



London  
CANADA

P.O. Box 5035  
300 Dufferin Avenue  
London, ON  
N6A 4L9

December 9, 2015

Old Oak Properties Inc.  
c/o G. Priamo  
Zelinka Priamo Ltd.  
318 Wellington Road  
London, ON N6C 4P4

I hereby certify that the Municipal Council, at its meeting held on December 8, 2015 resolved:

8. That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Old Oak Properties Inc., relating to the property located at 2300 Richmond Street:

- a) the request to amend the Official Plan to change the designation of the subject lands FROM a Low Density Residential designation TO a Multi-family, High Density Residential designation, BE REFUSED for the following reasons:
  - i) it is not consistent with the Provincial Policy Statement as it contributes to an oversupply of lands designated for high density residential development and an imbalance in the range and mix of residential densities in the area;
  - ii) there is an existing oversupply of vacant land planned for Multi-family, High Density Residential in the area that better meets the locational criteria of the Official Plan;
  - iii) it undermines the ability of other, better located, lands planned for high density residential development in the area to perform their planned function in relation to surrounding components of the broader planning area, including the relationship of high density residential land uses to commercial nodes, the sites already planned for high density residential uses, and public transit services;
  - iv) it undermines the planned function of superior sites identified for high density residential uses within the Built-area Boundary (intensification);
  - v) it undermines the planned function of the Masonville Transit Node;
  - vi) it is not in keeping with the Uplands North Area Plan; and,
  - vii) it is not consistent with the Provincial Policy Statement as the Provincially Significant Wetlands and other natural features have not been accurately delineated and it has not been demonstrated that high density residential development at this location will have no negative impacts to the Provincially Significant Wetlands, other natural features on the north part of the property and to the immediate south of the subject property, and species at risk;
  
- b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM an Open Space (OS5) Zone, an Urban Reserve (UR4) Zone and a Holding Urban Reserve Special Provision (h-54•UR4(1)) Zone TO a Residential R8 Special Provision (R8-4(\_)) Zone, a Residential R9 Special Provision (R9-7(\_)) Zone, and an Open Space Special Provision (OS5(\_)) Zone BE REFUSED for the following reasons:
  - i) it is not consistent with the Provincial Policy Statement as it contributes to an oversupply of lands designated for high density residential development and an imbalance in the range and mix of residential densities in the area;
  - ii) there is an existing oversupply of vacant land planned for Multi-family, High Density Residential in the area that better meets the locational criteria of the Official Plan;

- iii) it undermines the ability of other, better located, lands planned for high density residential development in the area to perform their planned function in relation to surrounding components of the broader planning area, including the relationship of high density residential land uses to commercial nodes, the sites already planned for high density residential uses, and public transit services;
- iv) it undermines the planned function of superior sites identified for high density residential uses within the Built-area Boundary (intensification);
- v) it undermines the planned function of the Masonville Transit Node;
- vi) it is not in keeping with the Uplands North Area Plan;
- vii) it is not consistent with the Provincial Policy Statement as the Provincially Significant Wetlands and other natural features have not been accurately delineated and it has not been demonstrated that high density residential development at this location will have no negative impacts to the Provincially Significant Wetlands, other natural features on the north part of the property and to the immediate south of the subject property, and species at risk;
- viii) should the request for the Multi-family, High Density Residential designation be refused, a rezoning to permit the requested range of uses and densities is not in keeping with the existing Low Density Residential designation in the Official Plan;
- ix) there is no Official Plan policy basis to support the requested increase in residential density above the maximum of 150 units per hectare for high density uses outside of Central London through the use of lands designated as Environmental Review and Open Space, or lands zoned Open Space, as part of the land area for residential density calculations; and,
- x) no other rationale for an increase in density above 150 units per hectare was provided for consideration;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated November 25, 2015, from S. Stapleton, Vice-President, Auburn Developments, with respect to this matter; and,

it being further pointed out that at the public participation meeting associated with this matter, the individual indicated on the attached public participation meeting record made an oral submission in connection therewith. (2015-D09) (8/27/PEC)



C. Saunders  
City Clerk  
/jb

cc: B. Puzanov, County of Middlesex, 399 Ridout Street North, London, ON N6A 2P1  
D. Schmidt, Corlon Properties Inc., 379 Sunningdale Road West, London, ON N6G 5B9  
C. Creighton, UTRCA, 1424 Clarke Road, London, ON N5V 5B9  
S. Stapleton, Auburn Developments, 560 Wellington Street, 2<sup>nd</sup> Floor, London, ON N6A 3R4  
L. Lowes, P.O. Box 184, 2010 Arva Street, Arva, ON N0M 1C0  
M. Doornbosch, Zelinka Priamo Ltd., 318 Wellington Road, London, ON N6C 4P4  
BioLogic Incorporated, 110 Riverside Drive, Suite 201, London, ON N6H 4S5  
R. Walker, 15701 Robin's Hill Road, London, ON N5V 0A5  
L. Murray, Development Engineering (London) Limited, 41 Adelaide Street North, Unit 71, London, ON N6B 3P4  
R. Hern, Development Engineering (London) Limited, 41 Adelaide Street North, Unit 71, London, ON N6B 3P4  
J.M. Fleming, Managing Director, Planning and City Planner  
M. Tomazincic, Manager, Current Planning  
B. Debbert, Senior Planner  
K. Butts, Executive Assistant, Planning  
Environmental and Ecological Planning Advisory Committee  
J. Nethercott, Documentation Services Representative

## PUBLIC PARTICIPATION MEETING COMMENTS

8. Property located at 2300 Richmond Street (OZ-8501)
  - Greg Priamo, Zelinka Priamo Limited – indicating that there is a lot of material here and a lot of research has been done and he does not think that it would serve the Committee well to try to get into the minutia of these things because they obviously have some significant disagreements but, at the same time, they have some things that they agree on as well; starting by talking about the environmental issues; indicating that they have full confidence in the environmental information that they have provided; advising the Committee that they have responded to the concerns that were raised by the various agencies as a result of their initial submissions; noting that those responses have been provided as of today; recognizing the challenges associated with developing adjacent to environmental features, but they believe, in this particular instance, that they can develop responsibly; pointing out that there is no proposal to build formally into any part of the area that is designated and zoned Open Space; indicating that most of the debate arises from interpretations of buffers and species; expressing confidence that, in the fullness of time, particularly if there was support for the notion of high density residential on this land that, in addition to confirming the findings of their initial study, they would be happy, as is the case with Old Oak, in particular, in the past to collaborate with the municipality to revise plans to even better address the environmental issues, if need be; pointing out that they have not done that at this point because the two groups have never sort of got on side with respect to the high density so it is not really fruitful to have a detailed site plan design discussion and look at variations to the site plan to address environmental issues if they are not even in agreement on the fundamental land use; indicating that, if ultimately, there is some direction in that regard, he can advise the Committee that their client is more than willing and able to participate in those kinds of discussions; pointing out that the one thing that staff indicated and, it has to do with the notion of including land area for density calculation purposes, there is an area that is designated high density and they cannot use it because there happens to be a water line under it and they think that it was a reasonable request; advising that they have been involved in a project recently where the municipality did that; indicating that their position is that there is a basis for them to consider that; outlining that there is a section in the Zoning By-law that they completed for a draft plan of subdivision; noting that it is a Special Provision for the OS4-10 Zone; notwithstanding Section 3.9.2, the area of land so zoned may be included with the abutting residential zoned lands in the block for the purpose of calculating density; pointing out that this was an environmental feature that the Ministry of the Environment and the Ministry of Natural Resources required them to protect; noting that they were not even allowed to touch it and they required a significant buffer around that feature and, as a result, it had a meaningful impact on the density calculations; indicating that, in this particular instance, the City was able to find the basis for which to consider that; advising that he believes that this is relevant for the Committee's consideration; outlining that that covers the environmental issues, he will not get into all of the species and stuff; believing that they can resolve that; believing that they can develop these sites for high density residential purposes and meet all of the City's objectives, all of the Province's objectives, with respect to the protection of these areas; expressing confidence in that; believing in their analysis as it is now and they are open to enhancing that provided they can pursue the development in a form that is consistent with what they have proposed today; outlining that the next issue that the Planning staff talked about was the Official Plan policies and staff referred to a lot of the various sections of the Official Plan and subordinate to that is the Area Plan and there were a lot of other studies that were quoted with respect to the needs for residential lands; advising that the important thing for the Committee to understand is that the Official Plan identifies a series of policies that allow them to evaluate the appropriateness of proposals for new high density residential uses; advising that they comply with all of them in their submission; indicating that the only one that the City does not believe that they comply with is the issue where the evaluation requires them to look at existing zone sites within a reasonable area of the application; noting that they assign a concern of need in that

regard; advising that the staff rely on studies that were done to evaluate the need to expand the urban boundary; noting that they were not specific to the number and allocation of apartment buildings and where they should be; indicating that, yes, there was information in there that was relevant to that but the focus of the study was to determine whether their urban boundary was sufficient; noting that it did that, they do not need to expand the urban boundary so it served its purpose; pointing out that, as a guideline for considering site specific applications, the weight it should be given should be considerably lighter than suggested by Planning staff; relating to the staff led study, the Land Needs Background Study, that evolved from the Altus Study, which was the urban boundary study, they attempt to collate the information from these various reports and make some forecast with respect to the need for high density residential; pointing out that these are all very high level numbers; indicating that the numbers that the staff has provided the Committee are based on the map that staff showed the Committee that showed the greenfield areas versus the urban areas; believing that the Committee should understand that that is not an Official Plan map, it is not a policy document, there is nothing official that defines land uses within the urban area and the greenfield area; noting that was just an Exhibit in a staff background report to help the Council of the day understand how the information was being presented; pointing out that, in that report, there were two scenarios, one said that we can achieve our intensification goals by directing eighty-eight percent of the high density objectives to the built-up area which leaves the number that staff gave you a little over fourteen hundred units available for the greenfield area; advising that we all know that you can add up the buildings that have been built since 2012 in the greenfield area and it exceeds that number; noting that those forecasts were not ambitious enough or there was something wrong in the formula; indicating that, in the same report, they have a different scenario and the other scenario is that we will only achieve seventy percent of our high density residential needs through intensification and the built-up area, which is still an ambitious number when you consider all of the things that go into assessing intensified uses in built-up areas; noting that you always have to consider the local neighbourhood issues, access issues, built form issues, all of those things; pointing out that, if you apply seventy instead of eighty-eight, the number available to the greenfield is close to five thousand units; noting that this is well beyond any number that their numbers would offend; pointing out that it all depends on how you analyze the report and the numbers; outlining that, in their view, having looked at all of these reports and followed the staff's calculations, they do not believe that this project represents a circumstance where they can even move the needle on a planned function of other commercial areas; indicating that they are not convinced by the number crunching that they are offending a needs aspect; pointing out that, in that regard, there is no debate from staff, and in the other locational criteria that they meet them; noting that they describe that in their report as "they appear to be in conformity" but it is not an appearance of conformity, it does conform; advising that that takes us to the Area Plan and some of the discussions in the Area Plan; showing the area that they have been discussing; pointing out that the subject site is just north of there; outlining that, in the Area Plan, referencing two sections in the Area Plan, that do not show up in the staff report; advising that, in the previous high density residential applications that you see on this exhibit, even though much of this information has existed for several years, there is no analysis in those reports, at all, for a needs justification, no reference to any of these studies, no reference to the existing planned residential designations and zones in the area, none at all, none saying that there was not enough, none saying that there is too much, there was no discussion; indicating that this is a whole new discussion that has been brought forward by staff in this submission even though many of the characteristics of the subject sites are the same; pointing out that, in the Uplands plan, the low density residential policies that they enjoy in part, say, "Low density residential lands are most appropriate within the internal portion of the study area where they are less susceptible to higher density uses such as commercial, at arterial road intersections and from traffic impacts associated with the arterial road system and at main entrances to the community"; thinking that many of those things apply to these lands, were certainly not internal to the site and were certainly subject to those impacts; indicating that when they look at the high density residential designation, the descriptor actually meets their site better than any other site in the Uplands plan; reading "this location is at the principle northern entranceway to the City"; indicating that there is a designation south

of them, but they are at the principle northern entranceway to the City; pointing out that, given its high point in land they are higher to the lands to the south and can provide excellent views of surrounding areas and Downtown; outlining that detailed site plan and variations to scale should be sensitive to surrounding areas; advising that, in the low density it says that in the Uplands plan we are going to put the low density residential in the middle and we are going to devote the exterior to uses that are more tolerable of the impacts associated with the exterior areas and then it goes on in the high density residential designation to define our site; indicating that the designation got applied to the lands to the south but there is nothing in this policy that says that that is the only site and he would say that the policy descriptor equally defines their site, if not better; advising that, with respect to the other issue on the Area Plan, which they were curious about, is how the introduction of a high density residential node at this location would not support the planned function of the Upper Richmond Village; hoping that the Committee received a letter from the owners of that site saying that they support our application, in part, because it will support their commercial enterprise; indicating that the City is making plans, through an Environmental Review process and a design process, to spend several million dollars to construct a pedestrian bridge from the east side of Richmond Street to the west side of Richmond Street which will connect these lands to the trail system, in through the Uplands subdivision, down onto Fanshawe Park Road and to the Medway Valley on the other side; noting that the bridge will be located somewhere on their frontage; advising that staff did not bring the bridge up, but there was some commentary in their report about it; pointing out that, much like the environment, we believe that we can accommodate the City and the pedestrian bridge; advising that we have made a proposal on their concept plan and we have had discussions with AECOM who did the Environmental Assessment, and they have had discussions with staff and they made it abundantly clear that wherever they decide that they want to put the bridge, they will work with the City; enquiring as to, if we are going to put this bridge here, what would be the downside of putting four hundred people behind it that can use it and access the commercial area; noting that the commercial area is not much further away from their site than it is from the far end of the Tricar site; outlining that this is the last piece of the puzzle, it is not the first piece, there are no more of these; noting that they are not starting the process, they would like to finish it; pointing out that the lands to the west are all subdivided and under construction, the lands to the east do not have the locational criteria that they do and they are subject to subdivisions as well, everything south is a known entity so this is the last piece; noting that this is not the thin edge of the wedge where there is going to be all kinds of high density creep and thousands and thousands of more units; indicating that, with respect to the Area Plan, they disagree with staff, they think they more than comply with the Area Plan; in fact, the Area Plan almost defines the site for them; advising that the next big issue is transit; advising that they were a bit perplexed because, in this particular instance, in their application, the London Transit Commission was asked what their plans are; advising that they just did a review less than a year ago and they do not have any plans to bring anything north of Sunningdale Road because there is no need for it; pointing out that there was a time when they did not bring anything north of Fanshawe Park Road, either, but it is our submission that the London Transit Commission will eventually service the lands north of Sunningdale Road, they will have to as there are 875 units going on the Drewlo lands, there is a large single family subdivision to the east and behind, there is Uplands, the Upper Richmond Village commercial plaza, the future development on the Barvest Lands; indicating that there will be transit up here and if you want to be transit supportive, you can provide additional density and an ideal location; noting that, in the short term, it is not going to be well serviced by transit but if you want to bring transit, the quicker you add density and riders, the quicker that transit will come for everybody that lives up in this area; pointing out that they see it in the exact opposite, they see this as promoting transit policies and leveraging the investment that will have to be made eventually in this area; outlining that, with respect to the transit policies as they relate to the Masonville area, Mr. Fleming is correct, the policies in the Official Plan, today, say that we have a transit hub at Masonville Mall, at the enclosed regional node and the policies speak to high density residential opportunities around that node; advising that, in their review of that area, as it exists today, would suggest that there are not any, that those that are have been committed to and unless we start envisioning high density retail growing from the parking

lot of Masonville Mall, there really is not a large component of high density residential opportunity in that area; noting that there may be a couple of modest pieces left over from the Rise Development that is going on right now, which was limited to four or five stories; noting that it did not achieve the intensity targets that might have been envisioned by the studies prepared by the staff for the Official Plan; pointing out that, if we are relying on those policies, where is the next best place; advising that they have already got a node formed here, we already have a half ring road, we already have a considerable amount of density and it is approximate to the Masonville node; advising that it is a straight shot down Richmond Street; indicating that, in the medium term, in the long term, density at this location is going to support that transit objective; advising that the long term transit objectives that deal with the evolution of transit villages, they do not happen overnight, you have to spend some considerable time and money investing in your transit program before you start to realize the land economics that will drive some of the density benefits that that project envisions; noting that that can take ten, twenty years; pointing out that, in the meantime, in his view, it is not necessarily wise, but the municipality to forgo the benefits of this development, which they will enjoy for the next twenty years, while those things happen; outlining that, in his view, it is a very specific kind of development which is attracted to the transit corridors and this is not the type of development that would replace it or vice versa because they are not dealing with large format spaces, they are trying to fit density into narrow corridors; advising that they tend to be more mid-rise or avenue type developments so we are not taking away from that objective and, in any event, they do not have a crystal ball, staff does not have a crystal ball, they do not know what is going to be happening in twenty years from now; advising that, from a transit standpoint, we disagree, we think that this is transit friendly and it is an opportunity for the municipality and the transit authority to leverage their short and long-term investments in transit with an appropriate amount and location for density; advising that he touched on the pedestrian issues; reiterating that, he thinks that this site has been described as remote, at the edge of the city, not ideal or not as ideal as some of the other sites; advising that their view of it is, when you look at this, it easily functions as part of this node, this is a defined area and they are an important part and it will function nodally with the rest of the land uses in this area; pointing out that the population at that location will be a real asset as the underlying designation; advising that, from a low density residential standpoint it is not important, it is only four hectares, it has constraints associated with the open space, this is not going to deliver a bang for your buck with respect to the delivery of low density residential demand, this is an ideal opportunity to take advantage of this site and its location and bolster what is going on in this particular area; keeping in mind, too, that all of the high density that they see on the map shown at the meeting, it is all held by large developers, sophisticated operations and none of them object to this application; in fact, the one that is affected the most has gone to the trouble to write you and say that they support the application and contradict what staff said about the role of the high density and its impact on the commercial area; indicating that they have no concern that the prospect of high density residential here will undermine their plans for their own block, none whatsoever; pointing out that Tricar, York, none of them are here, in fact, nobody is here; indicating that, the last two or three times you considered high density up in this area, you had a full gallery; indicating that their submissions are that there are always two ways of looking at the information, we have a great deal of confidence in our position and will pursue our objectives as is necessary; indicating that they are wide open to a collaborative effort to deliver as meaningful a site plan as possible to address the environmental and access issues, the urban design issues, but only if they are all in agreement on the fundamental issue of high density or similar densities to that which is being proposed; indicating that he would encourage the Committee to consider that and whether or not there is merit in exploring those opportunities or whether they just turn down this opportunity based on a great deal of statistics that are dated and may not necessarily be entirely on point.