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**OZ-7965**  
**M. Tomazincic**

<b>TO:</b>	<b>CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING &amp; CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: THE CITY OF LONDON 1607, 1609 (eastern portion), 1611, 1615, 1619, 1623, 1627, 1631, 1635, 1639, 1643, 1649, AND 1653 RICHMOND STREET MEETING ON OCTOBER 17, 2011</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the lands on the west side of Richmond Street between Hillview Boulevard and Shavian Boulevard:

- a) the following report **BE RECEIVED** for information noting that the Civic Administration have initiated an application for Official Plan and Zoning By-law amendments for these lands and are preparing a Master Plan to be considered for adoption as a Guideline Document to the Official Plan;
- b) that Civic Administration **BE DIRECTED** retain a transportation planning consultant to prepare a traffic impact assessment to assist with area transportation policies and development conditions; and,
- c) that Civic Administration **BE DIRECTED** to identify the costs associated with storm sewer capacity improvements required to accommodate the proposed development between Hillview Ave and Shavian Boulevard which represents a significant increase in development density and to identify sources of financing to undertake these works in 2012.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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September 27, 2004 Report to Planning Committee – 1607-1653 Richmond Street (Z-6670/Z-6673) – This report recommended refusal of the request to amendment zoning for the lands at 1639 Richmond Street to permit cluster single townhouse and stacked townhouse dwellings on a lot area of 0.1 hectares, a minimum lot frontage of 30m, a maximum lot coverage of 45%, and a maximum density of 60 units per hectare and introduced a new by-law to amend the zoning to permit cluster single detached, semi-detached, townhouse, and stacked townhouse dwellings on a minimum lot area of 1.2 hectares, a minimum lot frontage of 160m, a maximum lot coverage of 40%, a maximum density of 30 units per hectare, a maximum building height of 10.5m, and a minimum front yard setback of 3m with a holding provision requiring public site plan review.

Municipal Council resolved that notwithstanding the recommendation of the General Manager of Planning and Development, the application be referred back to Staff for further consultation with the applicant and neighbourhood representatives.

October 18, 2004 Report to Planning Committee – 1067-1653 Richmond Street (Z-6670/Z-6673) – Upon further consultation with the applicant and neighbourhood representatives, this report recommended that the Zoning By-law be amendment to permit cluster single detached, semi-detached, and townhouse dwellings on a minimum lot area of 0.6 hectares, a minimum lot frontage of 70m, a maximum lot coverage of 35%, a maximum density of 30 units per hectare, a maximum building height of 10.5m, a maximum front yard setback of 3m, rear and interior side yard setbacks of 7.5m and restrictions on the location of parking areas with a holding provision requiring public site plan review.

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November 16, 2009 Report to Planning Committee – Public Site Plan Review (S.P. No. 06-032378) – 1639 Richmond Street – This report recommended that the site plan, landscape plan, building elevations, and development agreement clauses for 19 townhouse units be approved subject to the removal of the holding provision and subject to confirmation that the storm outlet has been established.

Municipal Council resolved that the site plan application be referred back to Staff for submission to the Urban Design Peer Review Panel for its review and comments, that Staff be requested to meet with the community and the applicant to discuss an improved design that will address compatibility with the existing neighbourhood, that the applicant be requested to hold a public meeting with the community prior to resubmission of the application, and that a public participation meeting of the Planning Committee be held for consideration of this site plan.

March 1, 2010 Report to Planning Committee – Ontario Municipal Board Appeals – 1639 Richmond Street – This report recommended that the OMB be advised that the site plan, landscape plan, building elevations, and development agreement clauses for 19 townhouse units be supported subject to: ensuring that units flanking Richmond Street have a façade design treatment which is street-oriented, any westerly flanking units do not have a blank wall facing west, and that confirmation of the storm outlet for the site has been legally established. This report also recommended that the OMB be advised that Council does not support the removal of the Holding Provision and that the applicant has not entered into a development agreement with the City. Additionally, this report recommended that the City Solicitor provide legal representation at the OMB to support the decision of Council and to retain the services of a land use planner to provide evidence.

<b>PLANNING HISTORY</b>
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In April 2004, an application for a Zoning By-law amendment was received for the lands at 1639 Richmond Street requesting that the subject lands be rezoned to permit cluster townhouse and stacked townhouse uses. The requested Residential R5-7 zone variation included the following zoning regulations:

- a minimum lot area of 0.1 hectares;
- a minimum lot frontage of 30 metres;
- a minimum rear yard setback of 0.5 metre per 1.0 metre of building height;
- a maximum lot coverage of 45%;
- a maximum height of 12 metres, and
- a maximum density of 60 units per hectare.

In response to the application for rezoning for 1639 Richmond Street, a Zoning By-law amendment was initiated for the lands between 1607-1653 Richmond Street.

On September 27, 2004, Planning Staff recommended that the lands located between 1607-1653 Richmond Street (encompassing the subject site) be rezoned from Residential R1 (R1-10), which permits one single detached dwelling per lot, to a Holding Residential R5 Special Provision/Residential R6 Special Provision (h-5•R5-2( )/R6-4( )) Zone which permits cluster dwellings in the form of singled detached, semi-detached, townhouses, and stacked townhouses, subject to special provisions which required:

- a minimum lot area of 1.2 hectares (2.9 acres);
- a minimum lot frontage of 160.0 metres (524.9 feet);
- a maximum lot coverage of 40%;
- a maximum density of 30 units per hectare;
- a maximum building height of 10.5 metres (34.4 feet); and,
- a minimum front yard setback of 3.0 metres (9.8 feet).

Additionally, it was recommended that a holding provision be applied requiring that a public site plan review be conducted and the applicant enter into a development agreement with the municipality prior to its removal.

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However, Municipal Council resolved that the matter be referred back to Staff for further consultation with the applicant and neighbourhood representatives with respect to issues concerning lot frontage, lot coverage, building height, parking, and access, and to report back to the October 12, 2004 meeting of the Planning Committee.

On October 6, 2004, Planning Staff, representatives of the Old Masonville Ratepayers Association (John Judson – Lerner LLP and Wil Pol – IBI Group), and Jack Davis representing the applicant held a meeting to resolve the outstanding issues. As a result of this meeting, Planning Staff recommended that a revised by-law be introduced at a special meeting of the Planning Committee on October 18, 2004 recommending that the subject site be rezoned to a Holding Residential R5 Special Provision/Residential R6 Special Provision (h-5•R5-2( )/R6-4( )) Zone to permit cluster dwellings in the form of singled detached, semi-detached, and townhouses subject to special provisions which required:

- a minimum lot area of 0.6 hectares (1.4 acres);
- a minimum lot frontage of 70.0 metres (229.6 feet);
- a maximum lot coverage of 35%;
- a maximum density of 30 units per hectare;
- a maximum building height of 10.5 metres (34.4 feet);
- a minimum front yard setback of 3.0 metres (9.8 feet);
- minimum rear yard and interior side yard setbacks of 7.5 metres (24.6 feet); and,
- parking prohibited in the side and rear yards that abut existing residential dwellings.

Consistent with the previous Staff recommendation, it was also recommended that a holding provision be applied requiring that a public site plan review be conducted and the applicant enter into a development agreement with the municipality prior to its removal.

The proposed modifications to the Zoning By-law between the initial Staff recommendation and latter recommendation are summarized as follows:

- the removal of Cluster Stacked Townhouses as a permitted use;
- a reduction in the minimum required lot area from 1.2 hectares to 0.6 hectares;
- a reduction in the minimum required lot frontage from 160.0 metres to 70.0 metres;
- a reduction in the maximum lot coverage from 40% to 35%;
- the addition of minimum rear yard and side yard setback requirements; and,
- prohibitions on the location of parking areas.

Whereas the initial Staff recommendation would have required that lands be consolidated prior to redevelopment, the revised Zoning By-law amendments (introduced after further consultation with representatives of the neighbourhood and the applicant) facilitated the redevelopment of the lands at 1639 Richmond Street without the need for additional lot consolidation.

On September 24, 2009, the applicant submitted an application for the removal of the h-5 holding provision for the lands at 1639 Richmond Street to facilitate the development of those lands. On November 16, 2009, a public site plan review was conducted at a public meeting of the Planning Committee. Site Plan Staff recommended that proposed site plan, landscape plan, building elevations, and development agreement be approved subject to the removal of the holding provision. On November 23, 2009, Council resolved that:

- the site plan application **BE REFERRED** back to Staff for submission to the Urban Design Peer Review Panel for its review and comments relating to compatibility with the existing neighbourhood, massing and streetscape character;
- Planning and Development Staff **BE REQUESTED** to meet with the Old Masonville Ratepayers Association, their representatives and the applicant to discuss an improved design that will address compatibility with the existing neighbourhood, massing and streetscape;
- The applicant **BE REQUESTED** to hold a community meeting with the neighbourhood residents and Planning and Development Staff, prior to the resubmission of the site plan to the Planning Committee; and
- A public participation meeting of the Planning Committee **BE HELD** for the consideration of this site plan.

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On December 3, 2009, counsel for the applicant made application for an appeal to the Ontario Municipal Board (PL091066) on the basis that the municipality failed to make a decision on the application for site plan approval within the 30-day prescribed time period. Given that the site plan had not been approved, the applicant had not entered into a development agreement with the City as required prior to the removal of the h-5 holding provision and, as a result, Planning Staff did not proceed with a recommendation to remove the holding provision.

On January 29, 2010, counsel for the applicant made application for an appeal to the Ontario Municipal Board (PL100112) on the basis that the municipality failed to make a decision on the application to remove the holding provision for the lands at 1639 Richmond Street within the 120-day prescribed time period and the matter was consolidated with the aforementioned appeal of the site plan application.

On August 5, 2010, the Ontario Municipal Board issued an interim decision indicating that it is satisfied that the development is consistent with the Official Plan and Zoning By-law but it withheld its final decision and order until: 1) full building elevation drawings are submitted for the existing dwelling, as well as details and floor plans; and, 2) that drawings be submitted which illustrate the details and building elevations of a building which is intended to store garbage and recyclables. On September 28, 2010, after receiving the required information requested in the interim decision, the Ontario Municipal Board approved the site plan and ordered that the holding provision is lifted.

On November 1, 2010, Municipal Council lifted the holding provision for the lands at 1639 Richmond Street in accordance with the decision of the Ontario Municipal Board.

<b>BACKGROUND</b>
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On March 7, 2011, the Built and Natural Environment Committee received a letter from Councillor Matt Brown requesting that a City-initiated zoning amendment be initiated for these lands to consider a form and intensity of development that:

- Is supportive of infill;
- Is respectful of the character of the corridor and the neighbourhood to the west;
- Allows for an appropriate unit density of use (recognizing the propensity for 5 bedrooms per unit within residential development at this location);
- Manages and mitigates impacts on the rear yards of development to the west;
- Manages and consolidates access to avoid impact on Richmond Street; and,
- Provides for a built form and urban design that enhances the Richmond Street corridor and Masonville node.

On March 21, 2011, Municipal Council resolved:

*That, in response to a communication dated February 18, 2011 from Councillor M. Brown requesting a City-initiated rezoning of the properties located on the western portion of the Richmond Street corridor between Shavian Boulevard and Hillview Boulevard, the Civic Administration **BE REQUESTED** to report back at a future meeting of the Built and Natural Environment Committee with respect to a zoning amendment for these lands, excluding 1639 Richmond Street, that considers the form and intensity of development that is in keeping with that which is desired by the community.*

On July 14, 2011, representatives of the Old Masonville community, Farid Metwaly (the property owner of 1631, 1635, and 1639 Richmond Street), Civic Administration, and the Ward Councillor met to discuss an entirely new proposal for these lands that adds residential intensity to the Richmond Street corridor and Masonville node while increasing the setbacks to the existing single detached dwellings to the south and west, reducing the number of bedrooms per units, and appealing to a wider mix of residents.

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<b>ANALYSIS</b>
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The new conceptual plan for this corridor envisions the development of mid-rise apartment buildings with a maximum height of 20 metres (+/- 6 storeys) along the Richmond Street corridor (eastern half) that gradually reduce in height, form, and intensity approaching the existing single detached dwellings to the west and as the lot depths become more shallow toward the southern portion of this block.

The rear yards of the subject lands (western half) envisions the development of cluster townhouses with a reduced maximum height, increased setbacks from the abutting single detached dwellings, and a reduction in the number of bedrooms to permit a maximum of 3 bedrooms per unit.

This conceptual plan was presented to members of the Old Masonville community and Mr. Metwaly on August 17<sup>th</sup> and 30<sup>th</sup> where the conceptual plan was modified to reflect the community's input with each successive meeting. The conceptual plan that achieved general acceptance by members of the community, Mr. Metwaly, and Civic Administration is illustrated below.

It is anticipated that this conceptual plan will continue to evolve as properties are acquired and proposed buildings are shifted north or south to align with property boundaries. Therefore, the attached conceptual plan is not intended to be static, but adaptable to changing circumstances and property consolidation. However, it is expected that the conceptual plan achieve the following principles.

**Planning Staff's Recommended Principles to be Implemented in the Development of these Lands**

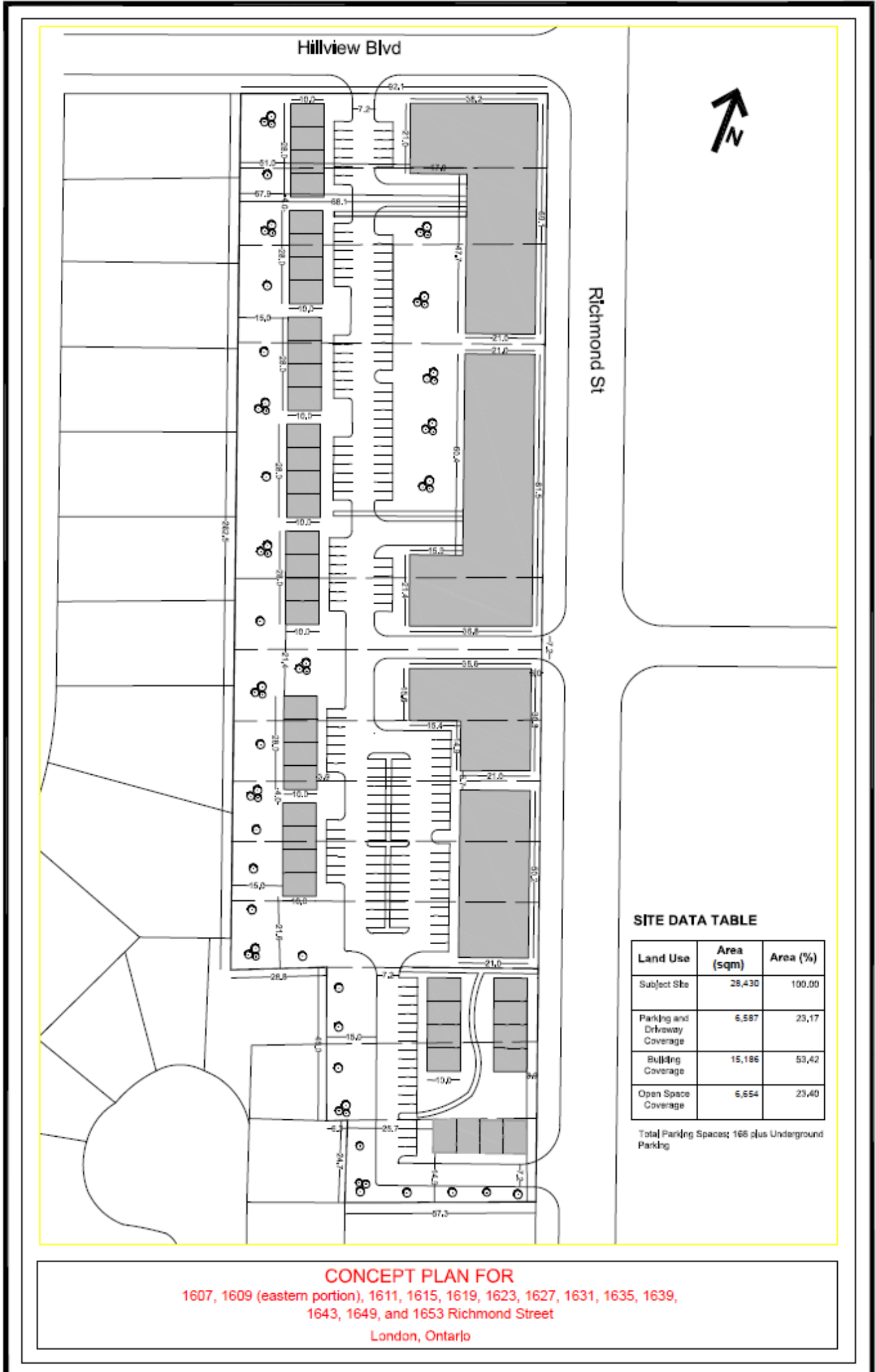
Between the community presentations, the conceptual plan evolved in an effort to input the desired principles agreed upon by all the stakeholders present. These principles include:

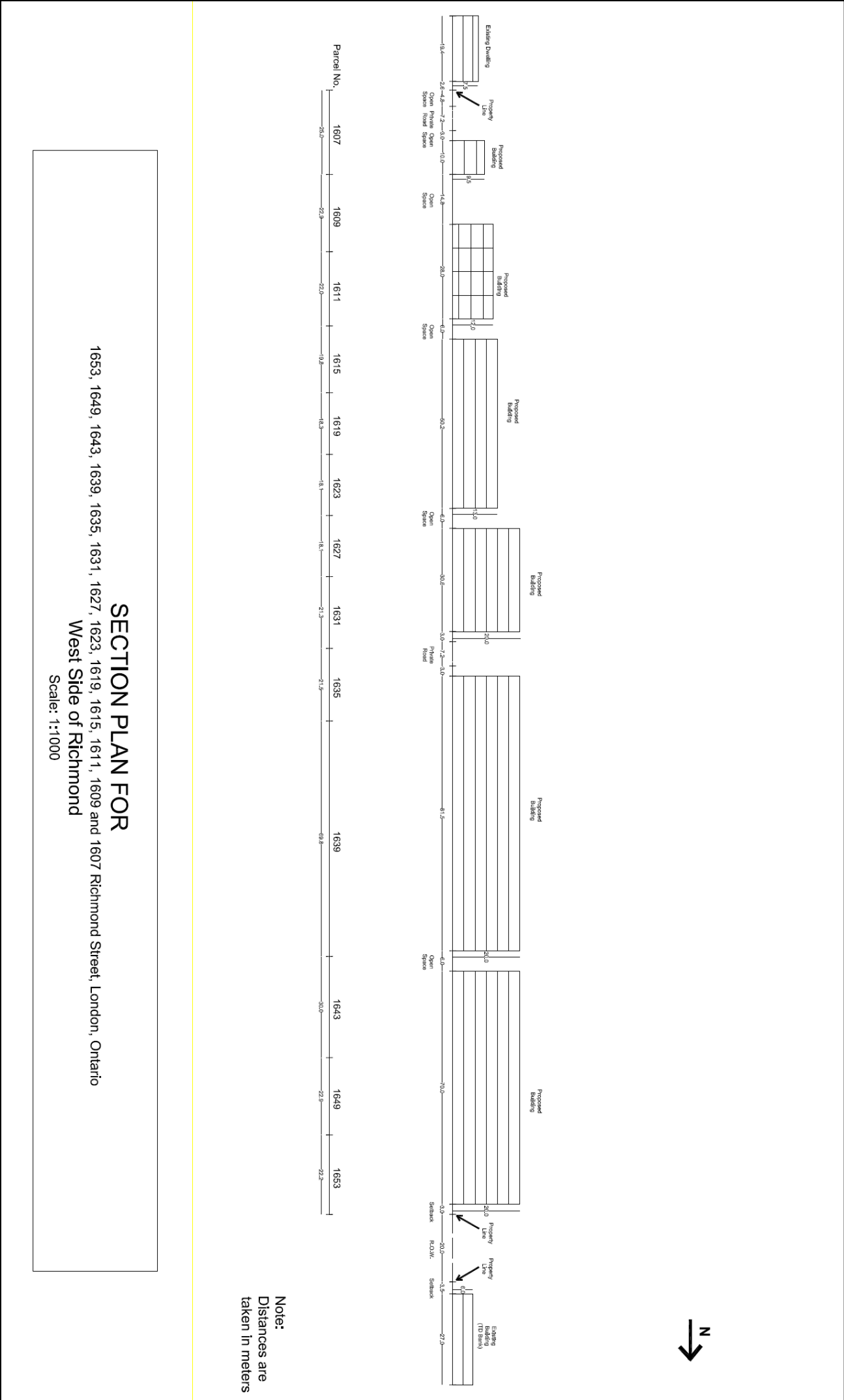
- Decreasing the height of the buildings from east to west and from north to south such that the greatest heights would be located at the north and east portion of the subject lands with lesser heights along the western and southern portion of the subject lands
- Increase the setback of the proposed built form from the existing singled detached dwellings surrounding the subject lands from 7.5 metres to 15.0 metres
- Decrease the maximum height of the proposed townhouse units from 10.5m to 9.5m
- Townhouse blocks consisting of a maximum of 4 dwelling units per block to break up the "bulk" of the development
- Reduce the maximum number of bedrooms per dwelling unit from 5 to 3 across the subject lands
- Provide for a mix of 1, 2, and 3 bedroom dwellings to appeal to a wide range of potential residents
- Provide a mix of underground and surface parking areas
- Orient the proposed apartment buildings toward the Richmond Street corridor and provide active frontages onto that corridor
- Preserve the existing mature vegetation along the perimeter of the subject lands
- The subject lands to be planned comprehensively to ensure that future development proposals implement the vision
- High quality urban design as part of each development proposal

These represent the principles that have been agreed upon by all of the stakeholders present during the public information meetings.

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**Community Association for the Development of these Lands**

On September 21, 2011, at the Annual General Meeting of the Old Masonville Ratepayers Association (OMRA), the community members agreed to support a rezoning of this portion of Richmond based on the above conceptual plan subject to the following:

- The setback distance from the Cherokee Street properties and 1603 Richmond Street be increased from 7.5 metres to 15 metres;
- The maximum number of bedrooms not exceed 3 per dwelling unit;
- The maximum height of the proposed townhouse dwellings, as measured from the ground-level to roof peak, not exceed 9.5 metres;
- The height of the basement is not to exceed ground-level
- The development of these lands to contain a mix of underground and surface parking
- Buildings are to be oriented toward Richmond Street
- The maximum height of the apartment buildings is not to exceed 20 metres (6-storeys) at the northeast portion of the subject lands, then stepping down to a maximum of 15 metres (4-storeys) for the lands between 1615-1623 Richmond Street, and a maximum of 12 metres for the staked townhouse development proposed for the lands between 1609-1611 Richmond Street, concluding with the development a townhouse block with a maximum height of 9.5 metres for the lands at 1607 Richmond Street;
- Tree retention along the western and southern perimeter of the subject lands
- Elimination or relocation of the southernmost access point proposed to be located at 1607 Richmond Street;
- Consideration of traffic calming measures at proposed north egress to prevent traffic from entering our neighbourhood including rights-in, rights-out onto Hillview Boulevard.

In response to a proposal by Mr. Metwaly to construct townhouses with a maximum height of 9.5 metres comprised of a flat roof, the community expressed opposition to the flat roof concept preferring that the townhouses be constructed with a peaked roof design to serve as a transition between the architectural style of the single detached dwellings located on Cherokee Road and the proposed apartment buildings abutting Richmond Street.

Additionally, the community maintained their opposition to the site plan application submitted for the lands at 1631 and 1635 Richmond Street.

**Mr. Metwaly’s Requests for the Development of these Lands**

On October 11, 2011, Civic Administration met with Mr. Metwaly to discuss the community’s requests (see above) and to determine if there was a common basis with which to build consensus and undertake a development that is agreeable to the community association, the owners of the subject lands, and the City. Mr. Metwaly agreed with the Community’s requests while adding the following requests:

- The City of London shall be responsible for any storm sewer capacity improvements resulting from the development of the conceptual plan proposed in this report
- The Ontario Municipal Board Decision for the lands at 1639 Richmond Street shall continue to apply to those lands
- The existing townhouse zoning shall continue to apply to the lands at 1631, 1635 and 1639 Richmond Street and any new zoning required to implement the concept plan shall be compounded with the existing zone
- The site plan submitted for 1631 and 1635 Richmond Street shall continue to be processed by Development Approvals Business Unit (DABU) Staff towards a decision
- The 9.5 metre height townhouse proposal which had been deemed to be acceptable by the community association may be constructed in either a 3-storey or stacked townhouse form
- The maximum coverage permitted by the Zoning By-law shall be 45% and the maximum density shall be 200 units per hectare
- Consideration be given to include the potential for street-level retail within the proposed apartment building fronting Richmond Street

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**Implementation of the Proposed Concept Plan**

In order to facilitate the development of these lands, an Official Plan and Zoning By-law amendment is required to change the land use that currently permits low density residential dwellings in the form of cluster townhouses. Therefore, the Official Plan and Zoning By-law must be amended to increase the density and form of development from what is currently permitted.

However, during the public information meetings, concerns were raised about the implementation of certain principles such as the assurance that the entire block will be developed comprehensively and the implementation of high quality urban design. As a result, Planning Staff have proposed that a Master Plan be completed to provide additional guidance for the development of these lands which will provide the basis for the adoption of special policies that are more detailed than the general policies of the Official Plan.

To implement the Master Plan, Planning Staff have proposed that a holding provision be added as part of the rezoning for the subject lands to ensure that future development proposals incorporate the desired Urban Design objectives, are consistent with the Master Plan, and require a public site plan review of the proposed development prior to the removal of the holding provision.

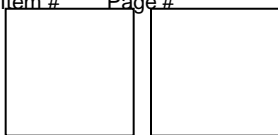
**Site Plan for 1631, 1635, and 1639 Richmond Street**

In an effort to streamline the proposed land use change, site plan approval, and ultimately the approval of building permits, particularly for the lands at 1631, 1635, and 1639 Richmond Street, it had been proposed that a site plan application be processed concurrently with the application for proposed Official Plan and Zoning By-law amendments. The intent was to preclude the need for the application of holding provisions for these three properties.

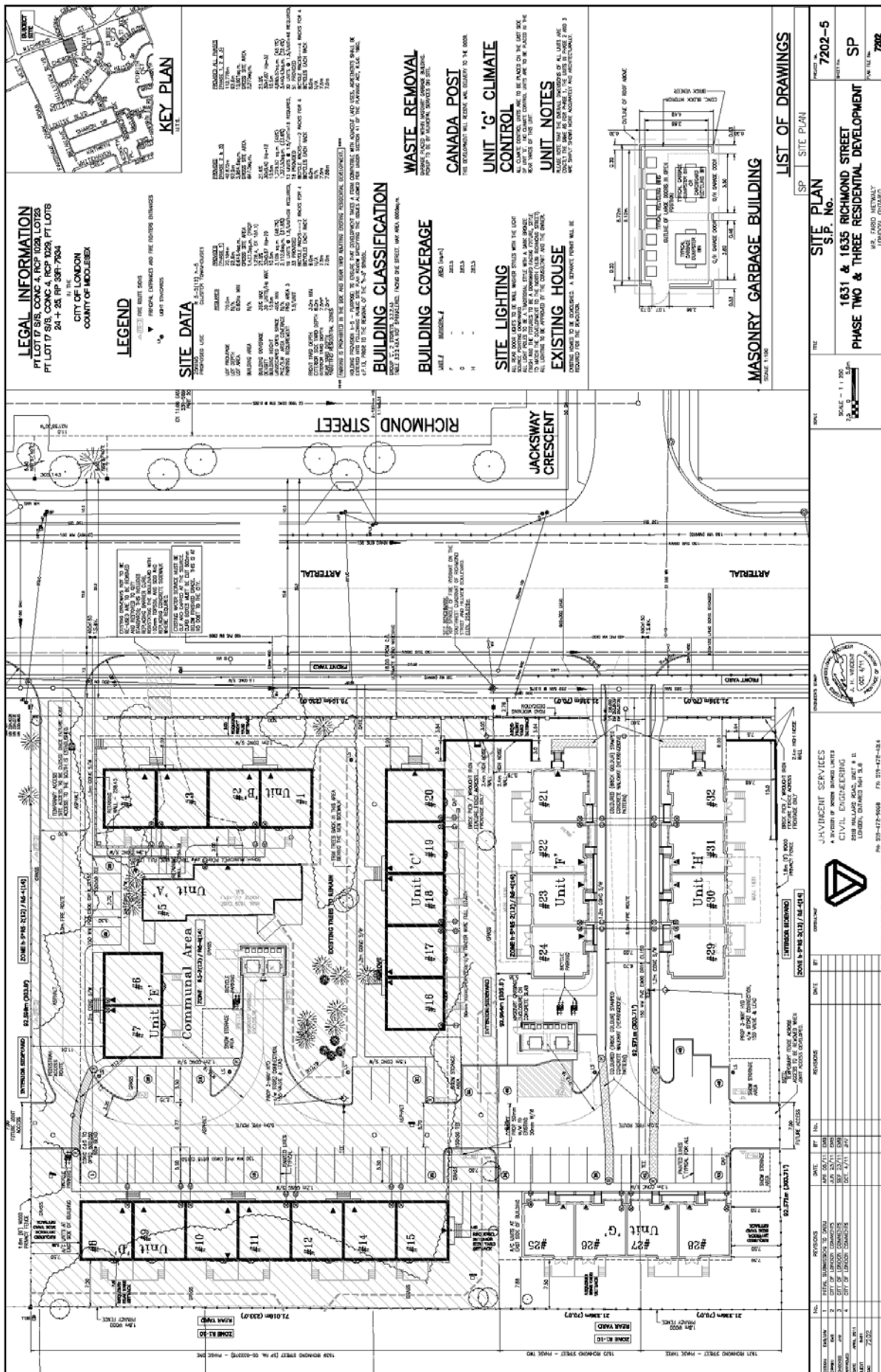
The reason for this course of action was twofold: i) the applicant had been intending to work simultaneously with Civic Administration to implement the criteria identified in the proposed holding provision thereby rendering the application of a holding provision redundant, and ii) a parallel site plan application is currently being processed by Mr. Metwaly for the development of these lands for the uses that were approved by Council during the 2004 application for a Zoning By-law amendment (see attached site plan below).

However, Mr. Metwaly has recently indicated that given the level of detail that is inherent with the required site plan submission, a concurrent site plan will not be possible to achieve within the time that the proposed amendments are anticipated to be presented to the Built and Natural Environment Committee. However, Mr. Metwaly is amenable to the application of holding provisions requiring that the proposed development be consistent with a proposed Master Plan for this corridor

As it relates to the second reason Mr. Metwaly had been moving forward with his application for site plan approval just as discussions regarding this concept plan were being initiated. Although Mr. Metwaly has been an active participant during evolution of the concept plan and has expressed interested in its implementation, he has expressed concern about the potential for further delays of the development of these lands. And as a result, Mr. Metwaly continues to move forward with the current site plan application in the event that the requested Official Plan and Zoning By-law amendments are not approved or the proposed development of the subject lands is further delayed.



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**Stormwater Servicing Constraints**

Prior to the development of this concept plan, improvements to stormwater capacity must be implemented along this portion of the Richmond Street to accommodate the proposed development.

To implement these improvements, this report recommends that Civic Administration identify the costs associated with storm sewer capacity improvements required to accommodate the proposed development and to identify sources of financing to undertake these works in 2012 while recognizing that the concept plan represents a significant increase in development density.

As a result of these stormwater servicing constraints, it is proposed that additional holding provisions be applied to the lands south of 1631 Richmond Street where the stormwater capacity constraints are most significant.

<b>CONCLUSION</b>
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Consistent with the Council resolution from March 21, 2011, this report is intended to report back to the Built and Natural Environment Committee the proposed course of action with respect to land use changes for the west side of Richmond Street from Hillview to Shavian, that considers the form and intensity of development that is in keeping with that which is desired by the community.

To implement the proposed land use changes as well as the form and intensity of development that is in keeping with that which is desired by the community, Planning Staff request that the proposed course of action be endorsed and that a transportation planning consultant be retained to prepare a traffic study to assist with the development of these lands.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MICHAEL TOMAZINCIC, MCIP, RPP PLANNER II, COMMUNITY PLANNING AND URBAN DESIGN</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER – COMMUNITY PLANNING AND URBAN DESIGN</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING &amp; CITY PLANNER</b>	

October 17, 2011  
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