



ZELINKA PRIAMO LTD

A Professional Planning Practice

VIA EMAIL & REGULAR MAIL

August 25, 2016

Mr. Michael Davis
Planning Division – Current Planning
City of London
206 Dundas Street
London, ON
N6A 1G7

Dear Mr. Davis:

**Re: Response to UDPRP Evaluation Summary
Application for Zoning By-law Amendment Z-8617
Rygar Properties Inc.
100 Fullarton Street, 475-501 Talbot Street & 93-95 Dufferin Avenue
London, ON**

Our File: RGR/LON/13-01

Zelinka Priamo Ltd. on behalf of Rygar Properties Inc. is pleased to provide the following response to the Urban Design Peer Review Panel ('UDPRP') Evaluation Summary dated June 15, 2016 for the proposed mixed-use development at 100 Fullarton Street, 475-501 Talbot Street and 93-95 Dufferin Avenue. Please note that because the UDPRP identified that the proposed mixed-use development could not be fully appreciated in the time provided, and it would appear that consideration of certain facts did not form part of the Panel's deliberation, our response to the comments provided are necessarily longer than those comments in order to provide the needed clarification and background.

1. The architect was involved in a motor vehicle accident on his way to the meeting. The absence of the architect was unavoidable.
2. We agree the proposed mixed-use development could not be fully appreciated in the time provided for the review. It also appears the Panel was not provided with the engineering reports submitted as relevant background or, did not consider those reports in their deliberations.
3. In our opinion the proposed density of the proposal is appropriate in the Downtown Area that is intended to develop at the greatest heights and densities in the City. The applicant is requesting 1,200 uph which is a modest increase from the 1,155 uph approved on the southerly portion of the subject lands and other recently approved

developments are within a similar density range. 455 Clarence Street was approved for 32-storeys (105 meters) and 1,180 uph; and 505-511 Talbot Street was approved for 29-storeys (97 meters) and 990 uph.

We are opposed to reducing density which is appropriate in the Downtown Area to provide potential density for other "soft" sites. There is no evidence to suggest the proposed development or previously approved development on the southerly portion of the site threatens to limit the viability of other developments. We believe the proposed development will perpetuate demand for additional development by increasing property values surrounding the proposed development, and by bringing additional residents to the Downtown Area the proposed development will create further demand for employment, shopping and recreational opportunities.

Like any change from a low-rise built form to a high-rise built form, the proposed building will result in additional shadow impacts from what currently exists. However, as illustrated by the Shadow Study prepared by Richmond Architects the proposed building will cast shadows for a very limited time on any one particular location and in our opinion, the shadow impacts are acceptable within a highly urban context where as noted above greater heights and densities are expected. To mitigate the shadow impacts, the proposed development will be comprised of two (2) point towers and a smaller centre building. The two (2) point towers will cast narrower shadows that pass quickly, compared to elongated slab towers.

There are expected to be no negative impacts associated with the above-ground parking structure as it will be screened from public view along the bounding streets by the habitable space within the center building and two (2) point towers.

The decision to integrate certain buildings on listed properties into the proposed development and not others was a decision made based on the recommendations of several professionals having expertise in multiple fields of study and was not particularly focused on achieving density. The engineering reports which assessed the structural capacity and environmental condition of the row houses located at 479-489 Talbot Street heavily influenced the decision to not retain and integrate those buildings into the proposed development. It appears the Panel was not provided with the engineering reports or that the engineering reports were not considered by the Panel in their deliberations.

In our opinion, the one-tower scheme suggested by the Panel is a significant underutilization of the site as a whole, and is already permitted on southerly portion of the site (100 Fullarton and 475 Talbot Street) without the need for any development to occur on the balance of the site. The one tower scheme would result in the status quo on the northerly portion of the site without significant site improvements. In our opinion,

greater community benefit will result from the comprehensive redevelopment of the block.

4. All materials are labeled on the elevations contained within the Urban Design Brief. It is the preference of the applicant that the proposed building be constructed primarily of glass window-walls. The evaluation summary does not capture the Panel comments in support of the glass window wall construction nor the opinions of some Panel members that London has too many concrete and pre-cast concrete buildings. The proposed development is proposed to be bonused on the glass window wall construction. Other bonusable features are discussed under item 15.

5. The development proposal reviewed by the Panel is the result of several refinements to the initial design and considerable consultation with City Staff. As noted above, the decision to integrate certain buildings on listed properties into the proposed development and not others was made based on the recommendations of several professionals having expertise in multiple fields of study, including engineering, architecture, heritage and land use planning. The applicant consulted separately with the London Advisory Committee on Heritage ('LACH') on matters of heritage on June 8, 2016 and July 6, 2016. As such, matters of heritage were believed to be outside the scope of the UDPRP.

A Structural Capacity Review prepared by Jablonsky, Ast and Partners Consulting Engineers ('Jablonsky'), and an Assessment of Fungal Spores, Moisture and Indoor Air Testing prepared JFM Environmental Limited ('JFM') for the listed properties at 479-489 Talbot Street was included as part of the submission materials to the City. As noted above, it appears the Panel was not provided with the engineering reports submitted as relevant background or, did not consider those reports in their deliberations. Jablonsky has recommended removal of the row houses at 479-485 Talbot Street due to a series of significant structural concerns. JFM recommended portions of the same buildings cannot be occupied under the current conditions based on the occurrence of visible mold growth and confirmed sampling; and that occupancy is not recommend based on wood rot and the deterioration of some structural members and the presence of damaged asbestos-containing materials.

A Heritage Overview Report prepared by Stantec Consulting Limited ('Stantec') to evaluate the cultural heritage value or interest for all listed properties was included as part of the submission materials to the City. With the recommended removal of the row houses at 479-485 Talbot Street by Jablonsky, the cultural heritage value or interest of the remaining row houses at 487 and 489 Talbot Street is not consider by Stantec to be significant enough to warrant their partial retention.

Zelinka Primamo Ltd. commented at the UDPRP meeting that the immediate context that surrounds the listed heritage properties has been highly modified. We went on to say that the restaurant and "boutique-retail" type of land uses that would adapt and reuse the rowhouses and former residences on the listed properties are, in our opinion, more apt to locate on Dufferin Avenue than Talbot Street. Dufferin Avenue is the quieter, pedestrian oriented-street linking Victoria Park and Harris Park. We elaborate further on this point under item 17.

6. It is acknowledged that there is a general preference that commemoration of the row houses address Talbot Street (as opposed to a reconstruction of a portion of the row houses on Dufferin Avenue). The proposed development and commemoration strategy has been refined with the reinterpretation of the row houses now proposed as a backdrop to the centralized lobby area addressing Talbot Street. The reinterpretation of the row houses will be recognizable as a six (6) unit facade and in their architectural expression will be more effective than the previously proposed reconstruction of row houses on Dufferin Avenue. Original materials will be used in the reinterpretation of the row houses to the extent possible.

7. The first phase of construction consists of a relatively small number of residential units (92 units). As such, it is expected that the proposed development will move quickly from Phase 1 to Phase 2; the latter which involves the construction of the first of two (2) residential towers. The proposed development calls for bonusing provisions for height and density that are requested, in part, in exchange for the retention and integration of the former attached residences at 93 and 95 Dufferin Avenue, which are listed on the City of London Inventory of Heritage Resources. In this way the proposed development will ensure that certain buildings of heritage interest are retained.

8. The proposed design has been refined so that a portion of the building corresponding with the central lobby area and principal building entrance will be recessed from the balance of Talbot Street facade to provide for a broader setback to the sidewalk and space for a forecourt. The proposed forecourt will better distinguish principal building entrance and break up the architectural expression of the proposed building along the Talbot Street facade.

In our opinion, the overall height of the proposed center building commonly referred to as "the podium building" is appropriate within the context of the Talbot Street streetscape immediately surrounding the proposed development. The streetscape is predominately high-rise in character. On the east side of Talbot Street between Fullarton Street and Dufferin Avenue, immediately opposite the proposed development, is a 20-storey office tower (Talbot Centre) and 16-storey apartment building. North of Dufferin Avenue on the east side of Talbot Street, is a 12-storey office building (Dufferin Corporate Centre) and a

15-storey apartment building. South of Fullarton Street, on the east side of Talbot Street, the buildings are 3-storeys in height. South of Fullarton on the west side of Talbot Street is a surface parking lot, an 11-storey office building (Richard Pierpoint Building) and an 8-storey office building (formerly the Bell Building). The above noted high-rise buildings all extend uninterrupted (without building step-backs) from grade to the respective top floors. On the west side of Talbot Street north of Dufferin Avenue a 29-storey residential building (the Azure) is currently being constructed, and is proposed to step back above the 5th level of above-ground structured parking that will form the podium of the building.

9. Although the centre building comprising part of the proposed development has been commonly referred to as the podium, in terms of best practices for tall buildings and the division of building mass vertically, the base of the proposed development that consists of the ground floor to the top of the 3rd floor and extends the full length of the site should be considered to be "the podium". Atop the 3rd floor there appears to be a division or break in the vertical mass of the building. The podium described above is approximately 14.6 metres in height, and the existing width of the Talbot Street ROW is approximately 23 metres. As such, the proposed podium height satisfies the best practice of a maximum podium height to street allowance width of 1:1. The proposed building is also stepped back along all frontages at the 2nd floor to reinforce a pedestrian-scale at grade level. The use of two point towers separated by the shorter centre building was proposed to limit shadow as compared to a built street wall that extends the length of the site with no differentiation in height.

10. A zero setback to the property line is permitted in the "Downtown Area (DA)" zone. The proposed development is proposed to be positioned at or near the property line and is consistent with the setback to the sidewalk along Fullarton Street established by the Talbot Centre immediately adjacent to the intersection of Talbot Street and Fullarton Street. A broader setback to the sidewalk is provided mid-block along Fullarton Street adjacent to the principal entrance to the Talbot Centre and, similarly, the proposed development has been refined so that a portion of the building corresponding to the central lobby area and principal building entrance will be recessed from the balance of the Talbot Street facade to provide for a broader setback to the sidewalk and space for a forecourt. A broader setback to the adjacent sidewalks elsewhere is, in our opinion, not necessary.

11. Typically, building heights increase towards the core. Subsequently, it is appropriate that the proposed development would exceed the height of the 29-storey residential building (the Azure) being constructed to the north and located further from the centre of the Downtown Area. The tower heights on the subject lands will increase in height, from lowest to highest, moving from the north to the south towards the centre of the

Downtown Area. As of right, the southerly portion of the site can be developed to a height of 33-storeys (approximately 108 meters) based on a Council approved design.

12. The City of London Zoning By-law Z-1 and City of London Downtown Design Study and Guidelines do not specify separation distances for towers. The generally accepted best practice is a minimum separation distance between towers of 20 metres (see City of Toronto Tall Buildings Design Guidelines). The existing Dufferin Avenue ROW width is approximately 20 meters and therefore, an appropriate separation distance has been provided between the northerly proposed tower and the recently approved apartment building (the Azure) to the north. In fairness, we believe our client should not be expected to provide more separation from the Azure, when the proposal for the Azure provided no extra separation distance, and the building is being constructed at or near the property line with a standard building setback above the 5th level parking. The Azure was designed and sited and approved with the knowledge that, as of right, the northerly portion of our client's lands could be developed to a height of 90 meters.

13. As noted above (see comments No. 9), the proposed development is stepped back along all frontages at the 2nd floor to reinforce a pedestrian-scale at grade level and allow for sunlight penetration to create optimal pedestrian conditions. With regard to wind impact, Gradient Wind Engineering Inc. ('Gradient') prepared a qualitative assessment of pedestrian level wind comfort. The report concluded that wind comfort at all grade level pedestrian-sensitive locations on site and surrounding is expected to be acceptable for the anticipated uses without the need for mitigation. This includes surrounding sidewalks and building entrances. The report found that these areas are to continue to experience wind conditions similar to the conditions that presently exist. Therefore, we are of the opinion that the design of the proposed development has appropriately addressed potential wind impacts.

14. The proposed curb cut and vehicular entrance from Dufferin Avenue is in our opinion not fundamentally different from the current condition immediately adjacent to 95 Dufferin Avenue that includes an existing curb cut and laneway. According to our client, the laneway has existed since 1854. The loading and waste storage area that currently serves 501 Dufferin Avenue is also located adjacent to 95 Dufferin Avenue. The proposed development will generally improve the condition adjacent to 95 Dufferin Avenue with commercial store-front space proposed along Dufferin Avenue, as opposed to loading and service areas. Relocating the proposed curb cut and vehicular entrance to Talbot Street as suggested by the Panel would break-up the continuity of the street-wall that can otherwise be provided along Talbot Street, whereas there are four (4) other curb cuts already existing on the south side of Dufferin Avenue between Talbot Street and Ridout Street. Relocating the proposed curb cut to Talbot Street would also prevent

grade-level interior connections between all three (3) components of the proposed development that is achieved by the current design.

15. Notwithstanding the opinion of the Panel as to what would constitute an appropriate bonusable feature in return for the requested increases in density and height, the City of London Official Plan sets out various objectives for Bonus Zoning in subsection 19.4.4 ii). Bonusable matters include, but are not limited to, the preservation of buildings of cultural heritage value or interest.

With regards to the preservation of buildings of cultural heritage value or interest (subsection 19.4.4 ii) (g), as viewed from street level the retention "in-situ" of the former attached residences (currently offices) at 93-95 Dufferin Avenue will continue to convey the original dimensions of the buildings (i.e. the width, height and depth) The northerly facade, the westerly facade and key portions of the roof of the buildings at 93-95 Dufferin Avenue will be retained and integrated into the proposed development. All attributes identified as having cultural heritage value or interest in the Heritage Overview Report prepared by Stantec will be retained. As noted above, the decision to retain and integrate certain buildings on listed properties into the proposed development and not others was a decision based on the recommendations of several professionals in various fields of study. Complete retention of all potential heritage resources is not considered feasible.

As noted under item no. 6, a commemoration strategy is planned for the row houses at 479-489 Talbot Street, and the commemoration strategy, including interpretative signage to be provided in the forecourt, is proposed to be a bonusable feature of the proposed development.

The proposed development is also proposed to be bonusable on urban design features such as glass window wall construction noted under item number 4, and the provision of underground parking (as supported by subsection 19.4.4 ii) (c)) and limited above-ground structured parking. In "Downtown Area (DA)" zones there is no parking requirement for residential uses, but parking is required for commercial uses. All required parking for both residential and commercial uses can be accommodated within the 4-levels of underground parking proposed as part of this development. The limited above-ground structured parking is intended for short term convenience parking only. The above-ground structured parking will be surrounded on 3-sides by habitable spaces and screened from view of the public street. This treatment of the above-ground structured parking in our opinion is superior to above-ground structured parking in other Downtown developments where the parking predominately occupies the podium.

Positive contributions to the public realm are also proposed to be a bonusable feature of the proposed development. As noted above, the proposed design has been refined to

provide space for a forecourt. The provision of forecourt will provided a useful outdoor gathering space proximate to the principle building entrance. A contribution to public art is also proposed to be a bonusable feature.

16. As noted above, the commemoration strategy for the row houses proposes to reuse original materials to the extent possible in the reinterpretation of the row houses. The juxtaposition of the traditional brick and the contemporary building materials proposed elsewhere in the design, including glass, ceramic panels and precast concrete panels, is intended to highlight the traditional brick.

17. The row houses located at 479-489 Talbot Street are three (3) sets of two (2), raised 2 ½ storey former attached single-family dwellings. This built form is limited in its ability to be adaptively reused for non-residential uses. In particular, the row houses are not well suited to a centralized lobby area that would facilitate ground-level internal connections between all parts of the proposed major mixed-use development.

Although, the Panel likened the row houses to buildings in Yorkville in Toronto that have been adapted, in our opinion, the context is distinctly different. Yorkville is comprised of many different built forms. Former residential buildings similar to the row houses at 479-489 Talbot Street are located on narrow local streets internal to the neighbourhood that are highly walkable and relatively quiet environments for the boutique retailers and restaurants that have re-tenanted them. In our opinion, Dufferin Avenue is the more appropriate location for the types of uses noted above as compared to Talbot Street that is subject to more vehicular activity particularly at peak a.m. and p.m. periods. The streetscapes within Yorkville are also more complete, creating a district of boutique retailers and restaurants. The context surrounding the row houses at 479-489 Talbot Street and the former attached residences at 93-95 Dufferin Avenue has been highly modified, and any connection or continuity that may have existed between the listed properties has been removed.

18. Temporary stopping related to resident drop-off and pick-up is proposed to occur internal to the site. Specifically, the above-ground structured parking accessed from Fullarton Street and Dufferin Avenue has been designed to provide unobstructed vehicular circulation through the site, along with short-term convenience parking. There is also existing on-street parking along Fullarton Street and parts of Talbot Street.

19. As noted above, the design has been refined and a portion of the building which corresponds with the centralized lobby area and principal building entrance will be recessed along Talbot Street to provide for a broader setback to the sidewalk and space for a forecourt as a useable outdoor gathering area.

20. As was presented to the Panel, expansive rooftop areas that would otherwise be utilitarian and barren spaces, such as the 2nd floor rooftop of the above-ground

structured parking and the 9th floor rooftop of the centre building, will be developed and landscaped. A green infrastructure strategy could be more fully addressed at the time of site plan approval.

21. As noted under item no. 8, 10, 15 and 19 the design has been refined to provide for a portion of the building along Talbot Street to be recessed to provide for a broader setback to the sidewalk and space for a forecourt. This will better distinguish the principal building entrance along the Talbot Street facade.

Yours very truly,

ZELINKA PRIAMO LTD.



Melissa Campbell, BA, BURPI, MCIP, RPP
Planner

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