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File: Z-8560
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 1016790 ONTARIO LTD 455 CLARENCE STREET PUBLIC PARTICIPATION MEETING ON JUNE 20, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of 1016790 Ontario Ltd. relating to the property located at 455 Clarence Street.

- a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 23, 2016 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Downtown Area (h-3*DA1*D350) Zone and a Holding Downtown Area (h-3*DA2*D350) Zone, **TO** a Downtown Area Bonus (DA1*D350*B(_)) Zone. The Bonus Zone shall be implemented through a development agreement to provide for increased height up to 105 metres, and an increased density up to 1180 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:
- i) A podium design which is sensitive to, and responds to, the surrounding heritage features and implements the design criteria of the Downtown Heritage Conservation District.
 - ii) A high quality of building design, including the following design elements:
 - Podium
 - i. The use of stone veneer and granite, similar to the materials used on the historic office building across the street.
 - ii. Generous double height transparent windows at the base of the podium along Clarence Street in order to activate the street frontage.
 - iii. A projecting glass canopy along the length of the podium, along the Clarence Street frontage, in order to provide weather protection to pedestrians.
 - iv. Large bay windows with transparent glass above the main floor to help soften and break up the stone veneer walls while providing light into the parking garage and animating the upper levels of the podium.
 - Mid-Block Connection
 - vi. A covered pedestrian alley, along the south property line, with active storefronts in order to implement the "laneways connection" transformational project found in *Our Move Forward: London's Downtown Plan*.
 - Tower
 - vii. A point tower form with the massing of the building mitigated by a high proportion of glass materials and a relatively low proportion of panels or similar materials.
 - viii. A variation of material colours in order to add interest and break up blank wall sections.
 - ix. Continuous window wall within groupings of vertical window sections accented by a colour and projecting (roughly 1ft) in order to provide a unique architectural element to the building and break up the large flat portion of wall on the Clarence Street façade.
 - x. A visually interesting building cap that will contribute positively to the Downtown London skyline.

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Streetscape

- xi. High quality design and landscaping, within the City Boulevard as required to achieve the goals of the Downtown Master Plan.

Public Art

- xii. The provision of public art, to be administered in accordance with the City of London Are Policy in the amount of 1% of construction value up to \$250,000

(b) Pursuant to Section 34(17) of the *Planning Act*, as determined by Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as:

- i) The change in building height is minor in nature; and,
- ii) The change in building height maintains the same form of development that had been publicly vetted during the public participation process.

(c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design elements through the site plan approval process:

- i) Ensure landscaping and design feature enhancements are provided within the City Boulevard through a design concept plan to be reviewed by Urban Design Staff through the site plan process.
- ii) Create a tree-lined connection through high quality landscaping and design creating an enhanced pedestrian experience along the "Clarence Street Connector" as outlined in the Downtown Master Plan.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

March 26, 2012 – Downtown London Heritage Conservation District Plan
April 7, 2015 – Adoption *Our Move Forward: London's Downtown Plan*
April 13, 2016 – Staff Report to LACH for Heritage Alteration permit

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to permit the development of a 32-storey (105m) tall) apartment building with 182 apartment units (1180uph). The first 7-storeys will create the podium of the building where 6 levels will be used for structured parking holding approximately 225 cars. The main floor of the building will contain 700m² of commercial uses fronting Clarence Street.

RATIONALE

1. The recommended amendment is consistent with the PPS 2014.
2. The recommended amendment is consistent with the City of London Official Plan policies.
3. The recommended amendment facilitates the redevelopment of an underutilized site and encourages an appropriate form of intensification.
4. 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 and also provide for Public Art and Public Parking as two valuable public benefits in the Downtown.
5. The recommendation implements the relevant Strategic Direction and policies in *Our Move Forward: London's Downtown Plan*; and addresses standards in the *Downtown Design Study Design Guidelines*.
6. The proposal is in keeping with the Downtown Heritage Conservation District Guidelines.

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BACKGROUND

Date Application Accepted: December 10, 2015	Agent: Myk Wasylo (Wasylo Architect Inc.)
<p>REQUESTED ACTION: Change Zoning By-law Z.-1 from a Holding Downtown Area (h-3*DA1*D350) Zone 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 and height of 90m, to a Downtown Area Bonus (DA1*D350*B(_)) Zone to permit the same range of uses which currently exists with a bonus zone to permit a residential density of 1180uph and a height of 102m in return for return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other provisions may also be considered through the re-zoning process as part of the bonus zone.</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Surface parking Lot • Frontage – 47 metres • Depth – 33 metres • Area - 0.16 ha (1559 sq/m) • Shape – Rectangular

<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North - Office Building • South - Mixed use office/commercial • East - Mixed use commercial/office/residential • West - Parking Lot

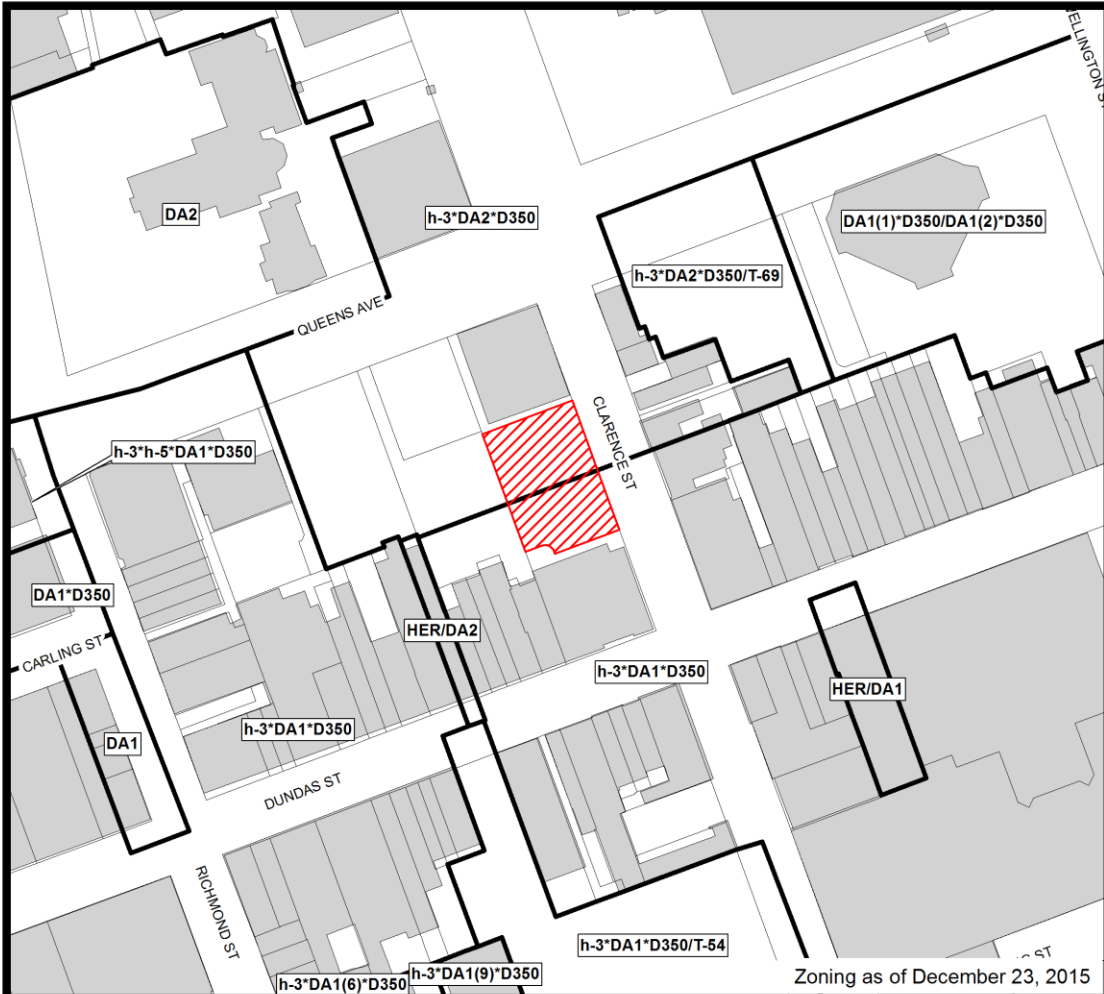
<p>OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)</p> <ul style="list-style-type: none"> • Downtown Commercial Area
<p>EXISTING ZONING: (refer to Zoning Map)</p> <ul style="list-style-type: none"> • Holding Downtown Area (h-3*DA1*D350) and (h-3*DA2*D350) Zone

PLANNING HISTORY

The subject site was previously home to the Patricia Theatre which was later renamed the Victoria Theatre in 1956. The facility closed 1964 and was later demolished and turned into a parking lot and has remained a parking lot to date. Most recently the subject site was located within the Downtown Heritage District in 2013.

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-3*DA1*D350 and h-3*DA2*D350

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

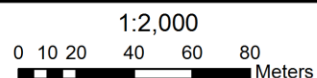
CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



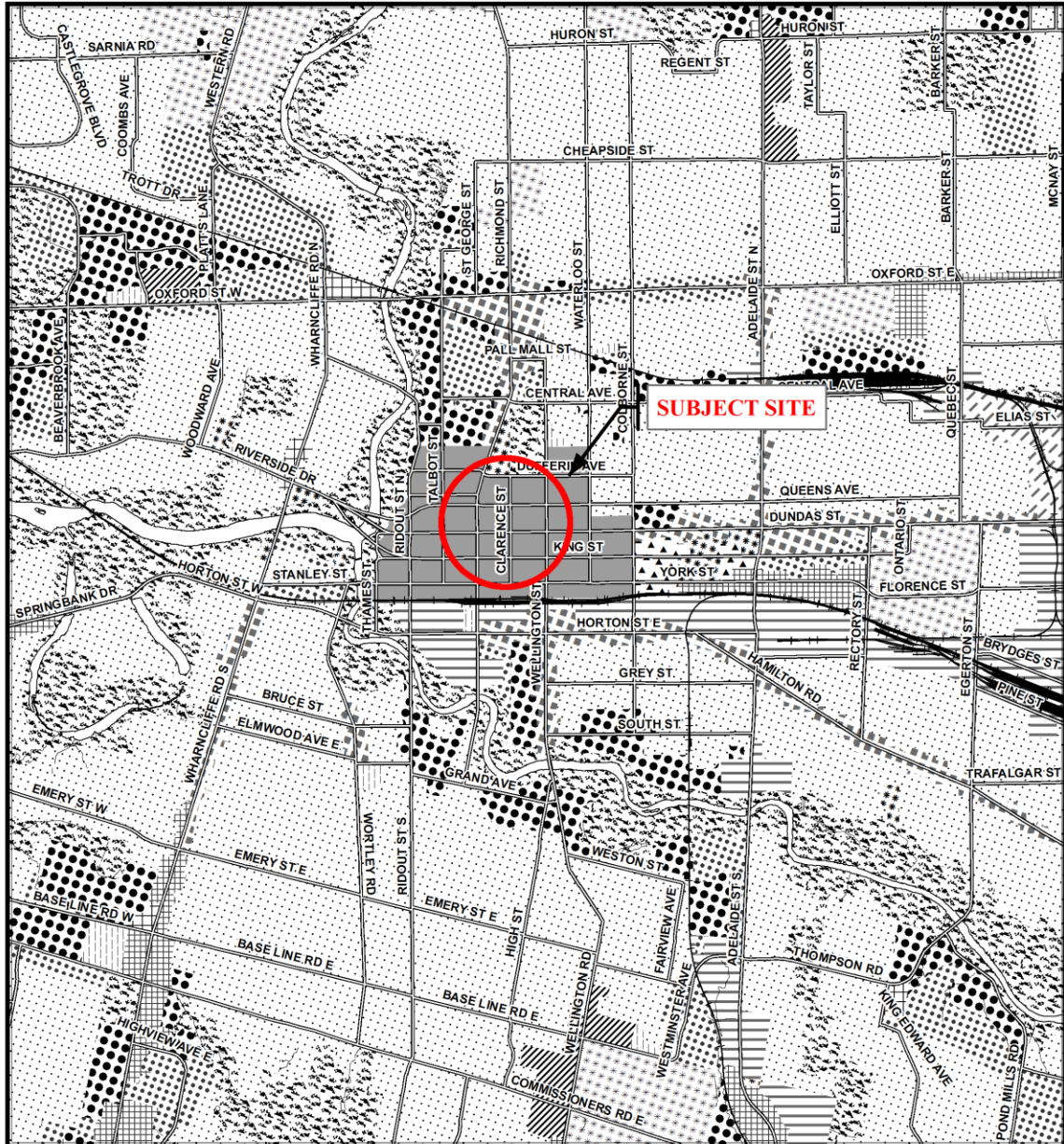
FILE NO:
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MAP PREPARED:
2016/01/11 MB



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Legend	
Downtown	Office/Residential
Wonderland Road Community Enterprise Corridor	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
	Urban Growth Boundary

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 600 900 1200 1500 Meters</p>	<p>FILE NUMBER: Z-8560</p> <p>PLANNER: MC</p> <p>TECHNICIAN: MB</p> <p>DATE: 2016/01/11</p>
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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

City of London Transportation – January 6, 2016

Clarence Street has been identified as a rapid transit corridor through the ongoing rapid transit Environmental Assessment, through this process access to the development may be restricted to right in / right out due to the potential need for dedicated and separated transit lanes.

Additionally Transportation has reviewed and accepted the Transportation Impact Assessment provided by Stantec.

City of London Wastewater and Drainage Engineering - January 13, 2016

The Municipal sanitary outlet for the subject lands is to the 300mm diameter sanitary sewer on Clarence Street.

The subject site is currently used as a parking lot and there is no existing building on site so there would not be existing sanitary flow from this site. The Owner is to provide adequately sized new site services to be shown on the future site servicing drawings at site plan stage.

Parks Planning – January 20, 2016

Parkland dedication has not been collected for the subject site. As a condition of within the site plan review process, the applicant will be required to provide cash-in-lieu of parkland consistent with the requirements of the Planning Act.

Urban Design Peer Review Panel – February 3, 2016

- 1) The Panel is supportive in general of the proposed development. The site is well-suited to a mixed-use, predominantly high-rise residential development.

- 2) A zoning amendment and bonus is requested to permit a 337% increase in unit density and an additional 12 metres of building height based on the following development features: a drop off area, a pedestrian alley, recreational facilities for residents, glass canopies at building entrances off Clarence St., building massing in keeping with urban design guidelines, a limited use of stone cladding, the use of PV panels on the roof possibly, insulated concrete, rain water harvesting, street tree planting, street furniture and decorative paving. Most of the noted features are not bonus worthy as they should be included in any contemporary Downtown development of the scale and type proposed as follows:
 - The drop off area is integral to the servicing of the building and is well considered.
 - The pedestrian alley could be considered non-standard but it is in keeping with urban design plans for the core.
 - Recreational facilities are required for residents and in this case, the proposed swimming pool enclosure visible as part of the base building actually raises the height of the base building above the allowed 18 metre height.
 - Canopies at entrances is just good design. Rather than discreet canopies at each entrance, however, we suggest a continuous canopy at the street for pedestrian weather protection.
 - The building massing should conform to urban design guidelines. In this case, we do not support five levels of parking above ground and the resulting building mass. We would prefer all parking to be below ground. At the very least, two levels should be below ground as with other high rise development proposals for the Downtown core. If some parking is to be above ground, a face building between the street and parking levels to contain commercial and residential uses on the street front could be considered.

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- Stone cladding is welcome given the use of stone on significant buildings in the area. This is a sensible response to existing context.
 - PV panels may be non-standard, but welcome, though the panel area proposed is more symbolic than contributing significantly to the energy requirements of the proposed development.
 - The insulation of concrete is good construction practice for a residential high-rise. The use of supplementary cementitious materials such as fly-ash or slag could be bonus-worthy.
 - Rain water harvesting is a good idea and easily achieved. A bona-fide use of rainwater for toilets and/or irrigation, for example, could be bonus worthy.
 - All new development within the core should be making provision for streetscaping in keeping with city plans/requirements including decorative paving, street trees and furniture where appropriate.
- 3) One of the outcomes of seeking greater unit density is a higher parking requirement as conceived. An unwillingness to include parking below grade does not justify more levels of parking above grade to accommodate a desired higher unit density. We neither support five levels of parking above grade, nor the associated increase in unit density and thus building height.
 - 4) The majority of the building base is a parking garage. The associated commercial units on the ground floor are desirable; however, their conventional ceiling height results in a first floor seemingly squashed by the parking levels above as proposed. We recommend the ground floor units have greater ceiling height in proportion to the scale of the building base.
 - 5) The adjacent buildings offer design inspiration as was presented, however, the proposed architecture may be more successful referencing one rather than multiple styles. Further to this, the proposed mass of the base is out of proportion with the adjacent buildings and more noticeably so because of the mixed design vocabulary and materials of the base: for example, the proposed blue-tinted glass above a stone cladding, and the resulting disconnect between the base and the tower. The simpler rear façade design is more visually coherent than the design of the main façade. A more contemporary architectural solution than proposed may result through an emphasis on a super-grid as with the building to the south. A more contemporary response is suggested for the tower's top element.
 - 6) If the proposed building is to be distinguished by a podium base, then a greater setback of the tower from the base walls in keeping with the structural layout is recommended.
 - 7) Greater structural transparency/pedestrian permeability on all sides of the base is recommended to contribute to the quality of the pedestrian experience and so the drop-off and service functions are not so contained out of sight. This is associated with the suggestion to recess the SE and NE corners of the base. That in turn could improve sightlines and thus safety for pedestrians and drivers.
 - 8) It is suggested that the barrier between balconies be translucent rather than a solid, opaque wall.
 - 9) Consider rethinking the unit designs to locate main living spaces and associated balconies away from the center of the tower. That could result in greater privacy for balconies, more light to balconies and interior spaces and more extensive views.
 - 10) The proposed elevator lobby could be rethought to provide more space and an associated better sense of arrival for residents. The suggested higher ground floor ceiling would also contribute to a better lobby.

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 in support of the proposed development. The subject site is a prime downtown location. A high level of design and construction is merited. The proposed design appears too much as two buildings: a tower on a box. Greater integration of the building parts is required. We do not advocate above-ground parking in the downtown core. If such parking is to be approved, however, a face building to ensure legitimate commercial and/or residential use at the street on all levels of a base building

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could be considered. As a good alternative to the lifeless facades of above-ground parking structures in the downtown core, a face building on a parking garage may well merit the greater density sought.

LACH – May 4, 2016

On the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the Heritage Alteration Permit Application for the property located at 455 Clarence Street BE PERMITTED as depicted in the submitted drawings, subject to the following additional terms and conditions:

- i) the podium portion of the building is limited to 19.5m in height, with a 4m stepback from the front property line at that height, to retain the scale and spatial understanding of the Downtown at this location; and,
- ii) the final elevations for tower portion of the building may be further refined as illustrated in the drawings for the approved bonus zone provided that, in the opinion of the Managing Director, Planning and City Planner, they continue to be consistent with s. 6.1.4.1 of the Downtown London Heritage Conservation District Plan as regards:
 - a. glazing approximately 50% and not exceeding 75%;
 - b. articulating horizontal rhythm and visual transitions between floors; and,
 - c. massing, rhythm of solids and voids, and the use of the high quality cladding materials;
- iii) the submission of a shadow study showing the full extent of cast shadows across the property boundaries impacted by cast shadows;
- iv) the display of the heritage alteration permit be placed in a location visible from the street until the work is completed; and,
- v) 100% transparent glazing on the street-level windows;

PUBLIC LIAISON:	On December 23, 2015, Notice of Application was sent to 84 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 December 24, 2015. A “Possible Land Use Change” sign was also posted on the site.	3 replies were received
<p>Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to permit the development of a 31-storey (102m) tall apartment building with 182 apartment units (1180uph). The first 7-storeys will create the podium of the building where 6 levels will be used for structured parking holding approximately 225 cars. The main floor of the building will contain 700m² of commercial uses fronting Clarence Street.</p> <p>Change Zoning By-law Z.-1 from a Holding Downtown Area (h-3*DA1*D350) Zone 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 and height of 90m, to a Downtown Area Bonus (DA1*D350*B(_)) Zone to permit the same range of uses which currently exists with a bonus zone to permit a residential density of 1180uph and a height of 102m in return for return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other provisions may also be considered through the re-zoning process as part of the bonus zone.</p>		
Responses: No Concerns		

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ANALYSIS

Subject Site

The subject site is located at 455 Clarence Street near the centre of the City’s Downtown. The site is currently used as a surface parking lot and is surrounded by a wide range of uses. Directly north is an 8-storey concrete office building with ground level retail along Queens Ave and Clarence Street. Across the street to the east is a mix of uses which includes restaurants, retail, residential and office uses. The office uses are located in a large 9-storey, historic building at the northeast corner of Clarence and Dundas Streets. The building is architecturally significant and is clad in limestone and granite with “punched fenestration” with a 3-storey stone clad podium. The remaining floors are stepped back to reduce massing and potential impacts at street level. To the south is the rear of several buildings which front the Dundas Street Corridor where a wide range of uses exist and directly west is a surface parking lot. The site itself is in close proximity to many amenities in the downtown ranging from parks and open space to retail, restaurants and entertainment facilities.

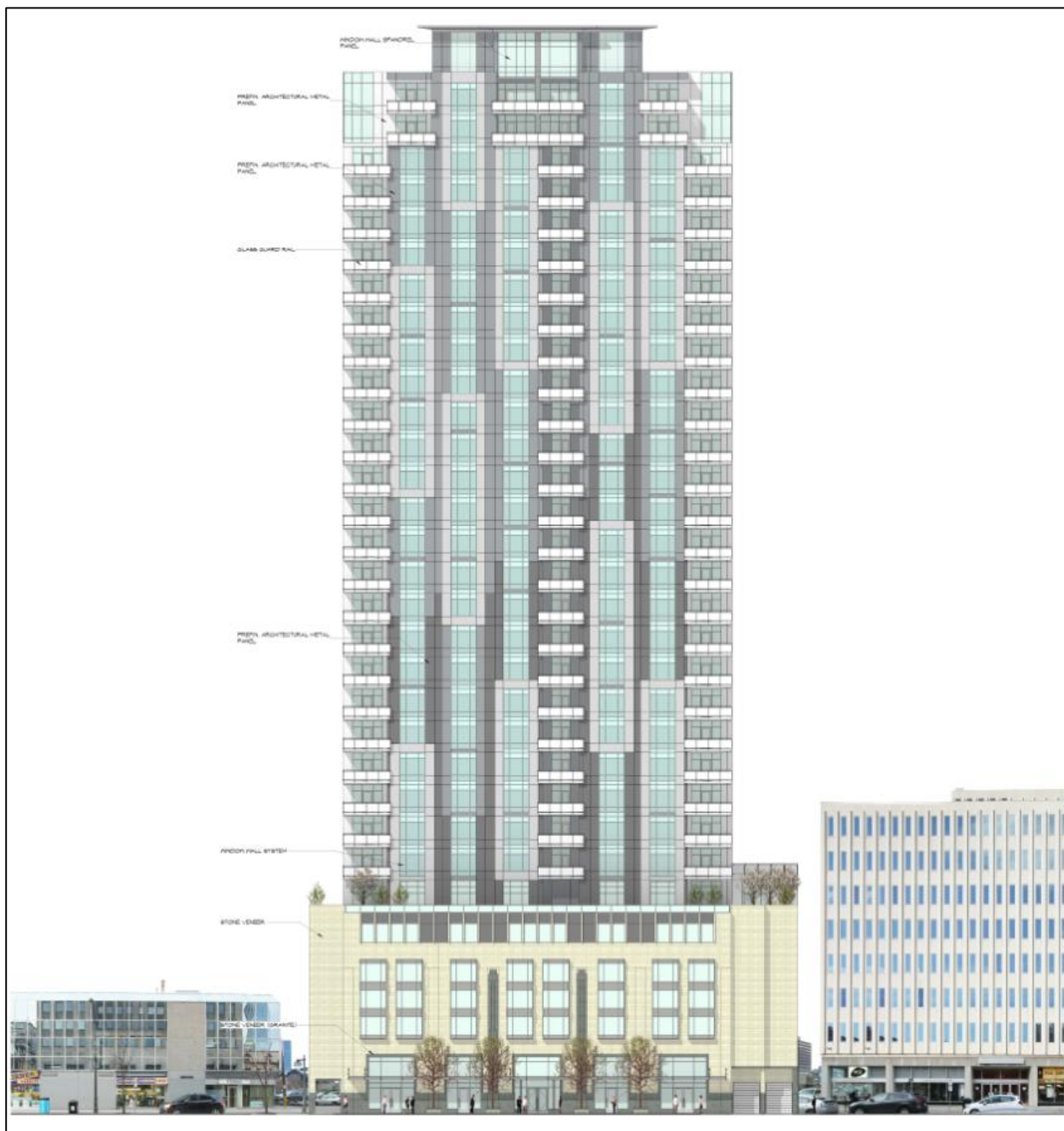
Nature of Application

The requested rezoning application is seeking to increase the permitted height and density on the subject site to allow for the development of a mixed-use apartment building. The apartment building would be developed at a height of 31-storeys (102m) with 182 apartment units (1180uph). The first 7-storeys will create the podium of the building where 6 levels will be used for structured parking holding approximately 225 cars. The main floor of the building will contain 700m² of commercial uses fronting Clarence Street. The amendment is also seeking to remove a Holding provision (h-3), which requires that a wind study be completed for any development exceeding 15 metres in height.

In order to achieve the desired height and density the applicant has applied for a bonus zone which permits greater heights and densities than the Zoning By-law permits in return for enhanced design features, public parking, maintaining a public connection through the site to allow pedestrians to have access to Clarence and Richmond Street by way of midand providing and enhanced pedestrian experience along that connection by way of a mid-block connection.

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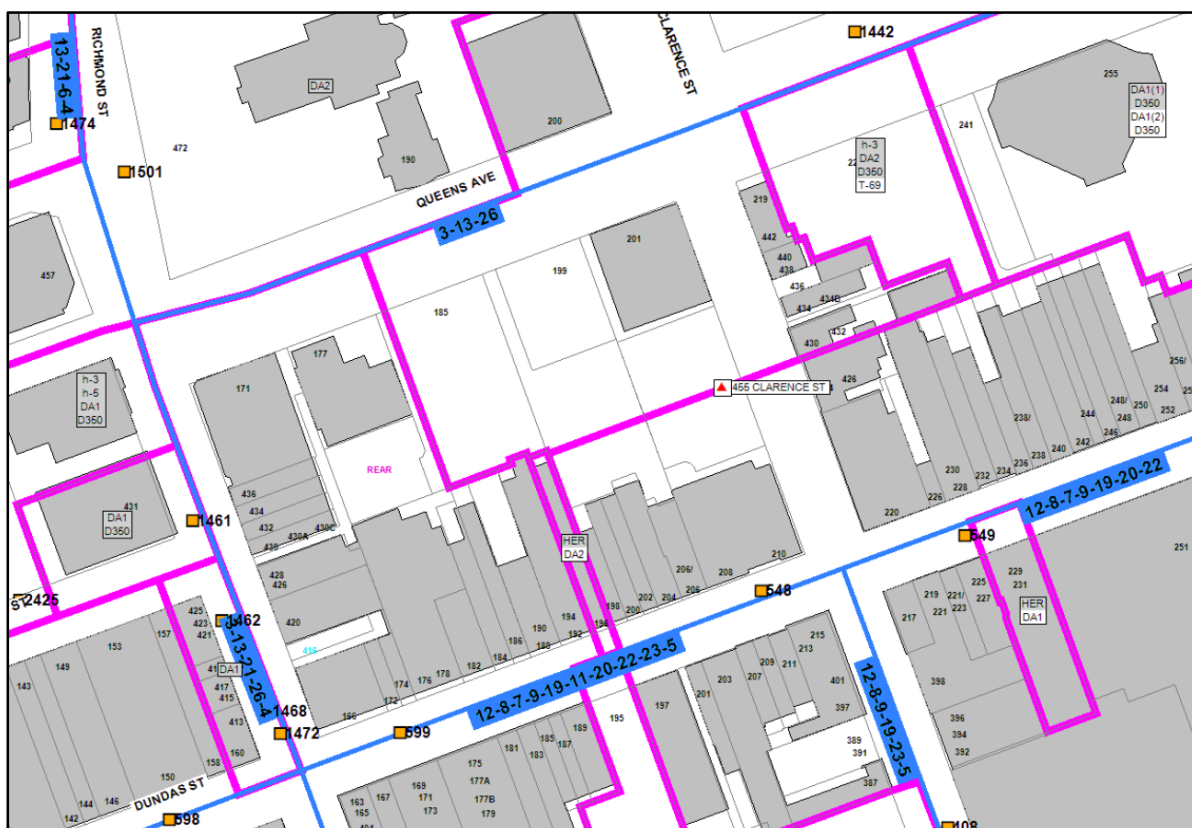
Use

Provincial Policy Statement 2014 (PPS)

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. Section 1.1 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs (PPS 2014, 1.1.1b). The recommended amendment will facilitate the development of 182 dwelling units, with a retail component at street level contributing to the mix of land uses within the downtown core where higher density residential uses are promoted. The proposal is also transit supportive in keeping with the PPS as Clarence Street is currently targeted as a route for London’s future rapid transit and identified in The Downtown Plan as an active connection between the SoHo Community and Victoria Park. The subject site is also steps away from several London Transit bus routes. (PPS 2014, 1.1.3.2)

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Surrounding Bus Routes



The amendment helps achieve the goals of Section 1.7 *Long-Term Economic Prosperity* in the PPS which supports opportunities for economic development and community investment-readiness. It increases the subject site’s ability to contribute to a stable downtown population which will attract more business to the core thereby supporting the long term prosperity of the area. The recommended amendment will also help to facilitate the development of a long term vacant downtown property with a high rise apartment and provide an active retail frontage. The development will fill in the final space on the block between Queens Street and Dundas Street enhancing the vitality of Clarence Street and the Downtown core, helping achieve the policies of the PPS 2014 (1.7.1.c)

Official Plan

The Official Plan outlines Planning Objectives (sec. 4.1.1) in the Downtown which should strive to be met through all forms of development within the core. The Official Plan seeks to promote the continued development of the Downtown in all forms and types of uses and encourages the growth of the residential population. It also encourages the provision of a high level of transit services along with the enhancing the attractiveness and accessibility of the Downtown for residents and visitors. The proposed application will help facilitate these goals as it will bring an increase in residential population to the downtown which will attract additional services and uses to the core thereby contributing to its continued development. It will also help support the provision of a high level of transit services as it is located on a potential rapid transit corridor close to the proposed main transit hub at Clarence Street and King Street. The building’s overall design will also help enhance the attractiveness along Clarence Street by filling in a vacant parking lot and creating a positive interface with the proposed building and pedestrian traffic.

The Official Plan identifies that a “variety of high and medium density housing types in the Downtown will be supported” (4.1.6. Permitted Uses, Residential uses iv)). It also notes that residential uses within the Downtown Shopping Area will provide for retail, service or offices uses at street level.

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Though this application is not in the Downtown Shopping Area it directly abuts it and is surrounded by street level retail. In an effort to mirror the retail uses on Clarence Street the proposed development has incorporated retail uses on the main floor. This is enhanced through a positive design element of large double height windows on the main floor creating a positive pedestrian interface, helping the building fit into the area and draw pedestrian traffic down Clarence Street while providing an increase in the mix of uses in the area.

London’s Downtown Plan

The proposal implements the guidelines of London’s Downtown Plan, specifically Strategic Direction 5 (Build a Great Neighbourhood) which promotes the creation of great neighbourhoods in the Downtown. The proposed use supports the goal of a larger residential community in the downtown in an effort to attract a wider range and mix of uses to support the ‘daily needs’ of residents helping to foster a complete neighbourhood on a site-specific basis.

Intensity

Provincial Policy Statement (2014)

The proposed increase in density on the subject site is in keeping with the PPS [1.1.1.e] which encourages higher levels of intensity. The proposed high density apartment establishes a cost-effective development pattern which takes advantage of a vacant parking lot in the downtown core minimizing land consumption and servicing cost. The proposal is also located within a settlement area which is where the PPS [1.1.2] identifies that lands should be made available for intensification and redevelopment to occur. The proposal meets the PPS’s intent as the proposed development would be a substantial intensification of the site.

Another important aspect of the PPS that is implement by this development is its ability to promote a land use pattern, density and mix of uses that minimize the length of and number of vehicle trips and will support current and future uses of transit and active transportation [1.6.7.4]. The subject site is located in the centre of the Downtown and, as previously identified, is within a minute’s walk from several bus routes providing for a potential increase in ridership and is located directly on a proposed rapid transit route. The subject site’s proximity to these downtown amenities increases the ability for active transportation to be used and limits the need for a vehicle to carry out daily activities.

Official Plan

The City’s Downtown is where the largest densities of office and retail uses shall be located and it is also where the highest residential densities are promoted. The continued increase in residential density is encouraged in order to attract and support the higher intensity of uses and services such as public transit. The highest density permitted without the use of Bonus Zoning is 350 uph for residential developments. In order to create a sustainable downtown population, the policies of the Official Plan permit increases in density provided the proposal satisfies density bonusing provisions of the Plan [sec. 4.1.7. i)]. As previously indicated, the applicant has applied to increase the density above the permitted 350 uph through the bonusing provisions outlined in Section 19.4.4 of the Official Plan. The policies of the Official Plan permit Bonus Zoning as a means of achieving enhanced development features which result in a public benefit which cannot be obtained through the normal development process in return for permitting increased heights and densities. The *Planning Act* provides direction on bonusing which allows municipalities to use bonusing provisions in their Official Plan in return for provisions such as facilities, services, or matters, as are set out in the By-law.

The Official Plan Transportation policies also promote development patterns that increase access to public transportation by encouraging higher density, mixed use forms of development at major intersections and transit-friendly land uses along major corridors which support a high frequency level of transit service [sec. 18.2.11.x)]. As was previously identified, the subject site’s location

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is ideal for higher density of residential use and retail on the main floor as it provides access to several public bus routes and is located along a proposed rapid transit corridor.

Our Move Forward: London's Downtown Plan

Strategic Direction 3 (Forge Connections with the Downtown Neighbourhoods) recognizes that the Downtown is the hub of a City, built upon the relationship with the surrounding core neighbourhoods. This relationship is based on building on safe, convenient and comfortable access between the downtown and surrounding neighbourhoods which will help ensure a vibrant commercial environment and energize the core with activity day and night and minimize the use of automobiles. The connections between these neighbourhoods is crucial in creating a sustainable intensity to support the downtown and is highlighted in the Strategic Direction 3 which encourages the creation of the *“Clarence Street Connector forming a tree-lined connection linking Richard B. Harrison Park in SoHo and Victoria Park in the downtown”*. This proposal can be a major starting piece in helping establish the tree-lined connection sought by the downtown plan with the Soho area and creating a connection with a surrounding neighbourhood.

Form

Provincial Policy Statement 2014 (PPS)

The policies of the PPS require municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock [1.1.3.3]. Immediately to the north of the subject site is an 8-storey concrete office building with ground level retail along Queens Ave and Clarence Street. To the south is the Dundas Street corridor which is lined with 3 storey mixed use buildings. Across the street to the east is a mix of uses which includes restaurants, retail, residential within 3-storey buildings, and a large 9 storey historic office building at the corner of Clarence and Dundas Street. The recommended amendment facilitates the redevelopment of a site which is appropriate for intensification and the proposed form of development would be compatible within the surrounding built form. The podium size and design is in keeping with the scale and style of the abutting lands creating a street level interface that will be comfortable for pedestrian traffic. The policies of the PPS also require the promotion of appropriate development standards which facilitate intensification, redevelopment and compact form [1.1.3.4]. The recommended amendment facilitates intensification and redevelopment in a compact form in a manner that is sensitive to the surrounding context. The proposal has been reviewed by the Urban Design Peer Review Panel, Urban Design Staff and is required to go through Site Plan approval all working together to ensure that this policy has been achieved.

The PPS also ensures consideration is given to culturally significant heritage properties and that they are protected from adverse impacts. *“Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”* [2.6.3]. The subject site is located within the Downtown Heritage Conservation district and in close proximity to a culturally significant building as such a Heritage Impact Statement (HIS) was required to demonstrate the compatibility of the proposal as well as the submission of a Heritage Alteration Permit (HAP). City Staff have reviewed the HIS and HAP to ensure the proposed building will maintain and protect the heritage properties of the surrounding area. Based on Planning Staff's review a report was prepared advising LACH on why the proposed development would be appropriate. The Heritage Alteration Permit was reviewed by LACH and agreed with the Staff recommendation that the development is appropriate and the permit was granted.

In keeping with the need to maintain surrounding heritage attributes, the policies of the PPS also encourage the development of a “sense of place”. The PPS helps guide how to create and maintain this sense of place by *“promoting well-designed built form and cultural planning, and by*

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Planner: Mike Corby

conserving features that help define character, including built heritage resources and cultural heritage landscapes” [1.7.1d]. In order to qualify for the requested increased density through Bonus zoning, the applicant has worked with Staff to improve on its original design and achieve a standard that implements the City's urban design principles, as contained in Chapter 11 while achieving an appropriate cultural heritage compatibility landscape. The design elements that will facilitate the “sense of place”, as promoted by provincial policy, are identified in the recommendation and Zoning By-law in an effort to promote a well-designed built form to help define character in conformity to the policies of the PPS.

Official Plan

The Downtown policies of the Official Plan provide Urban Design Objectives in order to create quality forms of development in the Downtown Area. The policies encourage a high standard of design and that new development be considerate and compatible to surrounding architectural styles and buildings with historic significance [sec. 4.1.2]. These policies are also reflected in London’s Downtown Plan – Strategic Direction 5 (Build a Great Neighbourhood) which encourages “...*a distinct urban neighbourhood that builds upon and conserves downtown’s cultural heritage values*”. The proposed building’s podium is influenced by the surrounding architectural styles of abutting lands and complements the historic building across the street. The proponent has worked with City Staff to modify the proposed development as part of the application review process to improve the street-level pedestrian environment as well as the overall design of the tower portion of the structure to ensure a better sense of compatibility and high quality of design.

The Official Plan directs the scale of development in the Downtown Area, such as when the subject site fronts onto a street which caters to pedestrian shopping needs the building will be permitted to increase in height in a step-like fashion away from areas of pedestrian shopping activity [sec. 4.1.7. i]. Though the subject site is not along a major shopping route it provides retail uses on the main floor and is along a proposed main pedestrian connection. The proposed form recognizes the importance of the pedestrian interface as it includes a step back from the podium to the the residential portion of the tower. The podium mass and scale is similar to the abutting office building to the north and the use of large windows breaks up the massing along the frontage. This helps achieve the design considerations of the Official Plan which guides downtown developments in providing an enhanced street-level pedestrian environment and in contributing to the sensitive integration of new development with adjacent structures and land uses. This is done in an effort to achieve the urban design principles contained in Chapter 11, conform to the Site Plan Control By-law and implement the standards in Downtown Design Guidelines [sec. 4.1.7 ii)].

Large buildings can create additional impacts to pedestrians at street-level in the form of wind downfall. The Official Plan ensures that any proposed building in the Downtown should limit the potential ground-level wind conditions and not hamper potential pedestrian movements in the area. In order to ensure that new developments do not cause unsafe wind conditions, Council has the ability to request the developer to undertake a street-level wind impact statement [sec. 4.1.7 iii)a)]. The existing zoning on the site implements Council’s ability as a holding provision exists that ensures prior to any development a wind impact statement is provided. Staff, requested this statement as part of a complete application. Through Staff’s review of the Wind Impact Statement it was determined that the proposed development will not alter or increase wind velocities to unacceptable levels in the area. The step back provided above the parking garage helps reduce any potential down flows at street-level. The proposed building design will create a barrier to the wind that currently flows through the parking lot on Clarence Street as wind patterns generally come from the west.

When developing in the Downtown it is important to focus on enhancing pedestrian circulation in an effort to increase pedestrian traffic. The Official Plan encourages new developments to contribute to enhancing the pedestrian experience by, “*include[ing] pedestrian and transit-oriented design features such as the widening of sidewalks, the provision of landscaped areas*

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accessible to pedestrians, street benches and bus bays” [sec. 4.19ii]. London’s Downtown Plan also recognizes the importance of pedestrian traffic and creating positive connections. As previously mentioned the Clarence Street Connection is an important part of the Downtown Plan and is considered one of the transformational projects in the plan. The proposed development could provide the first step in creating this environment and contributing to the pedestrian connection with the SOHO Community that the Downtown Plan is seeking. The proposal also implements the desired mid-block pedestrian connection from Clarence Street to Richmond Street. To ensure an acceptable level of landscaping and design features are provided within the City Boulevard the recommendation provides direction to the Site Plan Approval Authority that a design concept must be submitted and approved by Urban Design Staff during the site plan process.

The applicant has requested an increase in the density of the building than would otherwise be permitted through the use of Bonus Zoning. The policies of the Official Plan permit Bonus Zoning to encourage development features which result in a public benefit which cannot be obtained through the normal development process to support the City's urban design principles, as contained in Chapter 11 and other policies of the Plan. The mid-block pedestrian connection is a key feature that provides public benefit along with enhanced landscaping along Clarence Street which is achievable through the bonusing process. The use of urban design features, which may not be otherwise implemented through the normal development approvals process, allow the proposed development to qualify for Bonus Zoning in conformity to the policies of the Official Plan.

Zoning By-law

As was previously mentioned the current zoning includes a holding provision to ensure that development over 15 metres in height will not have an adverse impact on pedestrian level wind conditions by requiring the submission of a wind impact assessment. The holding provision also requires that any recommendations contained within the wind assessment for building design or site modifications necessary to achieve acceptable wind conditions be incorporated into the proposed development. The applicant has submitted a pedestrian level wind study in conformity with the holding provision. Upon review of the submitted wind study, the form of the proposed development is not anticipated to generate any significant additional wind impacts on pedestrian traffic and no recommendations are required.

The current zoning also includes various setback requirements for developments such as the apartment proposed by the applicant. The Zoning By-law requires that any residential portion of the building shall be set back “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)”. On small sites such as the subject site, this regulation would drastically limit the potential height of development. The proposed building provides a setback from the podium of 4.6 metres and then a continuous building elevation for the majority of the residential floors which is common in downtown apartment designs. In order to achieve this the recommended by-law will identify a minimum setback of 4.5 metres for any residential components of a building above 15 metres. This provision will conform to the recommendation from Heritage Staff and approved by LACH, for a minimum 4 metre setback ensuring that proposal retains the scale and spatial understanding of the Downtown at this location.

Since the proposed building contains 700m² of commercial/retail space a parking requirement of 1 space per 90m² is required. This results in a parking requirement of 8 spaces. The development proposes 225 spaces though zero spaces are required for the residential portion of the development. The development’s parking however is accessed through a garage door so only those with the appropriate access card can enter. This ensures safety and availability for those who have paid to park in these spaces. The requirement for 8 spaces is minimal especially given the property’s location in the Downtown where all the retail along Dundas Street uses on-Street Parking or the surrounding commercial parking lots. There is also an abundance of public transportation available reducing the need for people to drive to these retail spaces. Staff is recommending that zero parking spaces be provided where 8 spaces would be required for 700m²

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of commercial/retail space.

In order to implement the identified items for bonus zoning, section 19.4.4 iv) of the Official Plan states that:

“As a condition to the application of bonus zoning provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the City, to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the height or density bonus to be given.”

Bonus zoning is implemented through a development agreement with the City that is registered on title to the lands. The development agreement is intended to “lock in” the design features that will be incorporated into the form of development to merit the additional density. Through the site plan process, the proposed development will be reviewed to ensure that all facilities, services and matters that have warranted bonus zoning have been incorporated into the development agreement. These design features are highlighted in the recommendation and the amending by-law including the illustrations attached as Schedule “1”.

The bonus zone will be specific as it is intended to facilitate a development design which will permit a maximum density of 1180uph, a maximum height of 105m, and will be tied to the approved elevations. The bonus zoning is directly related to the enhanced urban design provided and additional facilities services and matters like the east-west pedestrian connection and enhanced streetscape that implement the goals of the Clarence Street Connection in the Downtown Plan.

Downtown Heritage Conservation District Guidelines

The subject site is located within a Heritage Conservation District. This requires the applicant to submit a Heritage Impact Statement and requires LACH to approve a Heritage Alteration Permit. Planning Staff reviewed, the HIS and submitted a report to LACH in response to the Heritage Alteration Permit. Staffs report indicated that the proposed construction at this site for a multi-storey residential/commercial building is largely consistent with the Downtown Heritage Conservation District Plan, notably the intensification of a site in a manner that strengthens the downtown and making use of an empty space as well as attempts to complement the buildings adjacent to it on Clarence Street, by using quality materials and design elements. Staff wanted to ensure that a minimum setback of 4 metres is maintained off of Clarence Street for any residential use above 15 metres in height. This setback was previously addressed in the zoning section of this report recommending a special provision for a 4.5 metre setback for any residential use above 15 metres in height on all sides of the tower portion. The Downtown Guidelines also outline that podium heights should not exceed 18 metres in height. Through design revisions in consultation with City Staff, a proposal which achieved the transparent double height windows into the retail space on the main floor the podium height which resulted in a podium height of 19.5 metres exceeding the Downtown Guidelines. Planning Staff and LACH were both supportive of this increase in height and a special provision will be used to ensure the podium height will not exceed 19.5 metres. The proposed development was presented to LACH on April 11, 2016. LACH’s comments are included in the report and overall supported the Staff recommendation. In regards to their request for a shadow study, one was completed in the Urban Design brief submitted as part of a complete application. Staff does not feel it is necessary to request another study be completed given the minimal changes to the building mass from the initial submission. Staff’s report to LACH is attached as appendix “B”.

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CONCLUSION

Staff's recommendation is appropriate as it is consistent with the Provincial Policy Statement (2014) and with the City of London Official Plan policies. It encourages the redevelopment of an underutilized site and encourages an appropriate form of intensification. The bonusing of the subject site ensures that the building form and design will fit within the surrounding area and provide for an enhanced design standard. The recommendation implements the relevant Strategic Direction and policies in *Our Move Forward: London's Downtown Plan*; and addresses standards in the *Downtown Design Study Design Guidelines* and is in keeping with the Downtown Heritage Conservation District Guidelines.

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

January 25, 2016

MC/mc

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File: Z-8560
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Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Telephone</u>	<u>Written</u>
Bob Slater, 907-600 Talbot Street	Jason MacQueen, 200 Dundas Street Nancy and John Fyfe-Millar, 603-500 Ridout Street North

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File: Z-8560
Planner: Mike Corby

Bibliography of Information and Materials
Z-8560

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Myk Wasylko (Wasylko Architect Inc.), December 8, 2015.

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.

Wasylko Architect Inc. *Planning Justification Report and Urban Design Brief*, June 2015.

exp. *Preliminary Geotechnical Investigation*, March 6, 2014.

Stantec Consulting Ltd. *Transportation Impact Assessment*, February, 2015.

The Boundary Layer Wind Tunnel Laboratory. *Pedestrian Level Wind Preliminary Impact Assessment*, April 6, 2015.

Correspondence: (all located in City of London File No. Z-8560. unless otherwise stated)

City of London -

Page B., City of London Parks Planning and Design. Memo to M. Corby. January 20, 2016.

Giesen A., City of London Transportation. Comments in AMANDA System, January 6, 2016.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. January 13, 2016.

Urban Design Peer Review Panel, Memo to M. Corby, February 3, 2016

Bezzina J., London Hydro. Memo to M. Corby, January 10, 2016.

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**File: Z-8560
Planner: Mike Corby**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
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 455 Clarence Street.

WHEREAS 1016790 Ontario Ltd. has applied to rezone an area of land located at 455 Clarence 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 455 Clarence Street, as shown on the attached map comprising part of Key Map No. A.107, from a Holding Downtown Area (h-3*DA1*D350) Zone and a Holding Downtown Area (h-3*DA2*D350) Zone to a Downtown Area Bonus (DA1*D350*B(_)) Zone.
- 2) Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by adding the following new Bonus Zone:

4.3) B() 455 Clarence Street

This bonus zone is intended to facilitate a development design which includes a 32-storey mixed-use apartment building with a maximum of 182 residential apartment units and 700m² of retail space on the ground floor. The apartment will exist at a density up to 1180 units per hectare, height of 105 metres, and a setback of 4.5 metres for any residential use above 15 metres in return for the provision of the following services, facilities and matters:

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 Illustrations shown in Schedule "1" of the amending by-law, except where the below criteria require more specific detail than shown in Schedule "1", and includes the following:

- i) A podium design which is sensitive to, and responds to, the surrounding heritage features and implements the design criteria of the Downtown Heritage Conservation District.
- ii) A high quality of building design, including the following design elements:

Podium

- i. The use of stone veneer and granite, similar to the materials used on the historic office building across the street.
- ii. Generous double height transparent windows at the base of the podium along Clarence Street in order to activate the street frontage.
- iii. A projecting glass canopy along the length of the podium, along the Clarence Street frontage, in order to provide weather protection to pedestrians.
- iv. Large bay windows with transparent glass above the main floor to help soften and break up the stone veneer walls while providing light into the parking garage and animating the upper levels of the podium.

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Planner: Mike Corby

Mid-Block Connection

- v. A covered pedestrian alley, along the south property line, with active storefronts in order to implement the “laneways connection” transformational project found in *Our Move Forward: London’s Downtown Plan*.

Tower

- vi. A point tower form with the massing of the building mitigated by a high proportion of glass materials and a relatively low proportion of panels or similar materials.
- vii. A variation of material colours in order to add interest and break up blank wall sections.
- viii. Continuous window wall within groupings of vertical window sections accented by a colour and projecting (roughly 1ft) in order to provide a unique architectural element to the building and break up the large flat portion of wall on the Clarence Street façade.
- ix. A visually interesting building cap that will contribute positively to the Downtown London skyline.

Streetscape

- x. High quality design and landscaping, within the City Boulevard as required to achieve the goals of the Downtown Master Plan.

Public Art

- xi. The provision of public art, to be administered in accordance with the City of London Art Policy in the amount of 1% of construction value up to \$250,000

The following regulations apply with the bonus zone:

Density (maximum)	1180 units per hectare (475 units per acre)
Height (maximum)	105 metres (335 feet)
Podium Height (Maximum)	19.5 metres
Residential Component of Building	The required setback for the residential portion of the building shall be a minimum of 4.5 metres (14.76 feet) for any portion above 15 metres (49.2 feet).
Parking (minimum)	0 parking spaces

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.

Agenda Item # Page #

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File: Z-8560
Planner: Mike Corby

PASSED in Open Council on June 23, 2016.

Matt Brown
Mayor

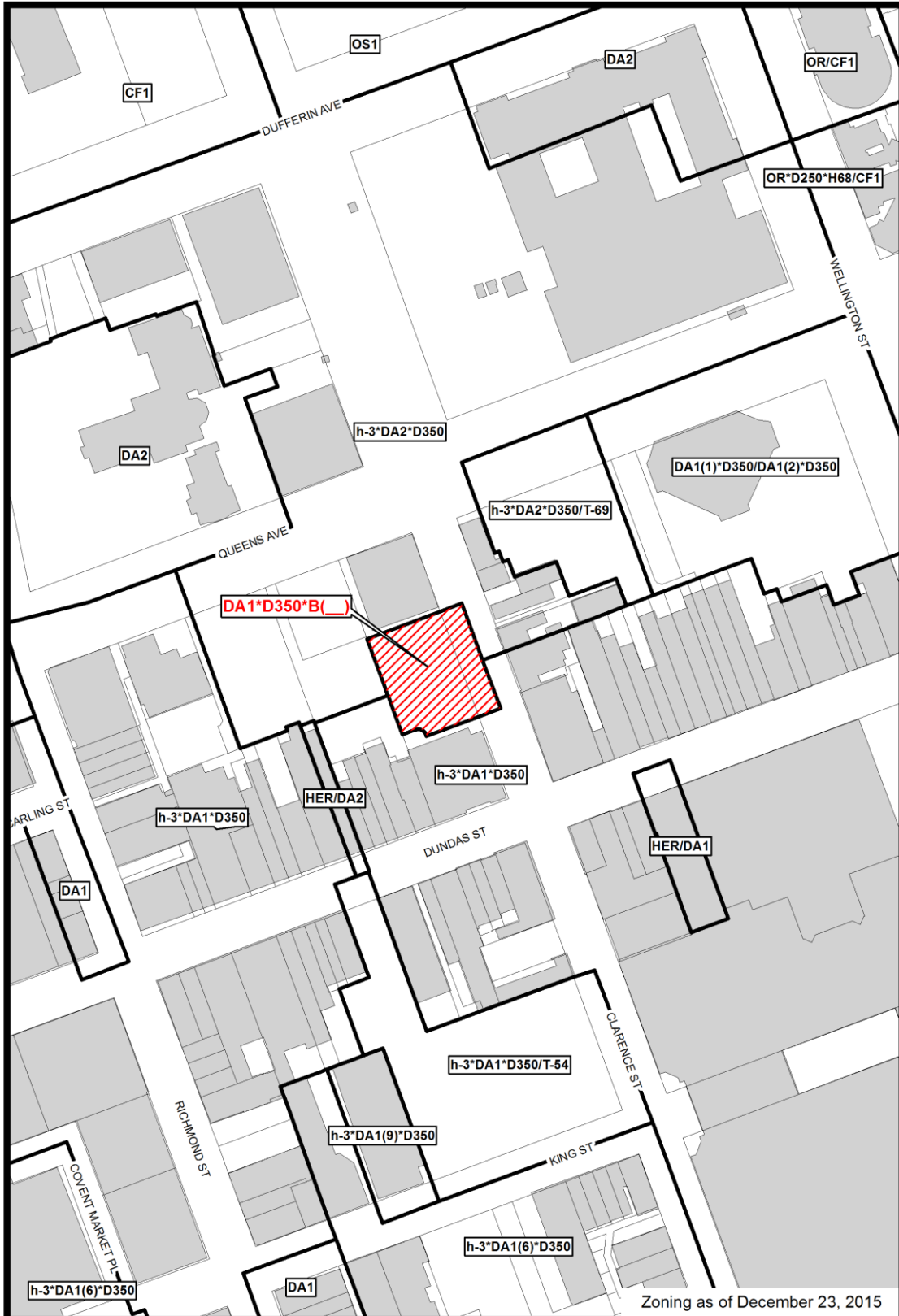
Catharine Saunders
City Clerk

First Reading - June 23, 2016
Second Reading - June 23, 2016
Third Reading - June 23, 2016

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File: Z-8560
Planner: Mike Corby

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



Zoning as of December 23, 2015

File Number: Z-8560
 Planner: MC
 Date Prepared: 2016/01/11
 Technician: MB
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Geodatabase

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File: Z-8560
Planner: Mike Corby

Schedule "1"



1016790 ONTARIO LIMITED
MIXED USE DEVELOPMENT

455 Clarence Street, London, Ontario

Perspective View

Scale:

Date Issued: 2016/05/11

WASYLKO
ARCHITECT INC.

375 GUYTON AVE
LONDON ON
N6H 1Y4
519 483 9880
FAX 483 2028

1016790-01-01-01

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File: Z-8560
Planner: Mike Corby



**1016790 ONTARIO LIMITED
MIXED USE DEVELOPMENT**

455 Clarence Street, London, Ontario

EAST ELEVATION / STREET VIEW

Scale: 1 : 180

Date Issued: 2016/05/11



PHOTO BY: J. W. SMITH

Two empty rectangular boxes for agenda item and page numbers.

File: Z-8560
Planner: Mike Corby

The image contains two architectural elevation drawings of a building. The top drawing is the North Elevation and the bottom drawing is the South Elevation. Both drawings show a multi-story building with a central glass curtain wall and side wings with solid walls. Grid lines are marked at the top of each drawing: B, C, 13, 14, and D. Various architectural details are labeled with callouts, including window types, door locations, and material finishes. The drawings are oriented vertically on the page.

**1016790 ONTARIO LIMITED
MIXED USE DEVELOPMENT**
455 Clarence Street, London, Ontario

NORTH & SOUTH ELEVATIONS

Scale 1 : 250 Date Issued 2018/05/11

WATFORD ARCHITECT INC.
30025417
JACOBSON
3110 EASTERN
WAY #411188

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File: Z-8560
Planner: Mike Corby



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File: Z-8560
Planner: Mike Corby



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File: Z-8560
Planner: Mike Corby



WASYLOD
ARCHITECT INC.
1300 DUNDAS ST. W.
SUITE 1000
TORONTO, ONTARIO
M6J 1B5
TEL: 416-593-1100

Perspective View

**1016790 ONTARIO LIMITED
MIXED USE DEVELOPMENT**
455 Clarence Street, London, Ontario

Scale: N.T.S. Date Issued: 2016/05/11

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**File: Z-8560
Planner: Mike Corby**

Appendix "B"

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D. Menard:

TO:	CHAIR AND MEMBERS LONDON ADVISORY COMMITTEE ON HERITAGE MEETING ON WEDNESDAY APRIL 13, 2016
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	HERITAGE ALTERATION APPLICATION BY: G. ANASTASIADIS 1016790 ONTARIO LIMITED 455 CLARENCE STREET DOWNTOWN HERITAGE CONSERVATION DISTRICT

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, with the advice of the Heritage Planner, the Heritage Alteration Permit Application for the property located at 455 Clarence Street **BE PERMITTED** as depicted in the submitted drawings subject to the following additional terms and conditions:

1. The podium portion of the building is limited to 19.5m in height, with a 4m stepback from the front property line at that height, to retain the scale and spatial understanding of the Downtown at this location;
2. The final elevations for tower portion of the building may be further refined and illustrated in the drawings for the approved bonus zone provided that, in the opinion of the Managing Director of Planning & City Planner, they continue to be consistent with s. 6.1.4.1 of the Downtown London Heritage Conservation District Plan as regards:
 - i) glazing approximately 50% and not exceeding 75%;
 - ii) articulating horizontal rhythm and visual transitions between floors;
 - iii) massing, rhythm of solids and voids, and the use of the high quality cladding materials;
3. Submission of a shadow study showing the full extent of cast shadows across the property boundaries impacted by cast shadows
4. During construction, a heritage alteration permit be posted on site in a location visible to the public.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

Approval of the recommended action would authorize the changes as described to the designated property in accordance with the provisions of Section 42 (1) of the *Ontario Heritage Act*.

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File: Z-8560
Planner: Mike Corby

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D. Menard:

BACKGROUND

The Property

The property at 455 Clarence Street is located on the west side of Clarence Street between Dundas Street and Queens Avenue. (Appendix 1: Location Map) At present, the property is used as a commercial, asphalt surfaced, parking lot with space for 50 vehicles.

The property is located in the Downtown Heritage Conservation District, established in 2013. The Downtown Heritage Conservation District Plan (Block 17) identifies the property at 455 Clarence as an Infill Property subject to the commercial landscape classification with respect to the streetscape of which it is a part.

The Application

This heritage alteration permit application is linked to a redevelopment proposal for the site. The proposal requires a zoning by-law amendment for bonus zoning provisions allowed by the Official Plan. As part of the complete requirements for the zoning by-law amendment, a Heritage Impact Statement (HIS) was submitted by Stantec on behalf of the applicant.

The applicant proposes to construct a 31 storey residential building with commercial facilities on the ground level for retail activities. The second through sixth floors will contain parking facilities for occupants. The seventh floor is proposed to be used as amenity space. Floors eight through thirty-one will contain residential units. (Appendix 2: Drawings Submitted by Applicant)

The design of the proposed building consists of a six storey (19.5 m) podium with a 24 storey point tower set four metres back from the street line. Key design elements for the podium incorporate a limestone cladding, with a granite base, for the bottom three stories with the upper portion of the podium clad in a reflective glass and metal curtain wall. A glass and aluminium canopy over the sidewalk shelters the entrances. The point tower will be clad in aluminium/glass curtain wall with metal spandrel panels. The podium will have 5 storey tall bay windows. (Appendix 2)

Analysis of the Proposal with respect to the Downtown HCD Plan

Notwithstanding the fact that the redevelopment is currently a vacant property with no identified site heritage attributes, given its location within the Downtown Heritage Conservation District, the scale of the project is sufficient in its scope to constitute a “complex application” and, therefore, one that requires referral to the LACH with respect to the proposed alterations to the streetscape and its impacts on the Downtown Heritage Conservation District. The following analysis refers both to information within the Downtown District Plan and to arguments presented in the applicant’s Heritage Impact Statement (HIS), dated June 26, 2015. (Appendix 4: Heritage Impact Statement)

1. With Respect to the Goals and Objectives of the Downtown Plan:

Based on Section 41.2. 1 (b) of the *Ontario Heritage Act* upon which the Downtown District Plan is established, Section 3.2.1 of the Downtown Plan sets as an objective that the construction of modern era buildings be done with regard to the District and complementary to its the character and streetscape. Further, this section notes that the Plan encourages the implementation of these objectives while fostering an environment of growth and renewal going forward. Also of importance to Section 3.2.2 of the Downtown Plan is that this development proposal supports the goal of encouraging the redevelopment, intensification, and acceptance of the Downtown as the cultural and social focus of the community. The Heritage Impact Statement notes that the proposed development provides “an opportunity for mixed use infill without the need for any destruction of heritage resources and minimal anticipated, if any, indirect impacts.” (Appendix 4: HIS).

The proposed construction at this site for a multi-storey residential/commercial building is consistent with the objectives of the Downtown HCD Plan.

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File: Z-8560
Planner: Mike Corby

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D. Menard:

2. With Respect to the Principles within the Design Guidelines for New Construction-Section 6.1.4 of the Downtown Plan:

This section of the Plan seeks to ensure that new construction respects the history that will surround it in material, massing and other aesthetic choices. New construction shall ensure the conservation of the character defining elements of the buildings it will neighbour. The new work should easily be decipherable from its historic precedent while still complementing adjacent heritage buildings.

Within this block of the downtown, every adjacent building is deemed "heritage" in that all are part of the District. Specifically, key buildings for which this project has relevance include the former Canada Trust building located at the corner of Dundas and Clarence, the two-three storey buildings directly facing the proposed new structure that line the east side of Clarence Street and the AVCO and Pathways buildings on each side of the proposed new structure –the 8 storey AVCO building at 201 Queens Avenue to the north and the five storey Pathways building at the northwest corner of Dundas and Clarence. (Appendix 3: Photos)

The Heritage Impact Statement addresses the issue of general compatibility of the proposed new building on the adjacent properties and states that, "based on the proposed façade design, the proposed development fits well within the district broadly and its immediate surroundings along Clarence Street more specifically."(p. 4.2 –HIS) As is noted below, specific design elements of the proposed building are meant to reinforce that compatibility.

The Downtown HCD Plan assesses new construction in more specific terms with respect to façade composition and height. It notes in Section 6.1.4.1 that a single excessively tall and imposing structure can completely alter the pedestrian-focused atmosphere of the Downtown and, further, that setbacks of new development should be consistent with adjacent buildings with building entrances oriented to the street. The use of roof shapes and major design elements that are complementary to surrounding buildings and heritage patterns are encouraged.

3. With respect to Façade Composition

The proposal enhances the street character with the use of high quality materials including limestone, granite at the base, glass and metal spandrel panels. A glass and aluminium canopy over the sidewalk provides shelter at all entrances and adds design interest. These details are consistent with the Downtown HCD Plan.

The proposed commercial retail space is consistent with the Plan.

Glazing requirements identified in the Plan are met in the proposed design.

The Plan requires that horizontal and visual transitions between floors be articulated in façade designs and further states that the floor to ceiling height of the ground floor façade be consistent with the predominant heights of buildings and respect the scale of adjacent buildings. This proposal is designed to be consistent with adjacent buildings to the north and south on Clarence Street and is heavily influenced by design elements in the former Canada Trust building at 220 Dundas. The HIS states that the podium is designed to mimic the approximate height of 201 Queens Avenue. The podium features materials used in the Canada Trust building –specifically the use of stone cladding on the lower three stories which also respects the two and three storey mixed use buildings on the east side.

Further, the Plan states new buildings be sympathetic to the district heritage attributes through massing, rhythm of solids and voids, significant design features and high quality materials. The podium for the proposed structure uses design elements to a rhythm of solids and voids echoing what appears on the east side of Clarence Street.

The continuity of the street edge is maintained with the proposed structure built out to the street edge with no side yard setback. These details are consistent with the District Plan.

The District Plan applies these architectural attributes in a general way to the entire building. The Urban Design Peer Review Panel has recommended some refinements to the tower

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File: Z-8560
Planner: Mike Corby

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elevations. If these refinements remain consistent with these general principles, then they are consistent with the District Plan.

4. With respect to Setback, Height and Massing

The District Plan states that facades must be a minimum of 2 storeys and no more than the permitted maximum height of 18 metres. It states that the perception of building height from the pedestrian's point of view on the sidewalk is of most concern within the HCD. The proposal is consistent with the two storey minimum requirement although does exceed, by 1.5 metres, the permitted maximum height. This should not impact the pedestrian view on the sidewalk as the podium mediates the street wall height transition along the west side of Clarence Street. A 1.5 metre increase is not likely to be noticeable at the pedestrian level. The HIS notes that that the use of a reflective glass and metal curtain wall to reflect the sky when viewed from the street will mitigate the mass impact of the podium.

Above these heights, it is recommended that buildings be setback from the building line at setbacks of 2 meters for each two metres of height. Upper floor setbacks are required on buildings that will exceed their neighbouring building's heights by over one storey.

The proposal seeks a building that, in total, is 102 metres tall for the full 31 stories. With respect to setbacks (stepbacks) as height increases, the proposal is for one setback four metres from the street line with no further setbacks as the building height increases. While this approach does not implement the recommended gradual setbacks recommendation in the Plan, the proponent notes that the use of a single setback (stepback) can be balanced by the mitigative design elements in the podium as noted above. Given the depth of the development parcel, it may also be considered a difficult recommendation to achieve additional stepbacks.

With respect to the design guideline requirements that new buildings must maintain and enhance the continuity of the street edge by building out to the front property line and new buildings must build to the full extent of the property width fronting the street, this proposal is consistent with the District Plan.

5. Impact Assessment

The Heritage Impact Statement followed the provincial format which identifies seven potential types of impacts that might be identified and, might then require mitigation.

This HIS assessed potential impacts resulting from the proposed development, noting that, as the site is currently a vacant parking lot, impacts would be primarily related to adjacent buildings. Of importance for this proposal, is the consideration given to shadow studies. At the time of the preparation of this report a shadow study had not been completed but reference was made to the comparable height of One London Place with the suggestion that shadows created for the structure at 455 Clarence would also be comparable.

The applicant's HIS also addressed potential impacts on views and vistas. Using the critical views and vistas identified in the District Plan with respect to each of the five key buildings described in this section of the Plan, it reached the conclusion that the proposed development "is not anticipated to change the understanding of (each) building, or its significance, and therefore, no impacts were identified that would require mitigation."(HIS p.4.8-4.9)

The HIS also identifies what it refers to a "indirect" impacts, related to noise and vibration, and recommended mitigation measures to deal with these. These are matters that would be dealt with at a site plan review stage of development.

Comments

For the most part the proposed development is consistent with the Downtown Heritage Conservation District Plan, notably in the intensification of a site in a manner that strengthens the downtown, makes use of an empty space and attempts to complement the buildings adjacent to it on Clarence Street, and by using quality materials and design elements.

With respect to the recommended graduated setbacks in the Plan, the pedestrian experience in this proposal is improved with both the three storey cladding that is proposed and the use of

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other design elements. The overall height without further setbacks as recommended may be overly imposing. A shadow study showing shadow impacts on adjacent property parcels may clarify this.

Council Options

The *Ontario Heritage Act* allows municipal Council three options when dealing with heritage alteration applications for designated properties. Within 90 days of receipt of the application, Council may permit the application, provide notice of refusal of the application or permit the application with terms and conditions attached. If the Council refuses the permit applied for or gives the permit with terms and conditions attached, the owner of the property may appeal to the Board, within 30 days after the owner receives notice of the Council decision.

Recommendations

It is recommended that the heritage alteration application as depicted in the submitted drawings be permitted subject to the following additional terms and conditions:

1. The podium portion of the building is limited to 19.5m in height, with a 4m. stepback from the front property line at that height, to retain the scale and spatial understanding of the Downtown at this location;
2. The final elevations for tower portion of the building may be further refined and illustrated in the drawings for the approved bonus zone provided that, in the opinion of the Managing Director of Planning & City Planner, they continue to be consistent with s. 6.1.4.1 of the Downtown London Heritage Conservation District Plan as regards:
 - i) glazing approximately 50% and not exceeding 75%;
 - ii) articulating horizontal rhythm and visual transitions between floors;
 - iii) massing, rhythm of solids and voids, and the use of the high quality cladding materials;
3. Submission of a shadow study showing the full extent of cast shadows across the property boundaries impacted by cast shadows
4. During construction, a heritage alteration permit be posted on site in a location visible to the public.

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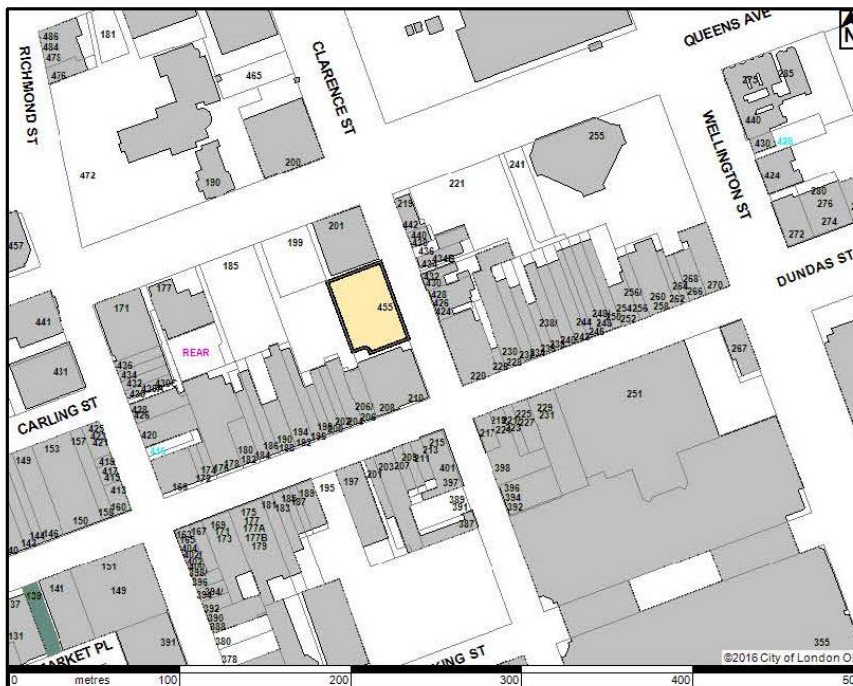
PREPARED BY:	SUBMITTED BY:
DON MENARD HERITAGE PLANNER URBAN REGENERATION	JIM YANCHULA, MCIP, RPP MANAGER URBAN REGENERATION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

April 6, 2016
dm/

Attach: Appendix 1- Location Map; Appendix 2 –Drawings Submitted by Applicant; Appendix 3- Photos of Adjacent Properties; Appendix 4- Heritage Impact Statement (provided separately)

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Appendix 1- Location Map- 455 Clarence Street



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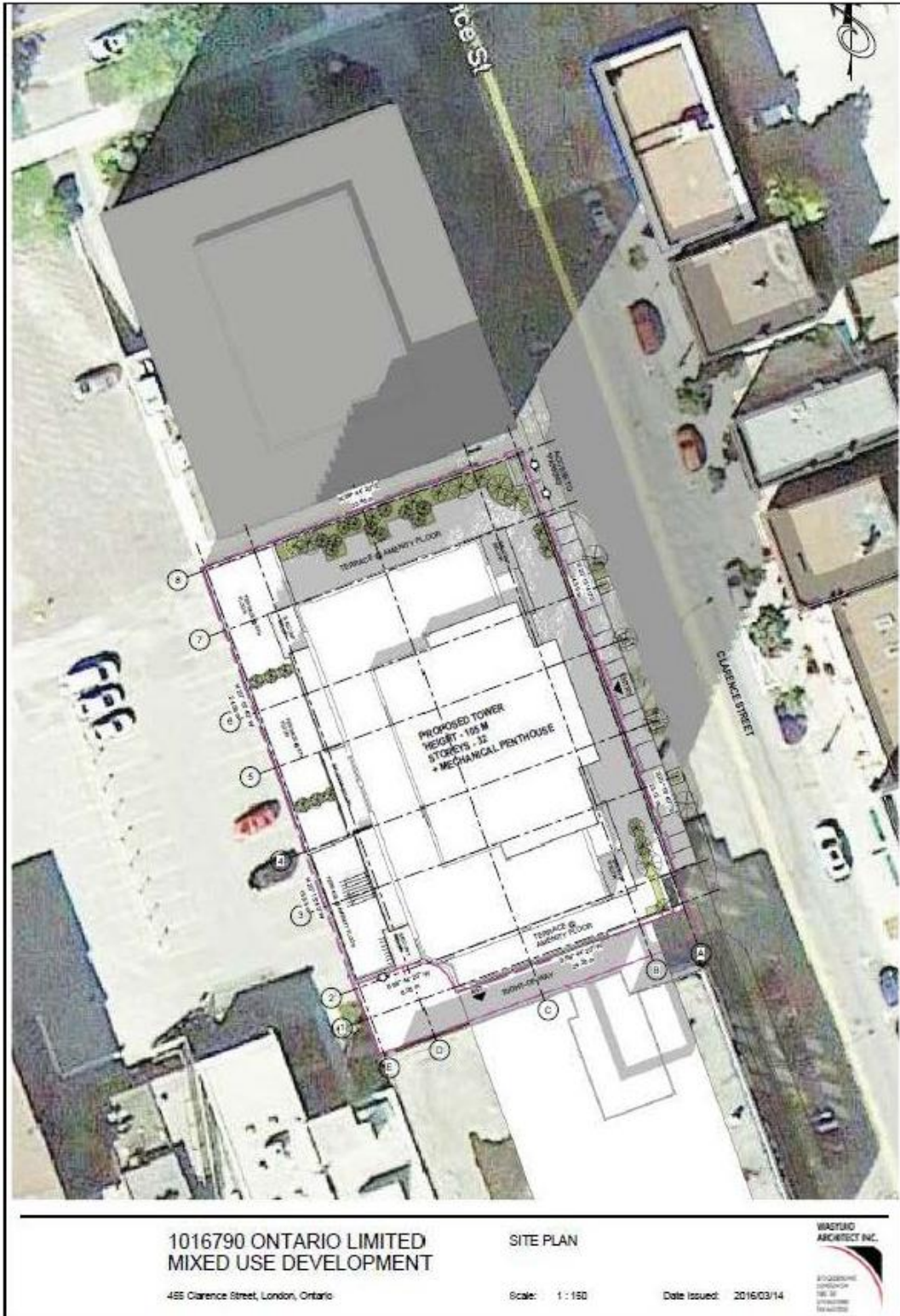
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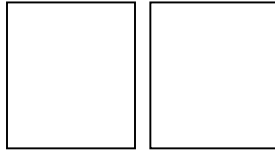
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Appendix 2: Drawings Submitted with HAP Application

Site Plan

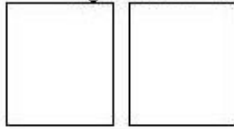


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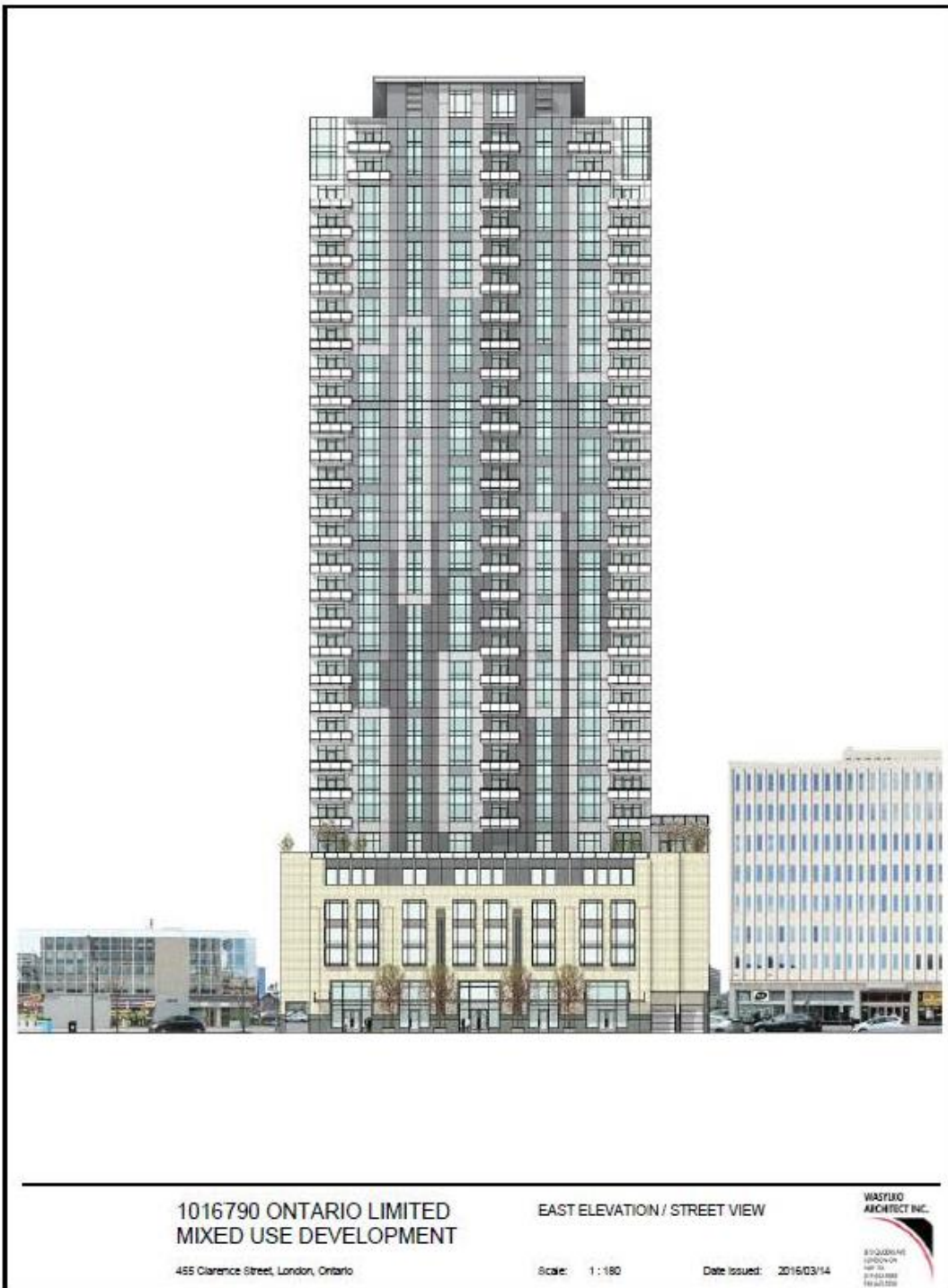
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Appendix 2: Drawings - Proposed Design – Clarence Street Elevation



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Appendix 2: Drawings – Podium Details

Appendix 2: Drawings -Proposed Design – Perspective View –Clarence Street



Appendix 2: Drawings - East & West Elevations

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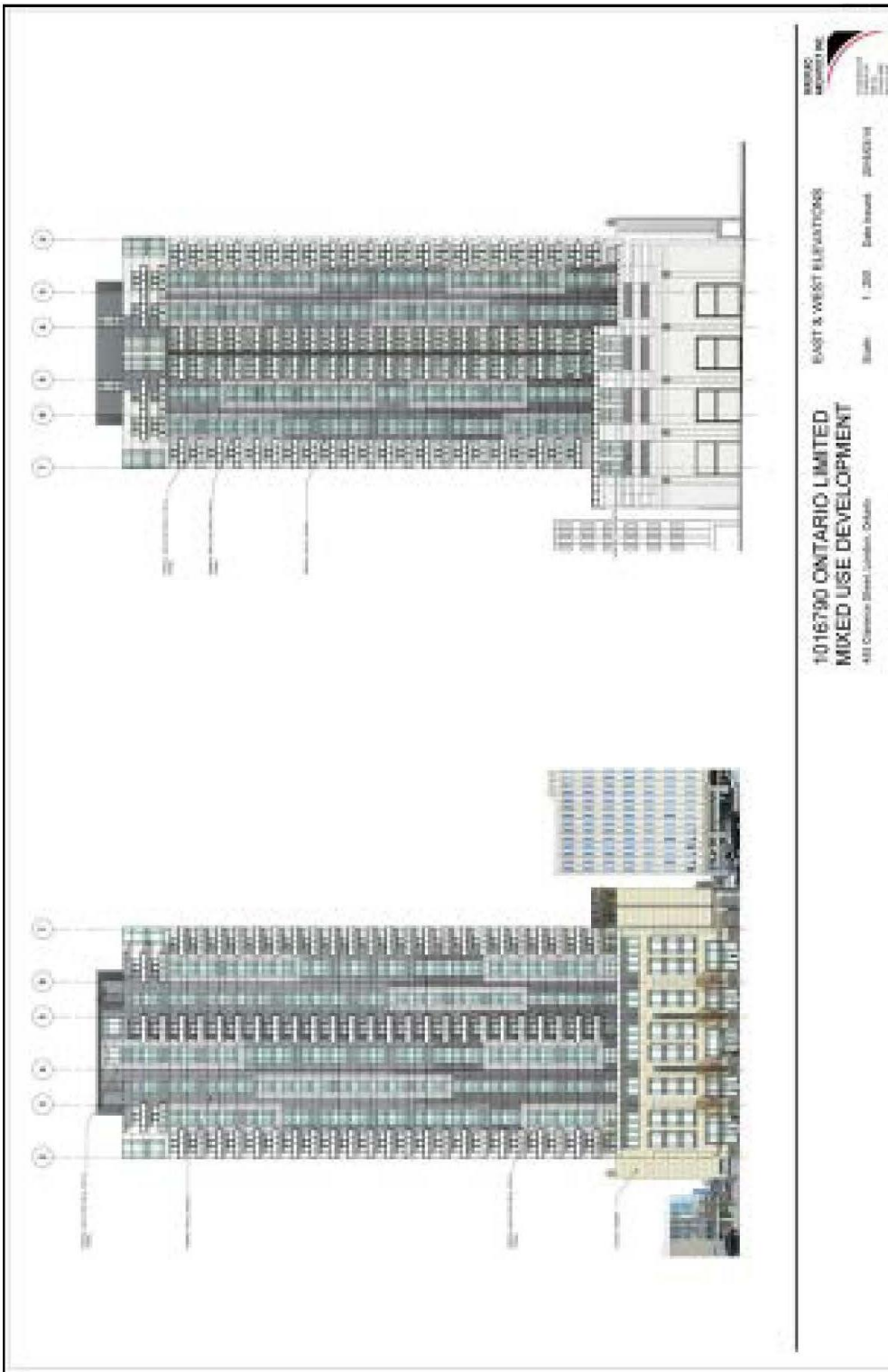
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Appendix 3: Photos – Streetscape and Adjacent Buildings



View East from Site
Canada Trust – Dundas and Clarence



AVCO building –
Avenue
Building – Dundas



201 Queens
Pathways
/Clarence



East side -Clarence Street

Appendix 4: Heritage Impact Statement (Provided Separately)