

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Marigold Homes Inc.
467-469 Dufferin Avenue
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 December 14, 2017 submitted by Lisa Lansink (Marigold Homes Inc.) relating to Official Plan Amendment and Zoning By-law Amendment File Number OZ-8804 concerning 467-469 Dufferin Avenue, 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

Summary of Request

Request to amend the Official Plan for the City of London to add a specific policy to Chapter 10 (Policies for Specific Areas), and request to amend the Zoning By-law for the City of London by changing the zoning of the subject lands from a Residential R3 (R3-2) Zone to a Residential R3 Residential/R8 Special Provision Bonus (R3-2/R8-4()•B()) Zone and add a definition for “Micro-Suites” to permit the redevelopment of the subject lands for an apartment building consisting of 12-“Micro-suites”.

Purpose and the Effect of Recommended Action

The recommended action is to advise the Ontario Municipal Board that Municipal Council is in agreement with their previous decision on December 12, 2017 to refuse the requested Official Plan Amendment and Zoning By-law Amendment to allow the redevelopment of the subject lands for an apartment building consisting of 12-“Micro-suites”.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands consist of a single rectangular parcel located on the south side of Dufferin Avenue, one property west of Maitland Street and are known municipally as 467-467 Dufferin Avenue (Appendix “A”). The subject lands have a site area of approximately 390 sq. m (4,198 sq. ft.) and are located in the historic Woodfield Neighbourhood, which is an established residential neighbourhood located east of the Downtown Area. As part of the East Woodfield Heritage Conservation District (“HCD”), the subject lands are a protected heritage property designated under Part V of the Ontario Heritage Act. There is an existing 1-storey semi-detached dwelling located on the subject lands.

2.0 Relevant Background

2.1 Planning History

The Official Plan Amendment and Zoning By-law Amendment applications for 467-497 Dufferin Avenue were received by the City and deemed complete on July 12, 2017.

A Public Participation Meeting was held before the Planning and Environment Committee on December 4, 2017, to consider the matter. The Committee recommended refusal of the requested amendments. At Municipal Council on December 12, 2017, Council resolved to refuse the requested amendments.

A copy of the appeal letter from Lisa Lansink (Marigold Homes Inc.), and the reasons for the appeal are attached as Appendix “B” to the report. The Ontario Municipal Board has scheduled this hearing for June 27-29, 2018.

2.2 Requested Amendment

The applicant requested an amendment to the Official Plan for the City of London, 1989 to add a specific policy to Chapter 10 (Policies for Specific Areas) to permit an apartment building, consisting of 12-“Micro Suites”, and a maximum density up to 307 units per hectare (“uph”) and exceed the density range (up to 75 uph) contemplated for residential intensification within the “Low Density Residential” designation and the Policies for Specific Residential Areas which direct that the Woodfield Neighbourhood be maintained as a Low Density Residential area.

An amendment to the City of London Zoning By-law Z.-1 was requested to change the zoning from a Residential R3 (R3-2) Zone to a Residential R3 Residential/R8 Special Provision Bonus (R3-2/R8-4()•B()) Zone to permit development in the form of a low-rise apartment building with special provisions to provide relief from the standard R8 Zone regulations.

Special provisions were requested for the following: a minimum lot area of 390 sq. m (as existing), a minimum lot frontage of 12.5 metres (as existing), a minimum front yard depth of 1.0 metre, a minimum side yard depth of 1.2 metres, maximum lot coverage of 63%, a maximum lot coverage for an accessory building of 10.4%, a minimum side yard depth and minimum rear yard depth for an accessory building of 0.3 metres, and the addition of regulations such as a maximum gross floor area of 615 sq. m, a bicycle parking standard of one (1) bicycle parking space per “Micro-suite”, and the prohibition of vehicular parking spaces for “Micro-suites”.

The applicant requested a Bonus Zone to permit an increase in the maximum permitted density up to 307 uph in return for a high quality urban design including building form, exterior finish, and fenestration in keeping with the heritage character of the East Woodfield HCD; secure bicycle parking for twelve (12) spaces; and private affordable housing.

“Micro-Suites” was requested to be added to the defined terms in the Zoning By-law.

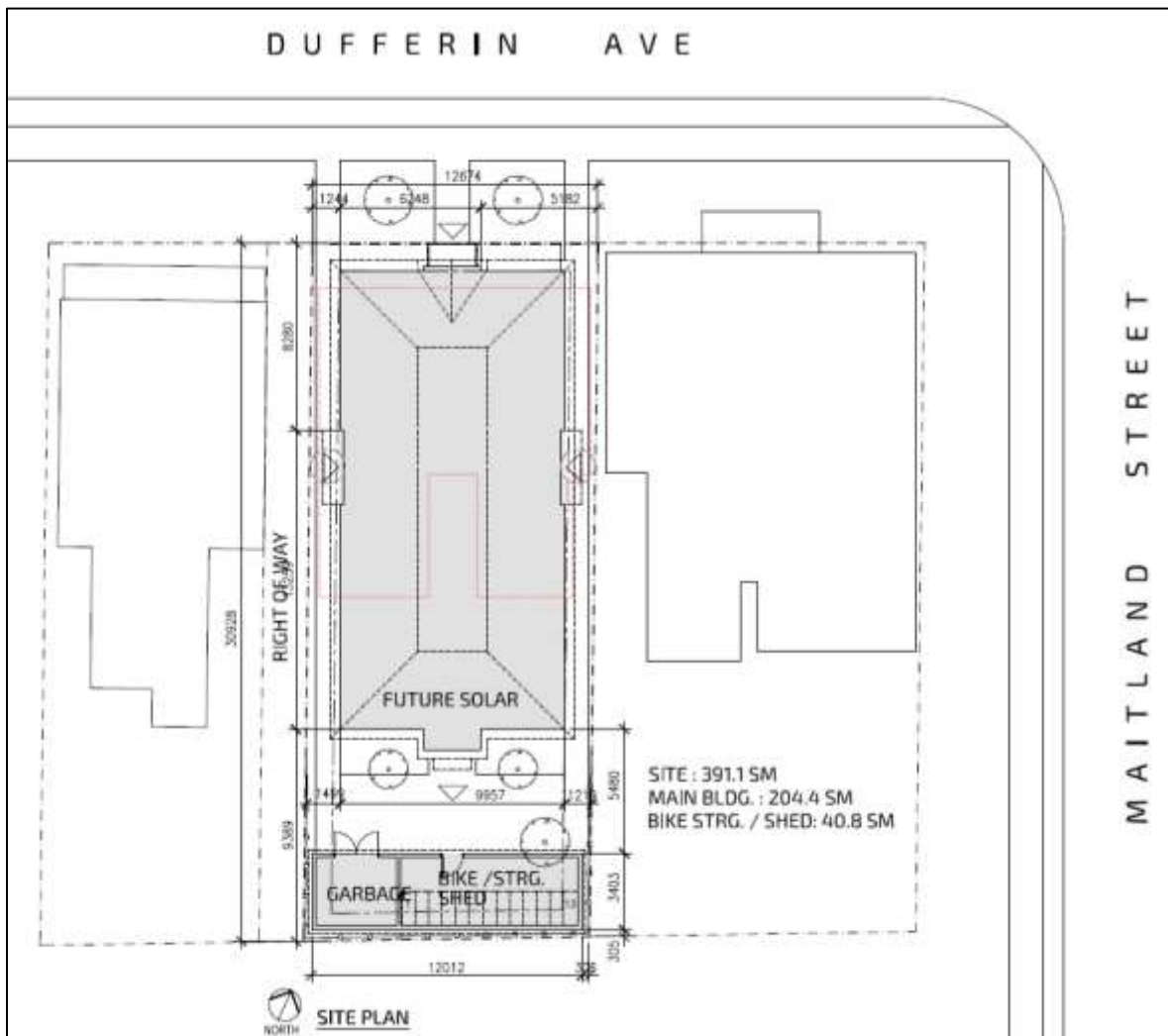


Figure 1: Proposed Site Plan



Figure 2: Proposed Building Elevations

3.0 Conclusion

The proposed redevelopment is not consistent with the PPS which encourages intensification in appropriate locations where it can be accommodated. There is no clear commitment to satisfy the definition of affordable housing in the PPS. The proposed redevelopment is not consistent with the PPS which directs that cultural heritage resources shall be protected.

The use and intensity of development contemplated for the subject lands does not conform to the planned intent for the subject lands in the Official Plan or The London Plan, and is not appropriate within the context of the existing surrounding neighbourhood or on the subject lands. There is no clear commitment to satisfy the definition of affordable housing in the Official Plan or The London Plan. The proposed redevelopment does not conform to the Official Plan or The London Plan that provides for the conservation and protection of cultural heritage resources. The proposed removal or demolition of the existing building on the subject lands within the East Woodfield HCD does not conform to the East Woodfield HCD Plan.

The proposed redevelopment does not satisfy all the criteria of a Planning Impact Analysis required for applications considering a Specific Policy Area and/or residential intensification. A compelling reason has not been provided to define "Micro-suites" separately for the purposes of this application. The request for Bonus Zoning does not satisfy the general Bonus Zoning objectives in the Official Plan, and not all of the proposed bonusable items are eligible for Bonus Zoning in the Low Density Residential designation. The proposed redevelopment represents an over-intensification of the subject lands.

| | |
|------------------------|--|
| Prepared by: | Melissa Campbell, 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 24, 2018
MC/mc

Appendix A – Location Map



Appendix B – Appellant Form



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.eltb.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) |
|---|--|-------------------------|
| Planning Act Matters | | |
| 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 checked="" type="checkbox"/> Council refused the requested amendment | |
| Zoning By-law or Zoning By-law Amendment | <input 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 checked="" 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 | 53(27) |
| | <input type="checkbox"/> Appeal changed conditions | 53(14) |
| | <input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days | |
| 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 | |
| | <input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal) | 51(43) |
| | <input type="checkbox"/> Appeal changed conditions | 51(48) |

| 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 | |
| 2. Location Information | | | |
| Address and/or Legal Description of property subject to the appeal * | | | |
| 467-469 Dufferin Avenue, London ON N6B 1Z7 | | | |
| Municipality * | | | |
| City of London | | | |
| Upper Tier (Example: county, district, region) | | | |
| County of Middlesex | | | |
| 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 | | First Name | |
| Lansink | | Lisa | |
| Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) | | | |
| Marigold Homes Inc. | | | |
| Professional Title | | | |
| President | | | |
| Email Address | | | |
| [REDACTED] | | | |
| Daytime Telephone Number * | | Alternate Telephone Number | Fax Number |
| [REDACTED] ext. [REDACTED] | | [REDACTED] | |
| Mailing Address | | | |
| Unit Number | Street Number * | Street Name * | PO Box |
| | 507 | Colborne Street | |
| City/Town * | | Province * | Country * |
| London | | ON | Canada |
| | | | Postal Code * |
| | | | N6B 2T6 |
| 4. Representative Information | | | |
| <input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me | | | |
| Last Name | | First Name | |
| Patton | | Alan | |
| Company Name | | | |
| Patton Cormier & Associates | | | |
| Professional Title | | | |
| Lawyer | | | |
| Email Address | | | |
| [REDACTED] | | | |
| Daytime Telephone Number | | Alternate Telephone Number | Fax Number |
| [REDACTED] ext. [REDACTED] | | [REDACTED] | |
| Mailing Address | | | |
| Unit Number | Street Number | Street Name | PO Box |
| 1512 | 140 | Fullarton Street | |
| City/Town | | Province | Country |
| London | | ON | Canada |
| | | | Postal Code |
| | | | N6A 5P2 |

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)
OZ-8804

Outline the nature of your appeal and the reasons for your appeal *
We believe our application is an appropriate infill project for our neighbourhood. We have met design criteria, will provide a unique living environment, we will be providing privately funded affordable housing, reducing urban sprawl and use of existing infrastructure, and will be offering a housing type not readily available within the Woodfeild area.

The requested amendments are consistent with the PPS 2014;
The requested amendments conform to the intent of the City of London Official Plan;
The requested amendments conform to the intent of the London Plan, approved December 2016.
The requested amendment for zoning regulations recognize the existing development pattern and building form in the area; and
The proposed building is a good fit in the neighbourhood.

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?

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
Land use planners, architects, engineers, owners / applicants, structural engineers, potentially city staff

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

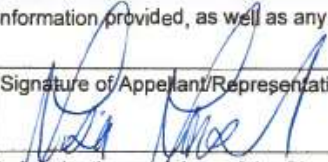
8. Required Fee

Total Fee Submitted * \$ 600

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) |
|----------------------------------|--|-------------------|
| Lisa Lansink |  | 2017/12/14 |

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.