as the system operates differently. A special provision is proposed to exempt the proposal from the provisions which are not applicable given the unique nature of the system, such as the required size of standard parking spaces, number and size of accessible parking spaces, and provision of associated access strips; while the Zoning By-law allows a stacked parking situation, the regulations have not been established to anticipate this unique form of parking.

Our Move Forward London's Downtown Plan

The Downtown London Plan 'Our Move Forward' identifies York Street as the major east-west traffic connector through the City. A lay-by lane will be required at the front of the site to provide stacking space for vehicles waiting to park to ensure that they are contained on-site, and do not impede the traffic movement on York Street.

Downtown London Heritage Conservation District Plan (DLHCDP)

The London Advisory Committee on Heritage (LACH) has reviewed the requested amendment as well as the Heritage Alteration Permit (HAP) at the November 11, 2015 meeting. The LACH was in favour of the proposal and approved the HAP application. The development relates well to the Guidelines for new construction, and complements the Downtown London Heritage Conservation District through the following:

Principles

The DLHCDP preserves the physical evidence of the City's historical beginnings while ensuring that new construction is respectful and complementary to the district through the conscientious use of materials, massing and other aesthetic choices (6.1.4 DLHCDP). New construction should ensure character-defining elements of the buildings it will neighbour are conserved. The most significant heritage property proximate to 89 York Street is 88-90 York Street, which is a priority 'A' listed property located across from the subject site. The new work will not negatively impact either the character defining elements of 88-90 York Street, or those of its adjacent listed buildings on the south side of York Street.

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Figure 8: 88-90 York Street Heritage Structure

Façade composition

The DLHCDP Guidelines state that new development in the district should enhance the character of the street through the use of high quality materials such as brick, stone and slate. The development is proposing to utilize natural stone at the base of the building in addition to other preferred materials. The proposal is consistent with the permitted amount of glazing at grade of up to 80%, with the second and upper levels approximating 50% glazing and ranging between 25% - 75%, in conformity with the Guidelines.

Massing

The first two levels of the building are commercial in nature and horizontally divided to provide for the required one storey commercial face. The ceiling height of the ground floor should be complimentary to the scale and height of the adjacent buildings. Both of the adjacent buildings are one storey structures, and have a similar ground floor massing. The remainder of the building provides for a distinctive visual transition between individual floors which is articulated through the use of glazing (see figure 2).

The DLHCDP requires larger buildings to be aesthetically segmented into smaller vertical bays between 4.5m – 7m to continue the character-defining rhythm of the street. The site has built out the full extent of the frontage which is 17.8m but has proposed a design that visually segments the front façade to mimic the historically narrow bays and shopfronts of the district.

Setback

New and renovated buildings must maintain and enhance the continuity of the street edge by building out to the front property line. The proposed development will be built out to the front property boundary; however as the site previously provided road widening dedication, the property boundary is now set further back from the public right of way. The resulting setback will be in keeping with the building line of the Greyhound Canada Building to the east, but will be further south than the Print Three Building to the west.

Height

The DLHCDP encourages a 3-4 storey building height along the street line within the district, but specifically exempts York Street from this requirement, allowing for greater heights. There is no podium for the proposed building given the narrowness of the lot, and the height of the building at street edge is 9 storeys with a stepped back penthouse on the 10th floor.

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**Z-8525
Sonia Wise**

CONCLUSION

The recommended amendment and the regulations of the site-specific bonus zone will facilitate a form of development which incorporates a number of desirable design features that contribute to the development of a landmark building in the downtown. The proposal supports the Downtown London Heritage Conservation District Plan, and is a complementary form of development for York Street. The recommended bonus zone will ensure that a high standard of design is achieved and that the development results in a positive contribution to the streetscape and the City skyline.

PREPARED BY:	SUBMITTED BY:
SONIA WISE PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

01/12/2015
/SW

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Z-8525
Sonia Wise

Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>
Anonymous	Laura Hill (email)
	Susan Linden (email)
	Chris Morley (Labatt's)

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**Z-8525
Sonia Wise**

Insert written responses received

-----Original Message-----

From: [REDACTED]
Sent: Saturday, September 26, 2015 6:28 PM
To: Wise, Sonia
Subject: Z-8525

I like the idea but hope it is designed in good taste as it will be a catalyst to forthcoming much needed projects on this street. I'd like to see it someday called "Yorkville" and not that unlike the one in Toronto!
Laura Hill

-----Original Message-----

From: [REDACTED]
Sent: Thursday, October 22, 2015 6:23 PM
To: Wise, Sonia
Subject: new Bdg on York St (89 YORK)

With regards to the possibility of a new dev't -- to me it seems very apparent that

THERE IS NOT ENOUGH SPACE for such a project . Not to mention parking .

I was absolutely flabbergasted with the idea in such a small area (relativity speaking)

Sincerely
Susan Linden

PS AND WHO wants to live next to a very noisy bus station with their perpetual announcements ??Please re-think this project VERY carefully .

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Z-8525
Sonia Wise



Labatt Breweries
of Canada

150 Simcoe Street
London, ON
N6B 2H6

October 7, 2015

Ms. Sonia Wise
City of London, Planning Services
P.O. Box 5035
London ON N6A 4L9

RE: ZONING BY-LAW AMENDMENT FOR PROPOSAL AT 89 YORK STREET

Dear Ms. Wise: *Sonia*

Thank you for taking the opportunity to speak to me recently about the application to amend the zoning by-law for the proposed mixed-use development at 89 York Street.

Labatt Breweries of Canada is a proud member of the London community. Our London brewery sits on the same site where our founder, John Kinder Labatt, started brewing in 1847. Today, that brewery is our largest in Canada and we employ 400 people in London to brew, package, distribute and sell our quality beer.

We note the Notice of Application to Amend the Zoning By-Law distributed on September 16, 2015 regarding the proposal at 89 York Street. Labatt does not object to a proposal for development on that site. However, we offer the following comments:

- Labatt's London brewery is a busy industrial site, with many attributes you would expect for a significant agri-food producer. These include but are not limited to significant truck traffic to transport our locally-made products and noticeable odour that is associated with the brewing process. Should a mixed use development proceed at 89 York Street, some odour and noise may be noticeable by residents, both residential and commercial. In addition, some residents may have a view of our brewery from their residences.
- Labatt currently owns property north of Horton Street and south of the railway tracks, on both the east and west sides of Talbot Street. These lands are across the railway tracks from the 89 York Street site. Currently, these lands owned by Labatt are vacant and largely used for parking, trailer storage and transportation operations by Labatt or tenants to whom we have leased the land. In the future, Labatt may use those lands differently, and the proximate location to 89 York Street is worth noting. These Labatt-owned lands are further away from the 89

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**Z-8525
Sonia Wise**

York Street location than the rail tracks. We expect the railway operations would create more noise for tenants than would Labatt's operations.

Thank you for the opportunity to contribute to the public consultation about these issues. Should you have any questions or clarification, please contact me directly at 416-681-3314 or chris.morley@labatt.com

Warm regards,



Chris Morley
Senior Director
Labatt Breweries of Canada

cc: Tanya Park, Councillor Ward 13

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Z-8525
Sonia Wise

Bibliography of Information and Materials
Z-8525

Request for Approval:

City of London Zoning Application Form, completed by Jing for Jing Ltd, August 13, 2015.

Reference Documents:

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Correspondence: (all located in City of London File No. Z-8525 unless otherwise stated)

City of London

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**Z-8525
Sonia Wise**

Moore, B. City of London WADE. Email to Sonia Wise. October 6, 2015.

Giesen, A. City of London Transportation. Email to Sonia Wise. September 21, 2015.

Smolarek, J. Urban Design. Memo to S. Wise. November 10, 2015.

Abushehada, I. Development Services. Memo to S. Wise. October 21, 2015.

Departments and Agencies

Creighton C., UTRCA. Email to S.Wise. October 5, 2015.

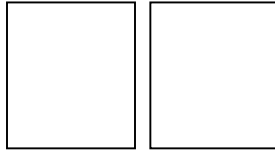
Beshro, R. & Fleisher, H. CN. Various e-mails to S.Wise. October 2, 2015 & November 2, 2015.

Bezzina, J. London Hydro, Memo to S. Wise. September 29, 2015.

Hugh-Yeun, S. Bell Canada. Email to S. Wise. September 30, 2015.

Other:

Site visit November 4, 2015 and photographs of the same date.



**Z-8525
Sonia Wise**

Appendix "A"

Bill No.
2016

By-law No. Z.-1-16_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 89 York Street.

WHEREAS Jing for Jing Ltd. has applied to rezone an area of land located at 89 York 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 89 York Street, as shown on the attached map comprising part of Key Map No. A107, from a Downtown Area (DA2*D350) Zone to a holding Downtown Area Bonus (h-1*h-3*DA2*D350*B(_)) Zone.
- 2) Section Number 4.3 of the General Provisions is amended by adding the following Site Specific Bonus Provision:

4.3(_) B(_) 89 York Street

This bonus zone is intended to facilitate a 10 storey mixed-use development design which includes commercial and retail floorspace, and 18 residential units, with a density of 754 units per hectare, in return for the provision of the following services, facilities and matters:

- 1. A building design which, with minor variations at the discretion of the Managing Director, Planning and City Planner, is consistent with the Site Plan and elevations shown in Schedule "1", except where the below criteria require more specific detail than shown in Schedule "1" of the amending by-law.
- 2. A high quality of building design, including the following:
 - i. Abundant use of transparent glazing on the ground and second floors;
 - ii. A high proportion of glass materials and natural stone and a relatively low proportion of exposed concrete or similar materials;
 - iii. Provision of an outdoor area on the second storey in the form of a patio or terrace which faces the street to provide: articulation of the front façade, shelter for the ground floor entry, and activation of the street edge along York Street;
 - iv. Parking provided by a mechanical parking system to be located on the third storey (spanning a maximum of 1.5 storeys in height).
 - v. Inclusion of floor to ceiling glazing on the third storey to screen the parking level using a combination of graphics etched on or placed behind translucent glazing, which may be backlit, to provide a visibly interesting and artistic treatment, and animation of the street edge;
 - vi. All parking spaces provided are to be accessible parking spaces;
 - vii. Sustainable development features including solar panels and green roof treatments on the fifth and tenth levels; and
 - viii. The visually interesting angled and stepped back building cap that will contribute positively to the Downtown London skyline;

3. The following regulations apply within the bonus zone:

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**Z-8525
Sonia Wise**

- i. Density (maximum): 754 units per hectare (305 units per acre)
- ii. Height (maximum): 44.3 metres (145.3 feet)
- iii. Residential Portion Setback (minimum) 0 metres (0 feet)
- iv. Notwithstanding Section 4.19, the parking provided by the mechanical stacked parking system shall be exempt from the size requirements of Section 4.19 2) *Dimensions of Parking Spaces*, and no access aisles are required as per Sections 4.19 2.1) *Access Aisles*, and 4.19 6) (j) *Access Aisles for Parking Spaces with Disabilities* of the Z.-1 Zoning By-law.

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.

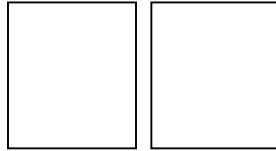
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on December 21, 2015.

Matt Brown
Mayor

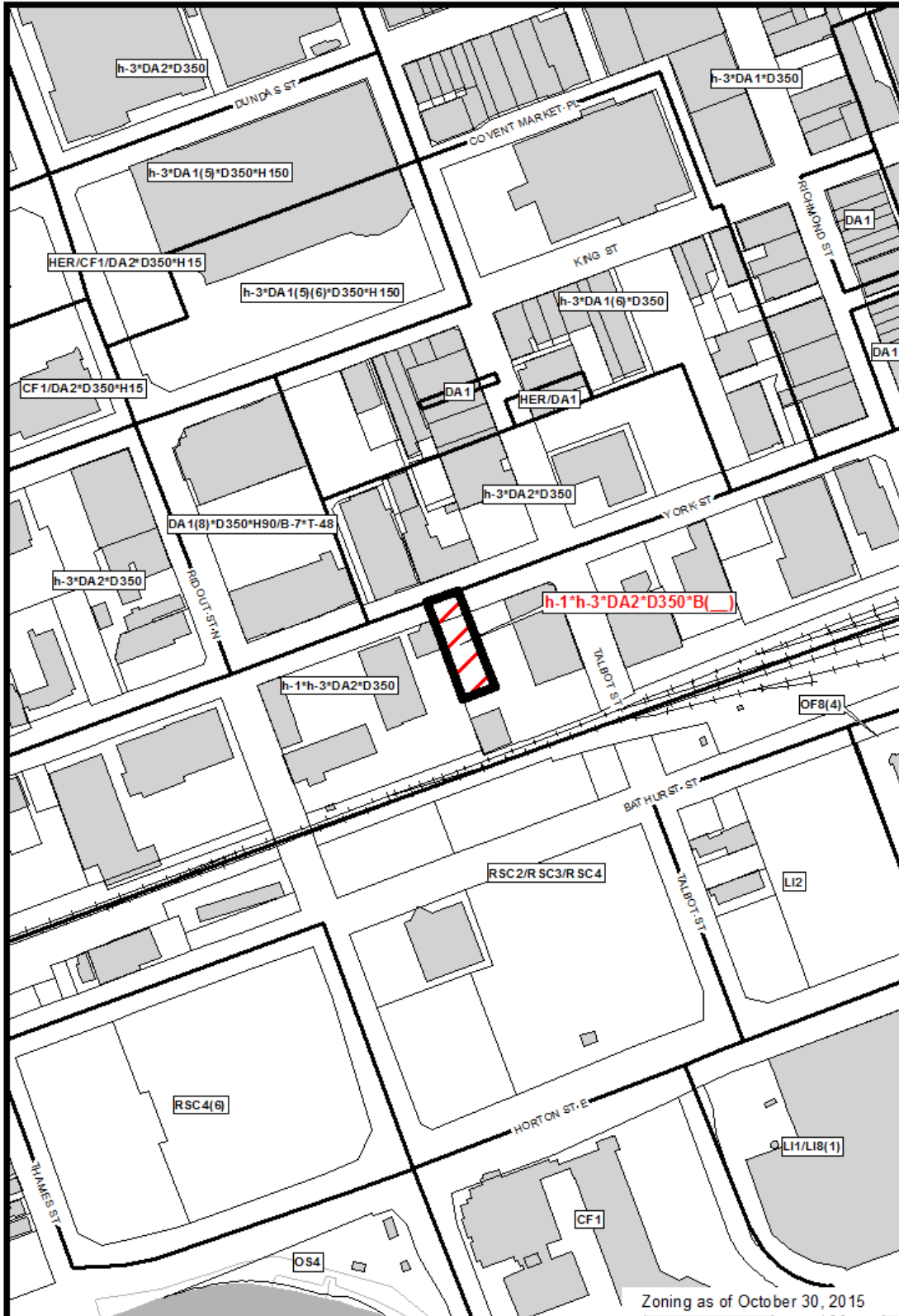
Catharine Saunders
City Clerk

First Reading - December 21, 2015
Second Reading - December 21, 2015
Third Reading - December 21, 2015




Z-8525
Sonia Wise

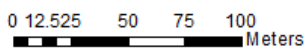
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-8525
 Planner: SW
 Date Prepared: 2015/11/09
 Technician: MB
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

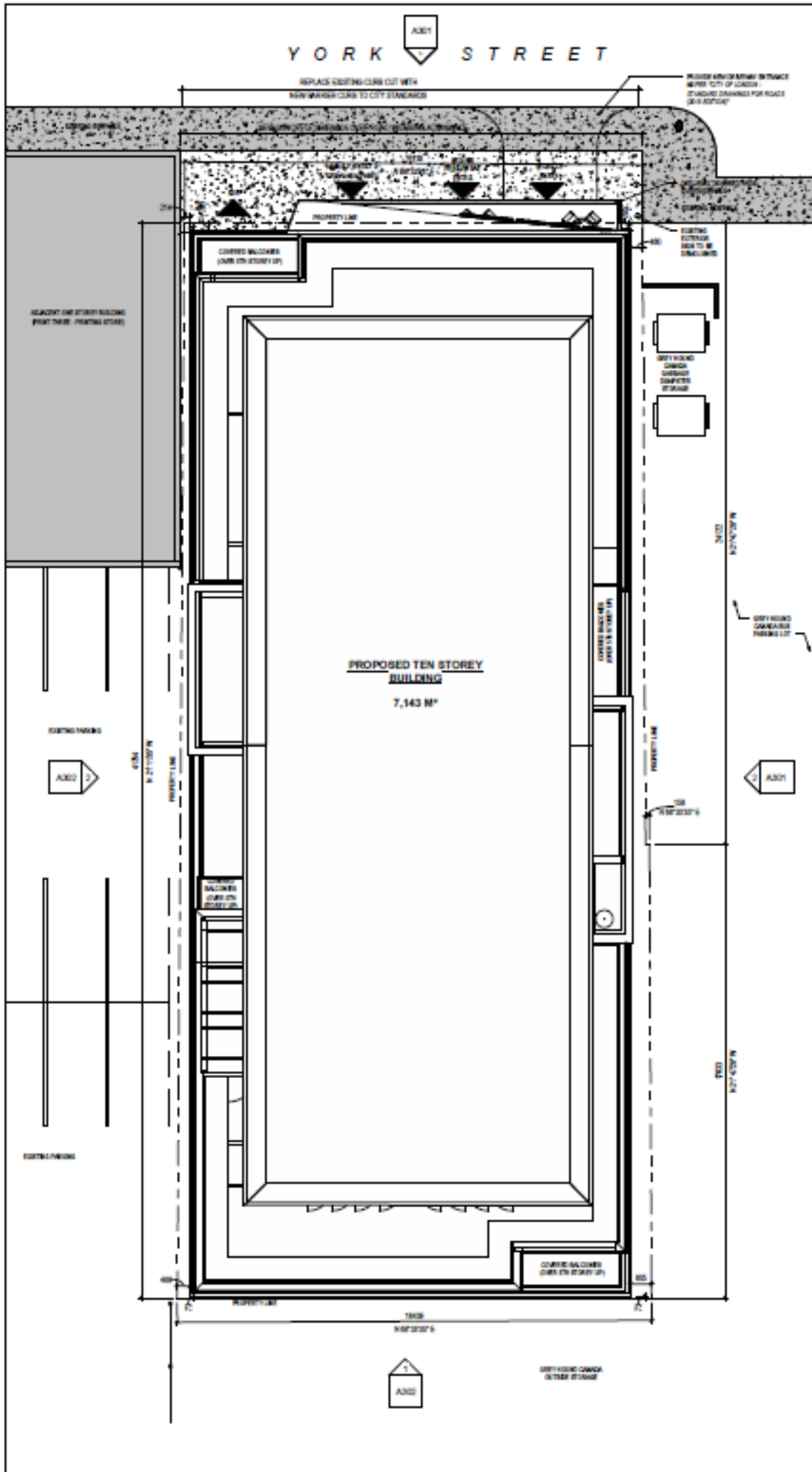


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Z-8525
Sonia Wise

Schedule "1"



1 SITE PLAN
A301 A101 Scale: 1:100

Site Plan

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Z-8525
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North Elevation (Front Façade)



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South Elevation (Rear)



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East Elevation



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West Elevation

