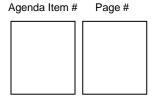


то:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE	
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER	
SUBJECT:	APPLICATION BY: 2367698 ONTARIO INC. 639 YORK STREET PUBLIC PARTICIPATION MEETING ON AUGUST 28, 2017	

# RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2367698 Ontario Inc. relating to the property located at 639 York Street:

- (a) The proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 5, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Restricted Service Commercial (RSC2/RSC4/RSC5) Zone **TO** a Restricted Service Commercial Special Provision (RSC2/RSC4(\*)/RSC5) Zone; and,
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
  - Ensure that the proposed redevelopment includes high quality design with regards to massing, scale, materials and relationship of the building with the street and surrounding buildings, and substantively implements the site plan and elevations attached as Appendix "B";
  - ii) Ensure that the proposed building addition is located between the existing building and the York Street Right-of-Way in order to establish a building line close to the street.
  - iii) Ensure that the portion of the building located along the York Street frontage is oriented to the street and includes active ground floor uses with a high percentage of transparent glazing in order to enhance the pedestrian environment.
  - iv) Ensure that the principle entrance into the building and/or the principle entrance into a ground floor unit is located on the north façade facing York Street or on the west façade near the northwest corner of the building in order to activate the street edge.
  - v) Include a walkway from the principle building entrance to the City sidewalk along York Street:
  - vi) Design the parking area east of the driveway entrance as a shared space forecourt (a seamless space between building faces, the City sidewalk and the drive isle entrance, using alternative paving) with benches, trees and bike racks in order to reduce the amount of asphalt and create an inviting space in front of the building.
  - vii) Ensure that the parking, loading and garbage area east of the proposed building addition is designed using alternative paving (concrete, pavers, etc...) and screened landscaping in order to reduce the visibility of these functions from York Street.



- viii) Include a combination of low masonry walls (up to a maximum of 0.75m in height) and landscaping along the York Street frontage (west of the drive isle) where parking is visible from the street in order to screen this function and to establish a built edge along the street;
- ix) Include an urban treatment between the proposed 3 storey addition and the sidewalk with hardscape, landscaping, street furniture, etc... in order to enhance the pedestrian realm.

#### PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

#### PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to provide for the adaptive re-use of, and additions to, an existing building for a federally regulated public utility use. The recommended action will also serve to establish site-specific zoning regulations to provide for the redevelopment of the site.

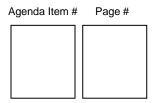
#### **RATIONALE**

- 1. The recommended action is consistent with, and will serve to implement, the policies of the *Provincial Policy Statement*, 2014, particularly as those policies pertain to the efficient use of land, regeneration, economic development and community investment-readiness;
- 2. The recommended Zoning By-law amendment to add a public utility use to the list of permitted uses in the Restricted Service Commercial (RSC4) Zone is consistent with, and will serve to implement, the public service and utility policies of the City of London Official Plan;
- 3. The recommended Zoning By-law amendment to establish site-specific development regulations to the Restricted Service Commercial (RSC4) Zone to provide for the redevelopment of the site is consistent with, and will serve to implement, the Auto-Oriented Commercial Corridor policies of the City of London Official; and,
- 4. The recommended Zoning By-law amendment will provide for the adaptive re-use and redevelopment of a site in a manner that is consistent with, and will serve to implement, the urban design policies of the City of London Official Plan.

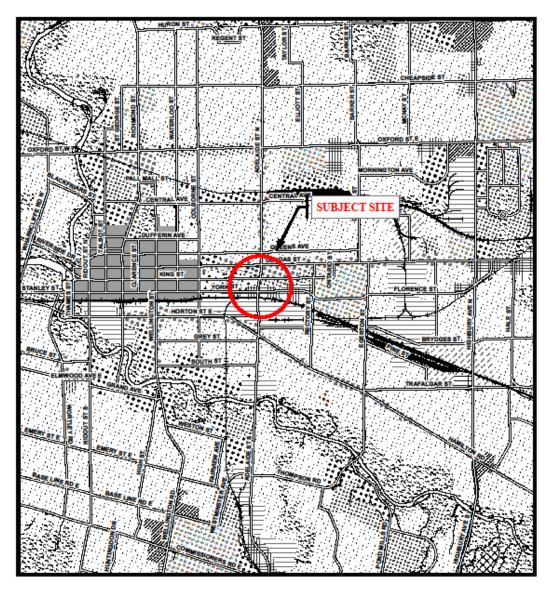
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Z-8787 B. Turcotte



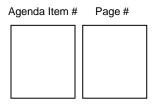


Z-8787 B. Turcotte

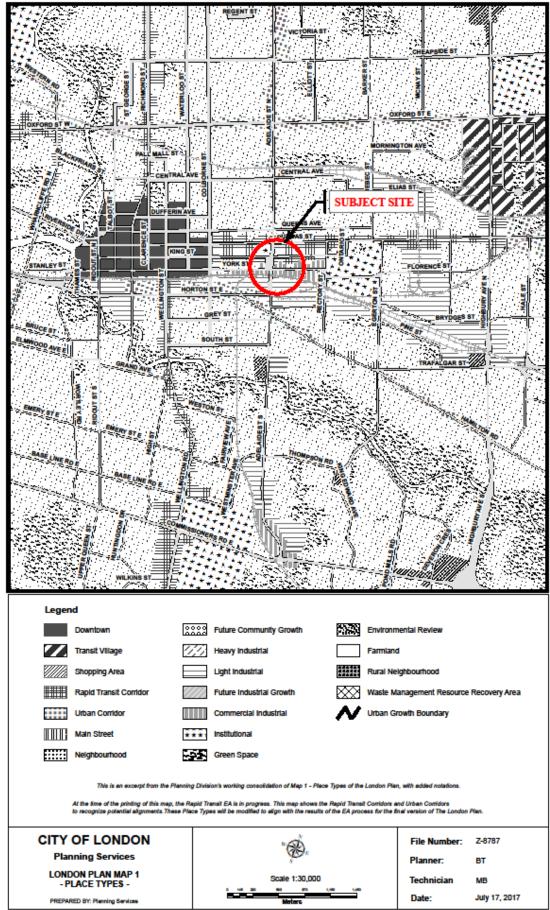


Legend			
Downtown	Multi-Family, Medium Density Residential	Office	Business Park
Wonderland Road Community Enterprise Con	ridor Low Density Residential	Gener Gener	al Industrial
Enclosed Regional Commercial Node	Office Area	Light I	ndustrial
New Format Regional Commercial Node	Office/Residential		nercial industrial
Community Commercial Node	Regional Facility	///, Trans	itional Industrial
Neighbourhood Commercial Node	Community Facility	Rural	Settlement
Main Street Commercial Corridor	Open Space	Enviro	nmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agricu	ture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban	Growth Boundary
CITY OF LONDON			
Department of	* <del>(%)</del> ,	FILE NUMBER:	Z-8787
Planning and Development	-	PLANNER:	BT
OFFICIAL PLAN SCHEDULE A - LANDUSE -	Scale 1:30,000	TECHNICIAN:	MB
PREPARED BY: Graphics and information Services	Meters	DATE:	2017/07/17

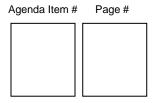
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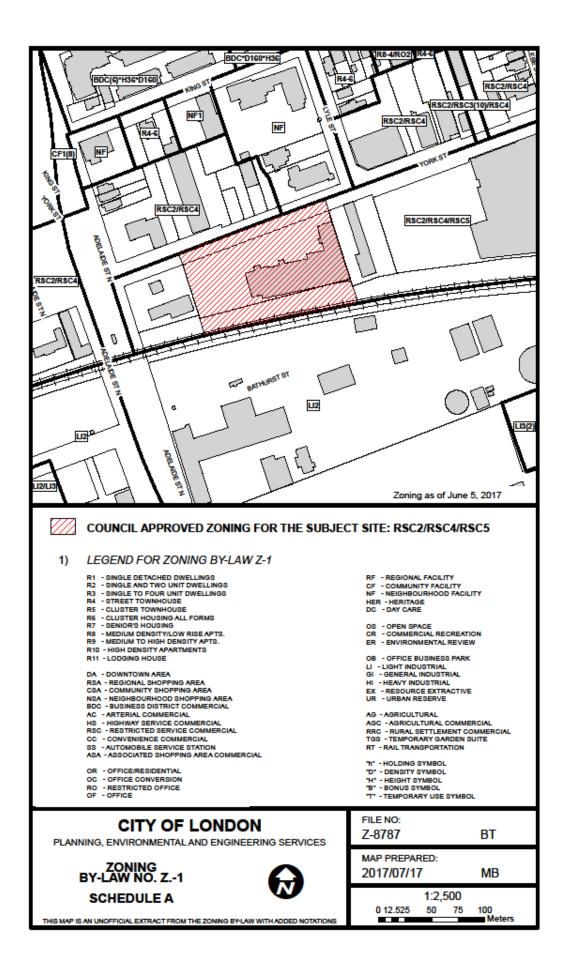


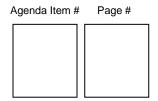
Z-8787 B. Turcotte



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**Date Application Accepted**: June 6, 2017 **Agent**: Kirkness Consulting Inc.

**REQUESTED ACTION:** The purpose and effect of the recommended action is to provide for the adaptive re-use of, and additions to, an existing building for a federally regulated public utility use. The recommended action will also serve to establish site-specific zoning regulations to provide for the redevelopment of the site. Change Zoning By-law Z.-1 from a Restricted Service Commercial (RSC2/RSC4/RSC5) Zone which permits a range of moderate intensity commercial and trade service uses to a Restricted Service Commercial Special Provision (RSC2/RSC4(\*)/RSC5) Zone. The requested Restricted Service Commercial Special Provision (RSC4(\*)) Zone would add a "public utility" use to the list of permitted uses in the Restricted Service Commercial (RSC4) Zone and provide for the following site-specific regulations: a minimum lot depth of 58 metres; a minimum front yard setback of 3.1 metres; a minimum (east) interior side yard setback of 0.25 metres; a minimum rear yard setback of 0.25 metres; a maximum lot coverage of 49%; a maximum height of 13 metres; a total gross floor area of 7,492 square metres; eighty (80) parking spaces; 2 loading spaces (each measuring 9 metres in length); and, a parking area setback from the required road allowance of 2 metres.

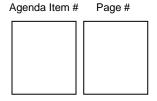
#### **SITE CHARACTERISTICS:**

- Current Land Use vacant industrial warehouse
- Frontage 146 metres (479 feet)
- Depth 58 metres (190.29 feet)
- Area 0.86 hectares (2.13 acres)
- Shape Irregular

# **SURROUNDING LAND USES:**

- North commercial and institutional
- South CN rail lands
- East commercial
- West commercial

OF	OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)			
•	Auto-Oriented Commercial Corridor			
THE LONDON PLAN PLACE TYPE: (refer to The London Plan Map)				
•	Commercial Industrial			
IN	INTENSIFICATION:			
•	• n/a • n/a			
	EXISTING ZONING: (refer to Zoning Map)			
•	RSC2/RSC4/RSC5			



#### **PLANNING HISTORY**

The subject lands contain a vacant industrial building that was constructed approximately 70 years ago.

## SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

## French School Board:

"No comment."

<u>Upper Thames River Conservation Authority (UTRCA)</u>:

"No objections to this application."

#### WADE:

"No objection."

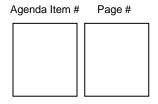
#### **Transportation:**

"A road widening dedication of 13 metres from centre line is required along York Street. Transportation is satisfied with the conclusions and recommendations contained in the TIA (Traffic Impact Assessment). Transportation has no further comment."

#### **Stormwater Engineering Division:**

"The Stormwater Engineering Division staff have reviewed the above-noted application and offers the following comments. These comments are subject to change as needed, pending further review:

- The Owner shall submit a storm/drainage servicing report prepared by a Professional Engineer, licensed in the Province of Ontario, for the subject site. The report is to be in accordance with City of London and MOECC standards and guidelines, all to the satisfaction of the City Engineer and the UTRCA. The report shall take into account any drawings, reports, and previously prepared development agreements.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to apply the proper SWM practices to ensure that the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.
- The existing 375mm vitrified clay storm sewer on York Street is the current outlet for this land. Changes in the amount of impervious area required to accommodate the proposed redevelopment will trigger the need for hydraulic calculations (storm sewer capacity analysis) to demonstrate the capacity of the 375mm storm sewer on York Street and downstream system is not exceeded and that on-site SWM controls will be design to the satisfaction of the City Engineer.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The Owner is required to provide a lot grading plan for stormwater flows and address major overland flow paths to safely convey the 250 year storm event.



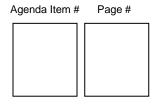
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- The Owner's Professional Engineering shall design Private Permanent Systems (PPS) for this site as per City of London Design Standards and Requirements. The PPS shall meet the criteria detailed in the applicable report or study for the site
- Due to the amount of paved surface area (parking spots) the owner may be required to have a consulting Professional Engineer address water quality to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer;
- An erosion/sediment control plan that will identify all erosion and sediment control measures
  for the subject site and that will be in accordance with City of London and MOECC standards
  and requirements, all to the specification and satisfaction of the City Engineer. This plan is to
  include measures to be used during all phases of construction. These measures shall be
  identified in the Functional Storm/Drainage Servicing Report."

# The Urban Design Peer Review Panel:

"The Panel is supportive of the adaptive reuse of the property for a public utility use.

- The panel noted that the parking appeared limited for the proposed use, however a parking, traffic study has indicated that there is enough parking on site.
- The Panel recommends that the site include transportation demand management measures such as secure, internal bike storage for employees and shower facilities to support the parking reduction.
- At the site plan stage, the proponent should give further consideration to the loading and garbage storage area and its proximity/visibility from York Street.
- Elevations are carefully considered, however the North elevation on the West side of the building seems still unresolved.
- The treatment of the new buildings at south side of parking seems lightly considered particularly at guard; consider raising parapet, and low raise paneling instead of glass
- The panel felt projection to the east end of the north elevation seems an unnecessary addition, too far to the east, or in the wrong material consider different expression for main bay to secondary bay.
- Strong consideration should be given to treating the east end of the "extruded" mass (which cantilevers to the west) in a similar way. Clear detailing of this mass at the roof is encouraged.
- Consider responding to the different masses along the tracks. Overall success but weak at volume change.
- Provide planting buffer all around parking lot, particularly street facing parking lot.
- It is strongly recommended to relocate the driveway to entry sidewalk on the west side of building 2 with drop off zone and handicap parking.
- Parking lot on the north side of building 5 and C should be converted to a welcome plaza / courtyard with benches and short term stay bike racks.
- There are existing trees at South property. Recommended that an arborist report be prepared related to existing trees and save ones that are worthy.

Subject to the comments and recommendations above, the proposed development represents an appropriate solution for the site."



PUBLIC LIAISON:	On June 14, 2017, Notice of Application was sent to 27 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 June 15, 2017. A "Possible Land Use Change" sign was also posted on the site.	received.	were
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**Nature of Liaison:** The purpose and effect of the requested Zoning By-law amendment is to provide for the adaptive reuse, and additions to, an existing building for a new public utility use.

Change Zoning By-law Z.-1 from a Restricted Service Commercial (RSC2/RSC4/RSC5) Zone which permits such uses as, but not limited to: animal clinics; automobile rental establishments; home and auto supply stores; pharmacies, liquor, beer and wines stores; restaurants; convenience stores; support offices; and building supply outlets to a Restricted Service Commercial Special Provision (RSC2/RSC4(\*)/RSC5) Zone. The Restricted Service Commercial Special Provision "RSC4(\*)" Zone would add a "public utility" use to the list of permitted uses in the Restricted Service Commercial "RSC4" Zone and provide for the following regulations: a minimum lot depth of 58 metres; a minimum front yard setback of 3.1 metres; a minimum (east) interior side yard setback of 0.25 metres; a minimum rear yard setback of 0.25 metres; a maximum lot coverage of 49%; a maximum height of 13 metres; a total gross floor area of 7,492 square metres; 80 parking spaces; 2 loading spaces (each measuring 9 metres in length); and, a parking area setback from the required road allowance of 2 metres.

Responses: No responses were received.

# ANALYSIS

# The Site and surrounding environs:

639 York Street (the subject site) is located on the south side of York Street, east of the Adelaide Street North overpass. St. Mary's Parish and the Econo Lodge abut the site to the north. The CN Rail yard abuts the site to the south and commercial /office uses abut the site to the east. A vacant automotive parts store is to be found immediately west of the subject site. In general, the surrounding environs are characterized by a range and mix of commercial, transportation, and institutional land uses. Notable land uses within, or in proximity (400 metres) to, the subject site would include the TD Banking Centre and the Rogers Communication Centre to the east.

The subject site consists of four "vacant and attached buildings" (totalling 3,637 m² or 39,151 ft²) and an associated parking area (see Figures 1a) and 1b)). The site has approximately 146 metres of frontage on an Arterial road identified as carrying 19,000 vehicle trips per day. The site is fully serviced with municipal works, public transit and transit supportive infrastructure (bus stops and sidewalks).

## The Applicant:

Start Communications is a federally regulated telecommunications service provider that provides internet, voice and data services over its networks. It continues to expand its downtown fibre telecommunications network infrastructure which now reaches the airport and several other underserviced areas in London. Start communications is currently located at 148 York Street and employs approximately 140 people. Start Communications operates in three shifts, 24 hours a day, with "...employees arriving and departing at various times throughout the day".

# **The Redevelopment Concept:**

In 2016 Start Communications acquired 639 York Street for the purpose of redeveloping the site (see Figures 2a) and 2b)) to house their primary data centre, networking and operational services

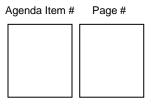
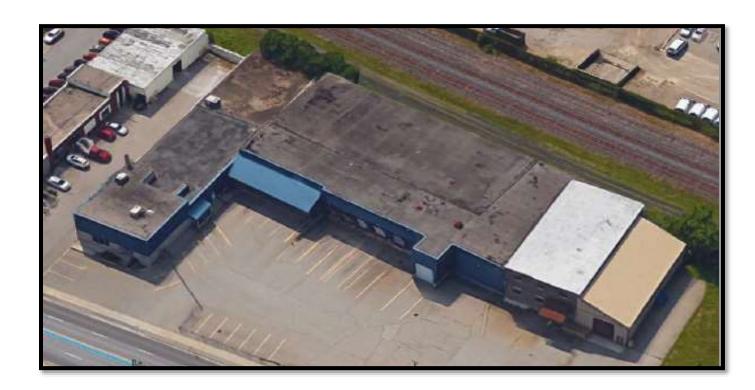


Figure 1a) – 639 York Street



Figure 1b) – 639 York Street looking south from York Street



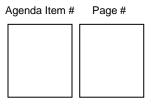
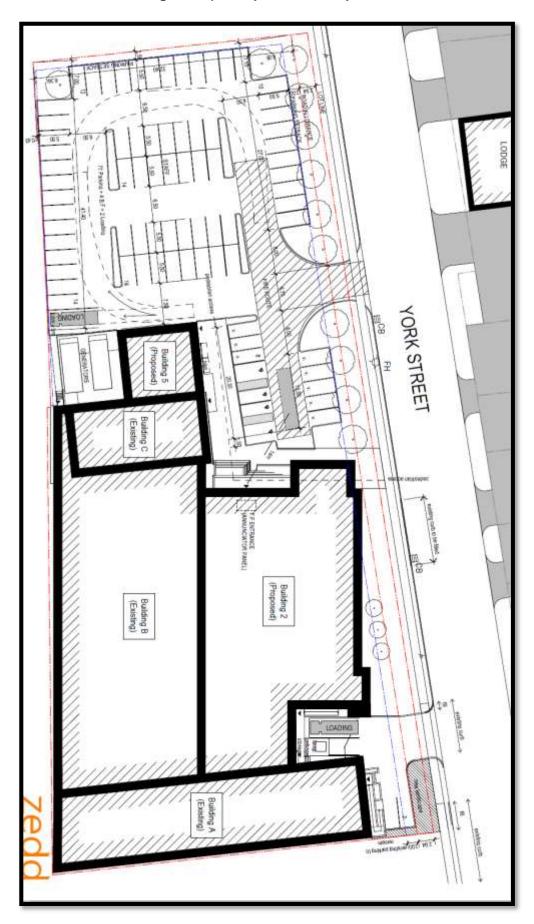


Figure 2a) - Proposed Concept Plan



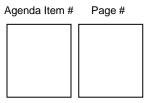
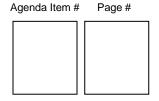


Figure 2b) – Architectural Rendering



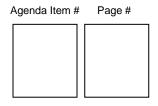


and to accommodate the needs of their current and future workforce (which are projected to number 300 employees by 2023). The following describes the principle design components of the development proposal (please refer to Figure 2a)):

- the retention and adaptive reuse of 3,637 m<sup>2</sup> of existing floor space including those structures shown as Buildings "A", "B" and "C";
- a new 3,855 m<sup>2</sup> three storey (12.6 metre) addition (shown as Building "2") to Building "B" that serves to extend the existing built form to York Street. The three storey addition will consist of two storeys of office space and a first floor retail area for the display and sale of goods offered by Start Communications;
- The existing parking on the site where Building 2 is to be constructed will be relocated to the
  western portion of the site. The parking area will be accessed via a single entry point from York
  Street. The concept plan provides for a total of 80 off-street parking spaces and 2 loading
  spaces (1 to the east of Building 2 and 1 to the south of Building 5;
- The western parking area will be setback 2 metres from the required road allowance. The
  development concept contemplates the utilization of this 2 metre setback, combined with the
  2.9 metre strip of green space within the widened road allowance, for a landscape screen of
  the parking area. The western site boundary along the existing property line will also have a
  planting strip;
- The existing parking area immediately abutting the existing Building A and the proposed addition (Building 2) is proposed to be maintained for loading and unloading activity. This existing parking area is within the 3 metre setback from the ultimate road widening width. According to the applicant's Urban Design Brief, "....the loading/unloading activity is light in this area and will be limited to a daily pickup, weekly garbage collection, and a monthly shipment drop-off. Any prolonged loading will occur within the main parking lot at the western portion of the site";
- Building A (to be retained) has an existing interior side yard setback of 0.25 metres from the
  easterly property line. No further encroachments into the interior side yard are contemplated
  by way of the development proposal. Building A is proposed to house a data centre of the
  ground floor and office uses on the second floor. The exterior skin of Building A (block and
  corrugated metal siding) will be painted and replaced to "integrate the exterior design with new
  construction;
- Building B (to be retained) has an existing rear yard setback of 0.25 metres to the southerly
  property line. No further encroachments into the rear yard setback are contemplated by way of
  the development proposal. Building B will be converted from its previous factory/warehouse
  use to office space;
- Building C (to be retained) is two storeys in height and has a full basement. Both the ground floor and the second floor (totalling 700 m<sup>2</sup> or 7,200 ft<sup>2</sup>) are to be utilized as amenity areas for staff;
- Building 5 (west of Building C) is to replace the existing metal shed which sits on a concrete pad. A new 1 storey service building (with a roof top amenity area) will be erected on the northerly half of the concrete pad. Generators are to be placed on the southerly half of the concrete pad.

## **Background Studies:**

In support of the requested action the applicant has submitted a number of Background Studies. Of particular relevance to the present discussion is applicant's: Urban Design Brief, Traffic Impact



Assessment, and Tree Assessment Report. The conclusions and recommendations of these background Studies are detailed below.

## The Urban Design Brief:

The applicant's Urban Design Brief details how the redevelopment concept responds to the urban design policies and principles advanced in the City of London Official Plan. As noted in the Brief:

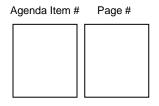
- "the subject site is located in a prominent location and it is intended that the proposed development will incorporate high quality materials and reflect modern architecture...;
- the proposal will provide for the redevelopment of a derelict property that is appropriate and desirable for the site and area...;
- the development contemplates a high quality streetscape along York Street. Glazing is to be applied generously throughout the building façade to ensure a strong connection to the public realm. The use of glazing will also serve to enhance the pedestrian environment from an "eyes on the street" perspective...;
- the design proposal incorporates landscaped setbacks extending from the building to the sidewalk and the parking area...;
- new landscaping will be applied on the perimeter of the site with enhanced elements serving to screen the parking area...; and,
- the new building is to be positioned 3.1 metres from the York Street road allowance at the west end and about 6 metres at the east end.....this is caused from York Street angling across the front of the site and the need to align and square the new building with the adaptively reused existing buildings. The triangular sliver of front yard will be treated with landscaping and hard surfacing to compliment the pedestrian walking experience along York Street. The site layout will celebrate the major frontage along York Street, the main building entrance-way and forecourt area, and help delineate usable open space...".

The Urban Design Brief makes further note of a number of sustainability measures, including bicycle parking, change rooms and showers, which have been incorporated into the building design. Additional sustainability measures, including roof mounted solar measures and electrical vehicle charging stations are also being considered.

### The Traffic Impact and Parking Assessment Study:

The Traffic Impact and Parking Assessment Study prepared by F.R. Berry and Associates in support of the requested action concluded:

- "....at full occupancy Start Communications will generate 40 vehicle trips in the morning peak hour and 37 vehicle trips in the afternoon peak hour;
- a left turn lane on York Street at the site access would not be warranted at full occupancy;
- the portion of site generated vehicle trips destined to and from the east will have no significant impact on the operation of the intersection of York Street and Lyle Street;
- the intersection of York Street and the site access will operate at an acceptable level of service with no significant impediment to through traffic on York Street; and,
- the 81 parking spaces provided on site will be sufficient to meet Start Communication's needs at full occupancy."



#### **Tree Assessment Report:**

Figure 1a) above shows an existing vegetative screen along the west, and a portion of the south, property line. A Tree Assessment Report was undertaken with a mind to identifying which of these existing trees may be maintained and incorporated into the site design concept envisioned in the Urban Design Brief. The Tree Assessment Report concluded:

- "most of the existing trees are invasive and in a tangled hedgerow arrangement;
- most, if not all, of the trees are in poor condition;
- given their extremely tight spacing in a hedgerow configuration, it would be virtually impossible to remove 1 or a few trees without negatively affecting the root systems of adjacent trees;
- some of the trees are embedded into the existing chain link fence;
- a far superior tree species installed at a suitable spacing can replace the poor and inappropriate
  existing trees to be removed with an improved tree-line aesthetic and a manageable buffer
  along the sides of the proposed parking lot."

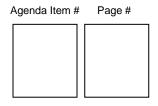
Given these conclusions, the Tree Assessment recommends the removal of all existing trees. The conclusions and recommendations of the Tree Assessment Report will be considered through the Site Plan Approval process. No natural features or functions have been attributed to the site on Schedule B1 (Natural Heritage Features) to the City of London Official Plan.

# **Provincial Policy Statement 2014:**

The *Provincial Policy Statement, 2014* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 1.1.1. b) of the PPS states that healthy, livable and safe communities are sustained by accommodating an appropriate range and mix of employment and other land uses to meet the long-term needs of the community. Section 1.8.1 e) further notes that Planning Authorities can address issues of energy conservation, air quality and climate change by directing employment intensive land uses to sites which are well served by transit. The requested action would provide for the establishment of a public utility use (projected to employ approximately 300 people by 2023) in an area characterized by a range and mix of commercial, transportation, industrial and institutional land uses. Further, the subject site is located on, or in the immediate vicinity of, three major transit routes including: Route 20 (Dundas Street); Route 22 (York Street), and Route 16 (Adelaide Street). A travel survey of existing employees demonstrated that 60% of the existing Start Communications workforce walks, bicycles, car pools or utilizes public transit for commuting purposes. To encourage the use of alternative travel modes, on-site bicycle parking and shower facilities are contemplated by way of the development proposal. The applicant has further indicated that electric vehicle charging stations are also being considered. The requested action would be consistent with, and would serve to implement, Sections 1.1.1 and 1.8.1 of the PPS.

With a mind to managing and directing land use to achieve efficient and resilient development and land use patterns, Section 1.1.3.1 of the PPS states that settlement areas shall be the focus of growth and development and that their vitality and regeneration shall be promoted. The subject site is located in a settlement area. The requested action would provide for the repurposing and adaptive re-use of a vacant, 70 year old industrial warehouse. The subject site is located in an older industrial area immediately adjacent to the core. These older industrial areas that formed 50 to 100 years ago are now transitioning to new uses and services (such as the TD Centre to the east of the subject site). The requested action would serve to promote the vitality and regeneration of the subject site as well as the larger "post-industrial neighbourhood" and would be consistent with, and serve to implement, Section 1.1.3.1 of the PPS.



Section 1.1.3.2. a) of the PPS states that land use patterns within settlement areas shall be based on a density and mix of land uses which efficiently use land and resources. As noted previously, the requested action would provide for the adaptive reuse of a vacated, 75 year old industrial building. The site itself is: located within a settlement area; located on an arterial road with supporting pedestrian infrastructure; fully serviced with municipal works; and is directly accessible by public transit. The development proposal would provide for the efficient utilization of the subject site and would be consistent with, and would serve to implement, Section 1.1.3.2. of the PPS.

Section 1.3 of the PPS states that Planning Authorities shall promote economic development by maintaining a range and choice of suitable sites for employment uses. Section 1.7 of the PPS continues noting that economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness. As will be demonstrated in the Planning Impact Analysis below, the requested action would provide for a public utility use that is compatible with, complimentary to, and supportive of, the existing surrounding land uses. The building has been "sized" to accommodate a workforce that is projected double from 150 to 300 employees in five years. The requested action would provide for the redevelopment and adaptive reuse of a fully serviced site and vacated industrial building and would be consistent with, and would serve to implement, the economic development, regeneration, and community investment-readiness policies of Sections 1.3 and 1.7 of the PPS.

### **Official Plan:**

The subject site is designated Auto-Oriented Commercial Corridor in the City of London Official Plan. The Restricted Service Commercial (RSC2/RSC4/RSC5) Zone has been applied to the subject site to implement the policies of the Official plan.

The requested action would serve to add a "Public Utility" use to the list of permitted uses in the Restricted Service Commercial (RSC4) Zone. The requested action would further serve to establish site-specific regulations to implement the development vision shown on Figures 2a) and b).

The policies of Section 19.1.2 of the City of London Official Plan state that structures and facilities associated with public services and utilities may be permitted in all areas of the City (except in floodplains and environmentally significant areas) in all land use designations.

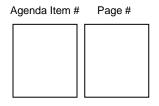
Under the policies of Section 19.1.2 of the Official Plan a "Public Utility" use would be permitted in the Auto-Oriented Commercial Corridor. The addition of a Public Utility use to the list of permitted uses in the implementing Restricted Service Commercial (RSC4) Zone would however be subject to the Urban Design policies of Section 4.4.2.8 and the Planning Impact Analysis policies of Section 4.5.

As noted above, the submitted concept plan and Urban Design Brief depict a development that, subsequent to the implementation of the design principles requested of the Site Plan Approval Authority in staff's recommendation clause, is in keeping with the relevant urban design policies and guidelines of the City of London Official Plan and The London Plan.

The Planning Impact Analysis policies of Section 4.5 of the Official Plan are reflective of the evaluation criteria for planning and development applications in The London Plan. Section 4.5 of the Official Plan requires that a Planning Impact Analysis be undertaken for proposals for changes in land use. The criteria advanced in Section 4.5 of the Official Plan relevant to the requested action would include:

 "The compatibility of the proposed use with surrounding land uses and the likely impact of the proposed development on present and future land uses in the area".

Not only is a public utility use permitted in all areas of the City and in all land use designations, but this report has shown the design proposal to be in contextual harmony with the surrounding built form. From an operation perspective, compatibility is also a question of



adverse impacts of the proposed use (i.e. noise, odours, unsightliness, vehicular traffic, loss of privacy, etc.). As noted in the applicant's Planning Justification Report "... The public utility will operate 24 hours a day and 7 days a week, currently with 130 employees and as many as 300 in the next 5 years. They have 5 service vans. They have some large truck loading at 2 locations [on the site]. The very nature of the business is people working with high technology. No adverse impacts nuisances would occur due to the nature of the business...."

The requested action would provide for a public utility use that, having shown to be contextually harmonious, is both compatible to and complimentary with the range of land uses and built form currently contemplated in the Auto-Oriented Commercial Corridor. Additionally, the requested action would provide for a public utility use that, from an operational perspective, is unlikely to have a negative impact on present or future land uses.

• "The size and shape of the parcel of land on which the proposal is to be located and the ability of the site to accommodate the intensity of the proposed [public utility] use".

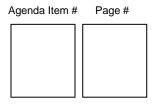
Land use policy encourages "appropriate" intensification as such intensification enables greater efficiency and utilization of land and building resources. Of particular relevance to this criteria is the requested Special Provision that would serve to provide for a maximum lot coverage of 49% and a maximum total gross floor area of 7,492 square metres.

The Restricted Service Commercial (RSC4) Zone currently permits a maximum lot overage of 30%. The existing building coverage is 38%. The large extensive building located at 745 York Street (the call centre and credit offices of Toronto Dominion CT Bank) is also zoned for Restricted Service Commercial (RSC) uses and would appear from air photos to cover in excess of 50% of the site. The same could be said for the 2 storey commercial building at 700 York Street.

The Restricted Service Commercial (RSC4) Zone currently permits a total gross floor area maximum of 6,000 square metres. The applicant's Planning Justification Report cited numerous examples of Special Provisions to the Restricted Service Commercial (RSC1/RSC2/RSC4) Zones wherein total gross floor areas exceeded the 6,000 square metre maximum.

While there are other examples of lot coverage and total gross floor area that exceed the regulations of the Restricted Service Commercial (RSC4) Zone, is the requested action to provide for a 49% lot coverage and a total maximum gross floor area of 6,000 square metres appropriate?

To answer this question it is helpful to determine what other zoning regulations are being impacted by an increase in lot coverage and gross floor area. The minimum Landscaped Open Space regulations of the Restricted Service Commercial (RSC4) Zone are not only met but exceeded. The requested interior (east) side yard and rear yard requirements, while less than the required minimum, would serve to reflect the existing building setback. Further, no additions or alterations are contemplated by way of the design proposal that would serve to further encroach in the established interior (east) and rear yard setbacks. The minimum lot depth sought by way of the requested action is also viewed as irrelevant as the request simply serves to recognize an existing situation. Parking relief is also being sought. The Parking Assessment prepared in support of the requested action determined that, given the nature and operational parameters of the use and the results of an employee survey pertaining to travel modes, 75 parking spaces would be required assuming a workforce of 300 employees. The requested action would provide for 5 parking spaces in excess of the projected parking demand. The requested action would also provide for a parking area setback of 2 metres rather than 3 and 2 loading spaces, each measuring 9 metres in length. The City of London Transportation Division has not expressed any concerns regarding the relief sought to the minimum parking area setback or the reduction to the length of a loading space. The requested action does not seek relief from the minimum frontage requirements or the maximum open storage requirements.



Given the above, the subject site has been determined to be of a sufficient size and shape to accommodate the intensity of the requested use.

 "The supply of vacant land or vacant buildings in the area which is designated and/or zoned for the proposed uses".

In their Planning Justification Report the applicant states "...we are crowded in the workspace now and are growing. We have been looking for a considerable period of time for a sufficiently large site to accommodate current needs and future growth in the Downtown Central London area. The supply of under-utilized smaller sites with similar zoning is plenty, but the supply of large sites, such as 639 York Street, are not as plentiful. The site is currently vacant and derelict. Start Communications would bring new life to the site for a good part of the 21<sup>st</sup> century."

With minor exceptions, the requested Public Utility use is permitted in all areas of the City and in all land use designations. Start Communication has undertaken an exhaustive search to locate a site in the Downtown area that can and will accommodate their needs both today and into tomorrow.

• "the potential traffic generated by the proposed change and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety and on surrounding properties.

The Traffic Impact and Parking Assessment prepared in support of the requested action has been reviewed by the City's Transportation Division. As noted in Transportation's comments above, the City has not identified any adverse impacts the proposal will have on City streets or vehicular or pedestrian safety.

 "the height, location and spacing of any buildings in the proposed development and any potential impacts on surrounding land uses."

The requested action would provide for a maximum building height of 13 metres (or three storeys). Building heights of three storeys are not uncommon to the larger neighbourhood and as such the requested action to provide for a maximum building height of 13 metre is not viewed as having an adverse impact on surrounding land uses.

• "the location of vehicular access points and their compliance with the City's road access policies";

No concerns regarding the location of the proposed vehicular access point have been identified.

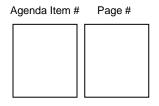
• The potential impact of the proposed development on surrounding natural heritage features".

No impacts to the City's Natural Heritage Features have been identified.

Having undertaken the required Planning Impact Analysis, staff are of the opinion that the requested action is appropriate and that no negative impacts on surrounding land are to be expected. The requested action is viewed as being consistent with, and serving to implement, the policies of the AOCC designation of Chapter 4 of the City of London Official Plan.

### The London Plan:

The subject site is included in the Commercial Industrial Place Type in The London Plan. The Commercial Industrial Place Type (Policy 1118\_) is intended to accommodate uses that do not fit well within the context of the City's commercial and mixed-use place types. These uses tend to be quasi-industrial in character and may be designed with large outdoor storage areas, impound yards with high fences, heavy equipment on-site, or large warehouses that don't integrate well with streetscapes and neighbourhoods.



Within the Commercial Industrial Place Type, the Intensity policies of Section 1124\_ of the The London Plan note that the height of development within the Place Type "will not exceed two storeys". In regards to form, the policies of Section 1125\_ of The London Plan speak to the importance of "screening" and "landscaping" to minimize visual impacts of development to the street. The form based policies also note the importance of "transit-supportive" design and "green development practices" in the redevelopment of existing industrial areas.

Policy \_46 of The London Plan, like the City of London Official Plan, states that infrastructure (including telecommunications works) may be permitted in all place types in all areas of the City. Policy 1107\_ of the London Plan also provides context in regards to the role of industrial lands within the City's urban structure:

"Industrial Place Types represent a critical part of our City Structure — where one-third of Londoners work and where many of the goods and services we produce as a city are designed, manufactured, processed, assembled and then transported to the world. These lands have been strategically located where there is a strong demand for them and where they are well connected to the region and the world — locations that have easy access to rail, the airport, major highways, and the existing industrial sectors that have evolved over time. Many of the industrial lands in the core of our City that formed 50 to 100 years ago are losing their attraction, and some are now transitioning to new uses that create both employment and opportunity for new urban neighbourhoods" [author's emphasis].

The requested action would provide for the adaptive reuse and repurposing of a two storey building and a three storey addition to the existing structure. While the three storeys exceeds the intensity limit prescribed in The London Plan, it is noted that the subject site is located in what The London Plan would refer to as a transitioning industrial neighbourhood (as evidenced by the Toronto Dominion CT Bank located at 745 York Street or the BMO Centre at 295 Rectory Street). The requested action would also provide for a building and site design that has been determined, subject to the additional direction provided to the Site Plan Approval Authority advanced in the recommendation section to this report, to be in harmony with the surrounding built form.

The requested action is viewed as being consistent with, and serving to implement, both the Infrastructure and Commercial Industrial Place Type policies of The London Plan.

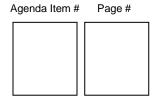
#### The Recommended Restricted Service Commercial Special Provision (RSC4(\*)) Zone:

The requested action would provide for the adaptive re-use of, and additions to, an existing building for a federally regulated public utility use.

According to the Z.-1 Zoning By-law, a "Public Utility" means "...water, artificial or natural gas, electrical power or energy, steam or hot water, and telecommunications networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services by a Board, Corporation or person". Based on submissions prepared by the applicant, the City of London is satisfied that the development proposal to provide for "telecommunications works" would constitute a "Public Utility" use under the regulations of the Z.-1 Zoning By-law.

The Z.-1 Zoning By-law further defines a "Public Use" to mean "...a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies comprise of:

- the Government of Canada, the Government of Ontario, or a municipal corporation;
- any ministry, department, commission, authority, board or agency established by the Government of Canada or the Government of Ontario; or,
- any public utility."



Section 4.20 of the Z.-1 Zoning By-law provides further direction in regards to the requested action to add a Public Utility use to the Restricted Service Commercial (RSC4) Zone when it states, "This By-law permits the use of land or the use of any building or structure in any zone for the purpose of the provision of essential services or utilities....provided that:

- such buildings are designed and maintained in general harmony with the buildings and structures permitted within the zone in which it is located...; and,
- all buildings shall otherwise comply with the regulations of that zone."

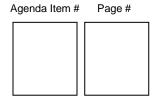
Start Communications (a federally regulated telecommunications network) is a public use that is permitted by the policy and regulatory framework of the City of London Official Plan and the Z.-1 Zoning By-law in any land use designation or zone provided, as stipulated under Section 4.20 above, the "buildings" are designed to be in harmony with the surrounding land uses and the regulations uses and the regulations of the Zone, in this case the Restricted Service Commercial (RSC4) Zone, are met.

In support of the requested action the applicant has submitted an Urban Design Brief and a site concept plan. Subject to the implementation of the urban design principles pertaining to massing, scale and materials contained in staff's recommendation to the Site Plan Approval Authority, the elevations contained in Appendix B to this report have been found to be in harmony (or consistent with and compatible to) the built form in the surrounding area.

The addition will define the street line and help animate the street edge with the proposed active uses on the ground floor. The proposed height of the building is appropriate to the scale of the street and will aid in both enclosing the street and creating a more welcoming pedestrian environment. The proposed parking area west of the proposed entrance driveway is appropriately located in the side yard and will be screened using a combination of low masonry walls and landscaping in order to continue the building line and screen the parking area from the street. Further discussions in regards to the treatment of the parking area east of the proposed entrance driveway will be held with the applicant through the Site Plan Approval process in order to ensure that this area is designed as a forecourt to the building creating a seamless, inviting space between the building face and the City sidewalk.

Section 4.20 of the Z.-1 Zoning By-law requires that not only the public utility building enjoy contextual harmony, but also that the building be in compliance to the regulations of the underlying zone. To be in compliance with this regulation, the requested action seeks a Special Provision to the Restricted Service Commercial (RSC4) Zone to provide for the following site specific development standards:

- a minimum lot depth of 58 metres;
- a minimum front yard setback of 3.0 metres;
- a minimum (east) interior side yard setback of 0.25 metres;
- a minimum rear yard setback of 0.25 metres;
- a maximum lot coverage of 50%;
- a maximum height of 13 metres;
- a total gross floor area of 7,500 square metres;
- 80 parking spaces;
- 2 loading spaces (each measuring 9 metres in length); and,



A parking area setback from the required road allowance of 2 metres.

A Planning Impact Analysis concluded that the requested special provisions would provide for a compatible land use unlikely to have an adverse impact on surrounding land uses and that the site was of a sufficient size and area to accommodate the intensity of the proposed public utility use.

The requested action is viewed as being consistent with, and serving to implement, the policies of the City of London Official Plan. The Zoning By-law attached as Appendix A to this report, in-asmuch as it will serve to implement the development proposal, is recommended.

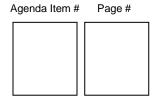
П	
	CONCLUSION

The requested action has been shown to be consistent with, and serving to implement, the policies of the PPS, the City of London Official Plan, and the London Plan. The recommended Zoning Bylaw amendment will serve to provide for the regeneration of an older industrial building in an industrial area that is transitioning from its historical land use. Staff would further recommend that the Site Plan Approval Authority be requested to consider the implementation of those identified urban design principles detailed in clause B of Staff's recommendation and illustrated on Appendix "B" to this report.

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

August 12, 2017 /BT

"Attach." or "encl." (where applicable)
Y:\Shared\implemen\DEVELOPMENT APPS\2017 Applications 8723 to\8787Z - 639 York St (BT)\PEC Report (MT Edits) for 639 York Street.docx



# Bibliography of Information and Materials Z-8787

## **Request for Approval:**

City of London Zoning Amendment Application Form completed by Lavern Kirkness of Kirkness Consulting, May 17, 2017

#### **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, 2014.

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

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

Planning Justification Report, Kirkness Consulting, May, 2017.

Urban Design Brief, zedd Architecture, May 16, 2017.

Traffic Impact and Parking Assessment, F.R. Berry and Associates, May 2017

Tree Preservation Plan, Arthur Lierman Landscape Architecture, February, 2017

Correspondence: (all located in City of London File No. Z-8787 unless otherwise stated)

## Other:

Site visit

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# Appendix "A"

Bill No. (number to be inserted by Clerk's Office 2017
By-law No. Z1-17

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 639 York Street.

WHEREAS 2367698 Ontario Inc. has applied to rezone an area of land located at 639 York Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

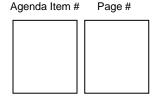
- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 639 York Street, as shown on the attached map comprising part of Key Map No. A108, from A Restricted Service Commercial (RSC2/RSC4/RSC5) Zone to a Restricted Service Commercial Special Provision (RSC2/RSC4(\*)/RSC5).
- 2) Section Number 28.4 d) of the Restricted Service Commercial (RSC) Zone is amended by adding a new special provision:

639 York Street

(Minimum)

RSC4()

. ( )			
a)	Additio	onal permitted use:	
	i)	Public Utility	
b)	Regul	ation[s]	
	i)	Lot Depth (Minimum)	58 metres (190.3 feet)
	ii)	Front Yard Setback (Minimum)	3.0 metres (9.8 feet)
	iii)	Interior (east) Side Yard Setback (Minimum)	0.25 metres (0.8 feet)
	iv)	Rear Yard Setback (Minimum)	0.25 metres (0.8 feet)
	v)	Lot Coverage (% Maximum)	50%
	vi)	Height (Maximum)	13 metres (42.7 feet)
	vii)	Total Gross Floor Area (Maximum)	7,500 square metres (80,729 square feet)
	viii)	Parking	80 parking spaces



ix) Loading Spaces (Minimum)

2 each measuring 9 metres (29.6 feet)

in length

x) Parking Area Setback (Minimum)

2 metres (6.6 feet)

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

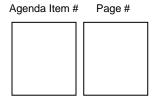
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on September 5, 2017.

Matt Brown Mayor

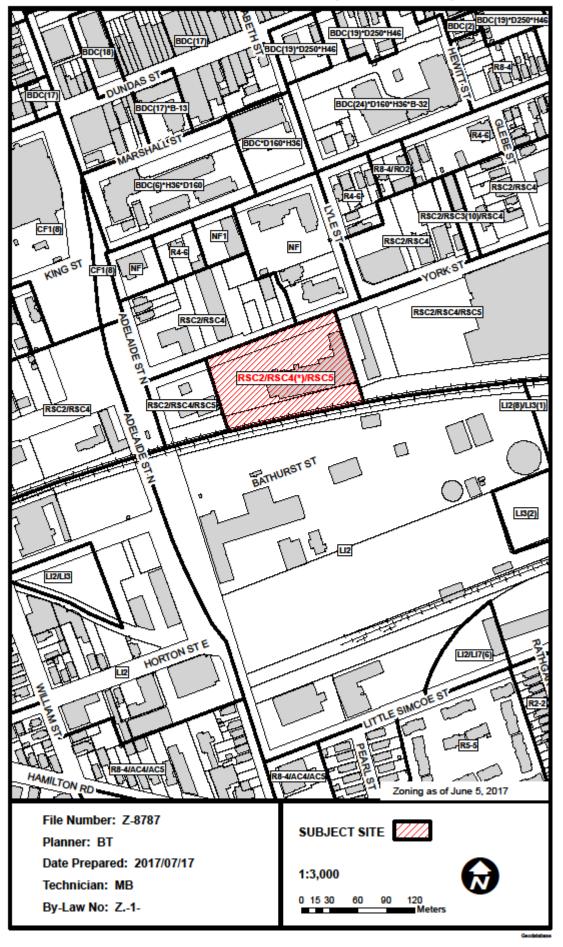
Catharine Saunders City Clerk

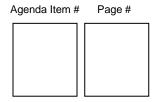
First Reading - September 5, 2017 Second Reading - September 5, 2017 Third Reading - September 5, 2017



Z-8787 B. Turcotte

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





Z-8787 B. Turcotte

Appendix "B" – west elevation



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Z-8787 B. Turcotte

Appendix "B" - north elevation

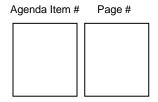


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Z-8787 B. Turcotte

# Appendix "B" – south elevation





Z-8787 B. Turcotte

Appendix "B" – east elevation

