

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: Application By: Drewlo Holdings Inc.
661 and 667 Talbot Street

Meeting on: April 30, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, received November 27, 2017 submitted by Ian Flett on behalf of AnnaMaria Valastro relating to the Zoning By-law Amendment Z.-1-172622 concerning 661 and 667 Talbot Street, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

Executive Summary

Purpose and the Effect of Recommended Action

The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with their previous decision on October 30, 2017 to approve the requested amendment to the Zoning By-law to permit a bonus zone for a 16-storey apartment building at a density of 403 uph.

Previous Reports Pertinent to this Matter

Z-8659: Public Participation Meeting on October 23, 2017 for the development of a 16-storey (49.5m tall) apartment building with 236 apartment units (403 uph). Two levels of underground parking totaling 133 parking spaces and 38 surface parking spaces are to be provided.

Background

An application to amend the Z.-1 Zoning By-law was received by the City and deemed complete on July 20, 2016. The initial application for a 16-storey apartment was designed with 16 storeys of height along the frontage of Talbot Street and also stretched back into the site along the northerly property limit in an L-shaped form. Through the application review and input from city departments, the public, and relevant panels and agencies the development design eventually evolved to reduce potential impacts on the surrounding area and respect the heritage features of neighbouring properties. The result was a U-Shaped building with a 3-storey base along Talbot Street, that steps back to 7-storeys in height, with a further 16-storeys of height being moved to the rear and north side of the property.

A Public Participation Meeting occurred before the Planning and Environment Committee on October 23, 2017, and Council approved the requested Zoning By-law Amendment on October 30, 2017. The approved amendment was a change to the Zoning By-law from a Residential R3/Residential R10/Office Conversion (R3-1/R10-3*H30/OC4) Zone TO a Residential R3/Residential R10 Bonus (R3-1/R10-3*H30*B(_)) Zone and an Open Space (OS4) Zone.



Figure 1: Council Approved Development Concept

The Bonus Zone approved by Council was intended to facilitate the development of a high quality, multi-storey residential apartment building, with a height of up to sixteen (16) storeys (49.5m) and a maximum of 236 dwelling units (403 units per hectare), which substantively implements the building design depicted in Figure 1 (above). In return for the Bonus Zone, the applicant agreed to provide the following services, facilities and matters:

- i) **Exceptional Building Design**
Specifically the building design shown in the various illustrations contained in Schedule “1” of the amending by-law, is being bonused for features which serve to support the City’s objectives of promoting a high standard of design for buildings.
- ii) **Overall Design**
A contemporary architectural design that uses a coordinated palette of high quality materials to be further refined through the site plan approval process, including the use of brick along the Talbot Street frontage of the building for the first 3-storeys to ensure the building is in keeping with the character of the area.
- iii) **Podium Base Design**
 - a) A podium base up to 3-storeys in height to provide a pedestrian-friendly scale at ground-level and a continuous street-wall façade along the easterly (Talbot Street) façade;
 - b) A setback after the first 3-storeys along Talbot Street providing a pedestrian scale that is in keeping with the character of the buildings to the south and east.
- iv) **Tower Design**
A building design that breaks up the massing of the building by providing multiple height variations and architectural details to respond to the surrounding community.
- v) **Parking Strategy**
The provision of two levels of underground parking.

Copies of the appeal letter from Ian Fleet, and the reasons for the appeal, are attached as Appendix 'B' to this report. The Ontario Municipal Board hearing has been scheduled for May 30, 2018.

5.0 Conclusion

The proposed development will contribute to the mix of residential uses in the area while encouraging the redevelopment of an underutilized site. The development provides an appropriate form of intensification considering its physical size, shape and distribution of massing, as well as its location near the downtown and accessible bus routes. 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. Planning staff have reviewed the appeal letter and see no reason for Council to alter its decision relating to this matter.

Prepared by:	Mike Corby, MCIP, RPP Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

April 23, 2018
MC/mc

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Appendix "A"




LOCATION MAP

Subject Site: 661 - 667 Talbot St
Applicant: Drewlo Holdings Inc.
File Number : Z-8659

Planner : MC
Created By : MB
Date : 2017/10/12
Scale : 1:1500

Legend

 **Subject Site**

Prepared by : Graphics & Information Services , Planning Division
Department of the City of London
Plan@writing@cityoflondon.gov.uk/plan@writing@cityoflondon.gov.uk



Appendix "B"



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5
 Telephone: 416-212-6349
 Toll Free: 1-866-448-2248
 Fax: 416-326-5370
 Website: www.elt.o.gov.on.ca

Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

1. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Act Reference (Section)
<i>Planning Act Matters</i>		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(43)
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	
	<input type="checkbox"/> Appeal changed conditions	

Subject of Appeal	Type of Appeal	Act Reference (Section)
Development Charges Act Matters		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	<input type="checkbox"/> Revocation of licence	20(4)
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
Ontario Heritage Act Matters		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Matters

Subject of Appeal	Act/Legislation Name	Section Number
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2. Location Information

Address and/or Legal Description of property subject to the appeal *

661 to 667 Talbot Street, London Ontario

Municipality *

London

Upper Tier (Example: county, district, region)

Ontario

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name *

Valastro

First Name *

AnnaMaria

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title

Email Address

Daytime Telephone Number *

ext.

Alternate Telephone Number

Fax Number

Mailing Address

Unit Number

1

Street Number *

133

Street Name *

John

PO Box

City/Town *

London

Province *

Ontario

Country *

Canada

Postal Code *

N6A 1N7

4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name

Flett

First Name

Ian

Company Name

Eric Gillespie Professional Corp.

Professional Title

lawyer

Email Address

Daytime Telephone Number

ext. 302

Alternate Telephone Number

Fax Number

Mailing Address

Unit Number

600

Street Number

10

Street Name

King St EAST

PO Box

City/Town

Toronto

Province

Ontario

Country

Canada

Postal Code

M5C 1C3

Note: If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)

Z-8659

Outline the nature of your appeal and the reasons for your appeal *

Please see attached

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

1 day 2 days 3 days 4 days 1 week
 More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

1

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
land use planner

Do you believe this matter would benefit from mediation?
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes No


8. Required Fee

Total Fee Submitted * \$ 300

Payment Method * Certified cheque Money Order Solicitor's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
AnnaMaria Valastro		2017/11/27

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

IAN FLETT, J.D.
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 Email: iflett@gillespielaw.ca

November 27, 2017

Delivered by hand

City Clerk Office
The Corporation of the City of London
 300 Dufferin Ave, London, ON N6B 1Z2

Dear : City Clerk

Re: Notice of Appeal re London Zoning By-law Z-8659

We are the lawyers for AnnaMaria Valastro on behalf of the North Talbot Neighbourhood Association.
 Our client appeals Zoning By-law Z-8659 for the following reasons:

- Council failed to consider the impact of the development proposal on the Thames Valley Significant Corridor as contemplated by policy 15.4.6 of the Official Plan;
- The development proposal is inconsistent or conflicts with Provincial Policy Statement policy 2.1.8 being adjacent to a Significant Valley land;
- Council failed to consider the impacts of the development proposal on traffic operations surrounding the subject site in accordance with policy 18.2.7 Official Plan;
- Council failed to consider active transportation in and around the subject site contrary to Official Plan policies 18.2.8 and 18.2.14 and inconsistent with PPS 2014 policy 1.6.6.2.
- Council failed to consider the impacts of the development application, as approved, on neighbouring properties, thereby failing to conform to its Official Plan;
- Council failed to consider the impact on lands designated Open Space near and/or upon the subject site and further, failed to appropriately zone certain lands near the Thames River;
- Council failed to provide sufficient information ahead of a public meeting for the public to generally understand the application in contravention of section 35(12)(a)(i) of the *Planning Act*;
- By-law Z-8659 fails to conform to Official Plan policy 3.4.3 by inverting the focus of where growth and intensification is directed in the City of London;
- By-law Z-8659 fails to conform to Official Plan policy 3.4.3 as there are few, if any, unique attributes to benefit the public.
- The impugned by-law fails to conform to Official Plan policies concerning the Talbot mixed-Use Area, *inter alia*, policy 3.5.1 by:

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the firm, at Toronto, Ontario, Canada, this 27th day of November, 2017.
 (EKG) ERIC K. GILLESPIE, BARRISTER & SOLICITOR

- Adversely impacting the neighbourhood by removing visual access to the Thames River Valley;
- Changing the low rise, low and medium density character of the area to high density without sufficient setbacks or interface between the site and surrounding land uses.
- Does not provide a high standard of landscaped open space with minimal front yard area of 2.5 meters is insufficient; any other landscaped open space is private and not available for public amenity; the street trees are on public property and not part of the project.
- The impugned zoning by-law fails to conform to Official Plan policies concerning built form, including policy 11.1.1 by failing to:
 - complement significant natural heritage features Thames Valley Corridor;
 - minimize the obstruction of natural features and landmarks;
 - consider the retention of trees on the subject site;
 - disharmonious architectural styles;
 - consider appropriate design styles on the edge of the Thames River.

Please find enclosed a Notice of Appeal and a cheque in the amount of \$300 to Minister of Finance;

We are obliged for your confirmation of receipt of this correspondence and our client's Notice of Appeal.

Yours very truly,

**ERIC K. GILLESPIE
PROFESSIONAL CORPORATION**

Per:



Ian Flett