

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas, P. Eng
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Application By: Endri Poletti Architect Inc.
89 York Street

Meeting on: September 10, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Endri Poletti Architect Inc., relating to the property located at 89 York Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 18, 2018 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Downtown Area Bonus (h-1•h-3•DA2•D350•B-35) Zone **TO** a Downtown Area Bonus (DA2•D350•B-35) Zone to remove the h-1 and h-3 holding provisions.

Executive Summary

Summary of Request

To remove the holding provisions from the zoning on 89 York Street in order to permit the construction of a mixed use development.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-1" and "h-3") symbols from the zoning to permit construction of an 11 storey mixed-use development (residential, apartment/hotel, commercial and office uses) at 89 York Street.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the applicant has incorporated appropriate noise and vibration attenuation measures into the design of the development (h-1) and a wind impact assessment has been completed that includes appropriate recommendations for building design that will be incorporated in the proposed development (h-3) of the proposed mixed-use building at this location.

Analysis

1.0 Site at a Glance

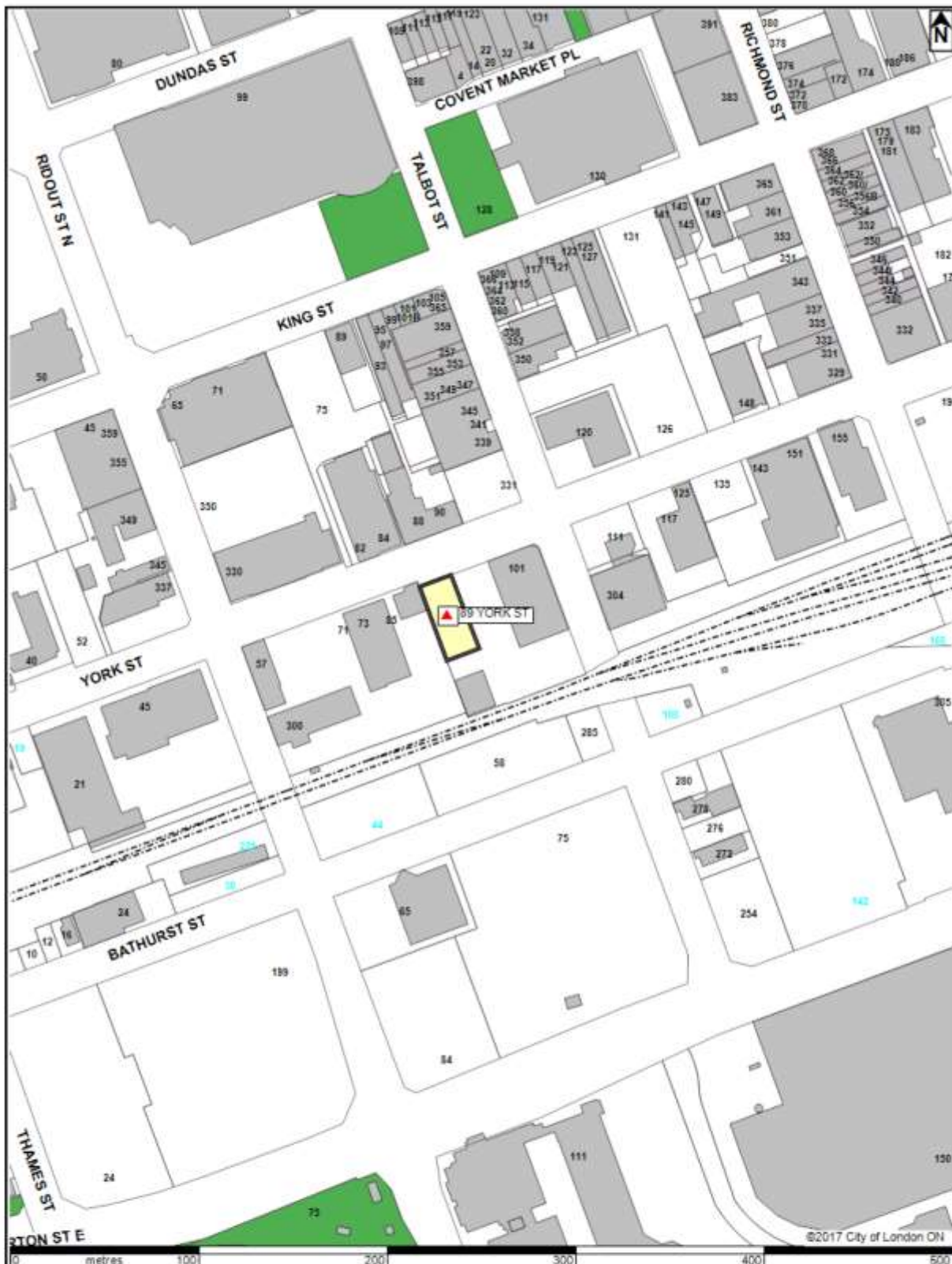
1.1 Property Description

The site is located on the south side of York Street with a frontage of 17.8m and a lot area of 757m². The site previously contained a one storey commercial building which has since been demolished, and the site is currently vacant. There is an existing commercial plaza (Yorkville Centre) to the west, the Greyhound Bus Station to the east and south, and a mix of commercial and residential uses to the north, including a heritage listed apartment building at 88-90 York Street.

1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Downtown
- The London Plan Place Type – Downtown
- Existing Zoning – Holding Downtown Area Bonus (h-1•h-3•DA2•D350•B-35) Zone

Location Map



LOCATION MAP

Subject Site: 89 York Street
 Applicant: Endri Poletti Architect Inc.
 File Number: H-8861
 Planner: Nancy Pasato
 Created By: Nancy Pasato
 Date: 2017-12-11
 Scale: 1:2500

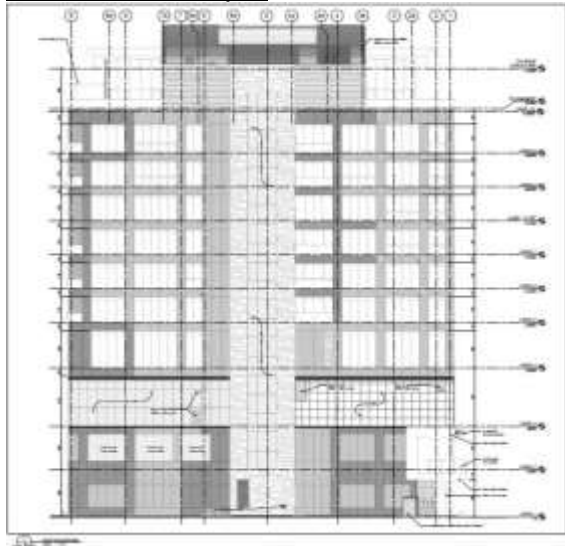
LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London
 Prepared By: Planning and Development



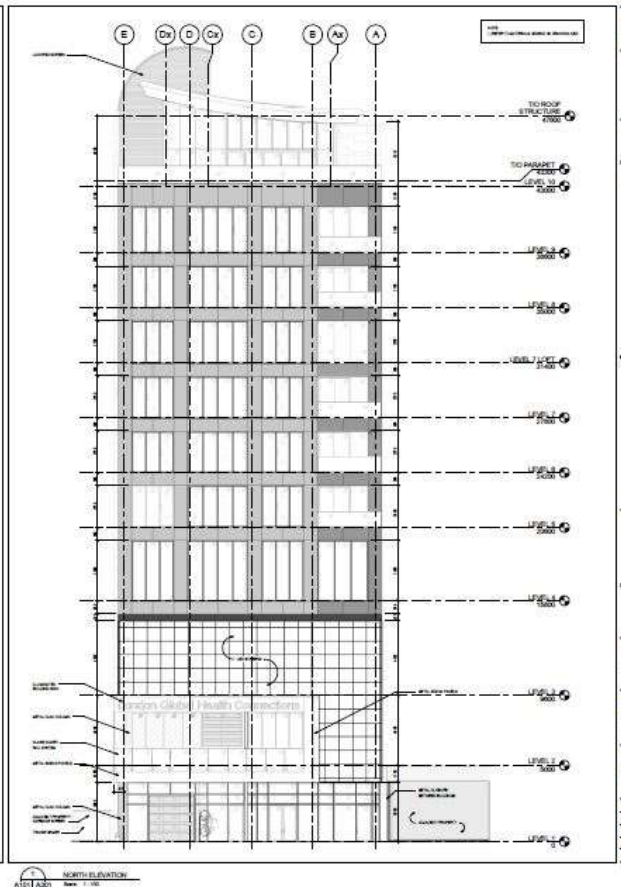
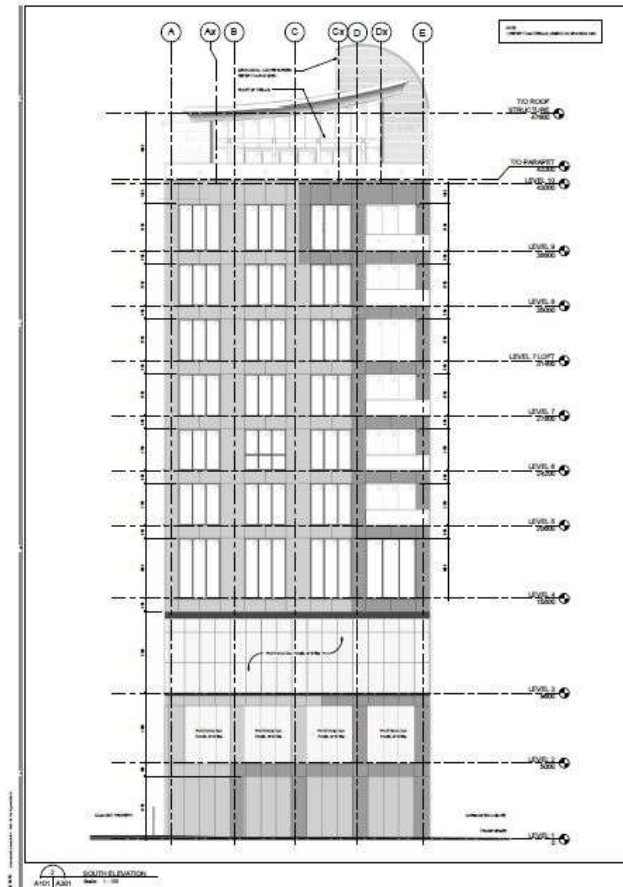
Site Plan Excerpts



East Elevation



West Elevation



South and North Elevation

1.2 Site Characteristics

- Current Land Use –vacant
- Frontage –17.8m (58.4 ft)
- Depth – 42.5m (139.4 ft)
- Area – 757m² (8,148.3 sq ft)
- Shape – rectangular

1.3 Surrounding Land Uses

- North – Mixed Use
- East – Passenger bus terminal (Greyhound)
- South – Passenger bus terminal and railway corridor (Greyhound)
- West – Commercial Plaza

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit an 11 storey mixed use development with a focus on health and well-being and enhanced architectural design. The building will contain a restaurant, retail clinic, spa, hotel and residential units (12).

The Applicant submitted a site plan application in December of 2017 (SP17-112).

A minor variance application (A.204/17) was granted for height (an increase from 44.3m to 49.9m) on January 29, 2018.

3.0 Relevant Background

3.1 Planning History

The subject site was previously used as a one storey commercial building which was demolished in early 2012. The site has been vacant for the past few years with no on-site activity.

The site was the subject of a minor variance application in 2010, (file A.127/10). The request was to allow for a reduction in parking from six (6) required spaces to zero (0), to facilitate the development of a mixed use building. The Committee of Adjustment refused the application and it was appealed to the Ontario Municipal Board by the applicant. The appeal was later withdrawn on February 24, 2011.

The site was the subject of two site plan applications, SP10-031591 in 2010, and SP12-012426 in 2012. The 2012 site plan application received approval and a development agreement was entered into with the City of London for a five (5) storey mixed-use building with five (5) residential apartments

The subject lands are within the Downtown Heritage Conservation District though do not feature any individual historically significant buildings. The district is designated under *Part V* of the *Ontario Heritage Act* and provides direction to ensure proposed development is compatible with the precinct.

There was an application to remove the holding provisions h-1 and h-3 from the site in 2012. The application was successful and the holding provisions were removed from the property on November 20, 2012.

A zoning by-law amendment to add a bonus zone to the site to permit an increase in return for various design improvements was approved by Municipal Council on December 21, 2015 (file Z-8525). Through this amendment, the h-1 and h-3 holding provision were added to the amended Zone for 89 York Street at that time.

The site is currently the subject of a site plan application (SPA-17-112).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1- “h-1” holding provision

The “h-1” holding provision states that:

To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "h-1" symbol.

The Owner submitted a Noise and Vibration Assessment (prepared by Development Engineering, June 2017). The report anticipates no vibration impact on the proposed building from the adjacent Canadian National Railway (CNR) line and the “existing railway will not impact the structural integrity of the building”. Additional construction mitigation measures have been recommended to further mitigate vibration levels and will be addressed at the building permit stage. As part of the recommendations from the report with respect to noise, additional construction measures, installation of central air conditioning, and warning clauses within the development agreement are recommended. These warning clauses have been added to the development agreement. This satisfies the requirement for removal of the “h-1” holding provision.

4.2 Issue and Consideration # 2- “h-3” holding provision

The “h-3” holding provision states that:

To ensure that development over 30.0 metres (98.4 feet) in the DA1 Zone or over 15.0 metres (49.2 feet) in the DA2 Zone will not have an adverse impact on pedestrian level wind conditions in the Downtown Area of the City of London, a wind impact assessment which may, at the request of the City, include wind tunnel testing, shall be prepared by a qualified professional and submitted to the City, and any recommendation contained therein for building design or site modifications necessary to achieve acceptable wind conditions shall be incorporated in the proposed development to the satisfaction of the City of London prior to removal of the "h-3" symbol.

A Pedestrian Wind Assessment (RWDI, April 2017) was submitted as part of the site plan application. The wind assessment indicated that the proposed development will not cause any adverse wind effects in the surrounding area. Impacts are expected predominately in winter months, limited to the outside patios and terraces. As part of the design of the building the Applicant has incorporated an interior vestibule at the main entrance as a wind break. An auto door opener and closer will also be incorporated, which will be suitable for these potential higher winter wind conditions. The Applicant has also indicated that the outside terraces and patios will be closed during the winter months. The development has incorporated glass railings/guards which can be replaced with higher guards, and planters for all patios and terraces in the development, which can be retroactively planted with higher plantings should any issues arise in the future.

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The conditions for removing the holding provision have been met, as the applicant has incorporated appropriate noise and vibration attenuation measures into the design of the development (h-1), and a wind impact assessment has been completed, and the appropriate recommendations for building design will be incorporated in the proposed development (h-3). Therefore, it is appropriate to remove the holding provisions from the site.

Recommended by:	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

August 3, 2018
NP/np

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 89 York Street.

WHEREAS Endri Poletti Architect Inc. have applied to have applied to remove the holding provisions from the zoning for the lands located at 89 York Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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 the lands located at 89 York Street, as shown on the attached map, to remove the h-1 and h-3 holding provisions so that the zoning of the lands as Downtown Area Bonus (DA2•D350•B-35) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on September 18, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 18, 2018
Second Reading – September 18, 2018
Third Reading – September 18, 2018

Appendix B – Public Engagement

Community Engagement

Public liaison: On December 12, 2017, Notice of Application was sent to 4 property owners in the surrounding area (those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 21, 2017.

No replies were received.

Nature of Liaison: City Council intends to consider removing the Holding (“h-1” & “h-3”) Provisions from the Holding Downtown Area Bonus (h-1•h-3•DA2•D350•B-35) Zone. The “h-1” provision ensures that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to removal of the holding symbol. The “h-3” provision ensure that development will not have an adverse impact on pedestrian level wind conditions in the Downtown Area, a wind impact assessment shall be prepared by a qualified professional and any recommendations for building design or site modifications to achieve acceptable wind conditions shall be incorporated into the proposed development, prior to removal of the holding symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than January 22, 2018.

Responses: No comments received.

Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
N/A	N/A

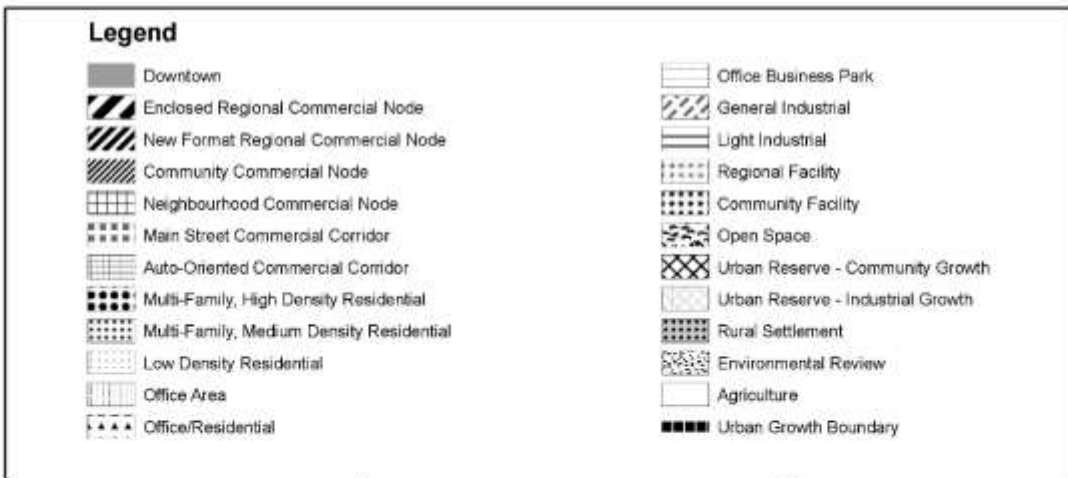
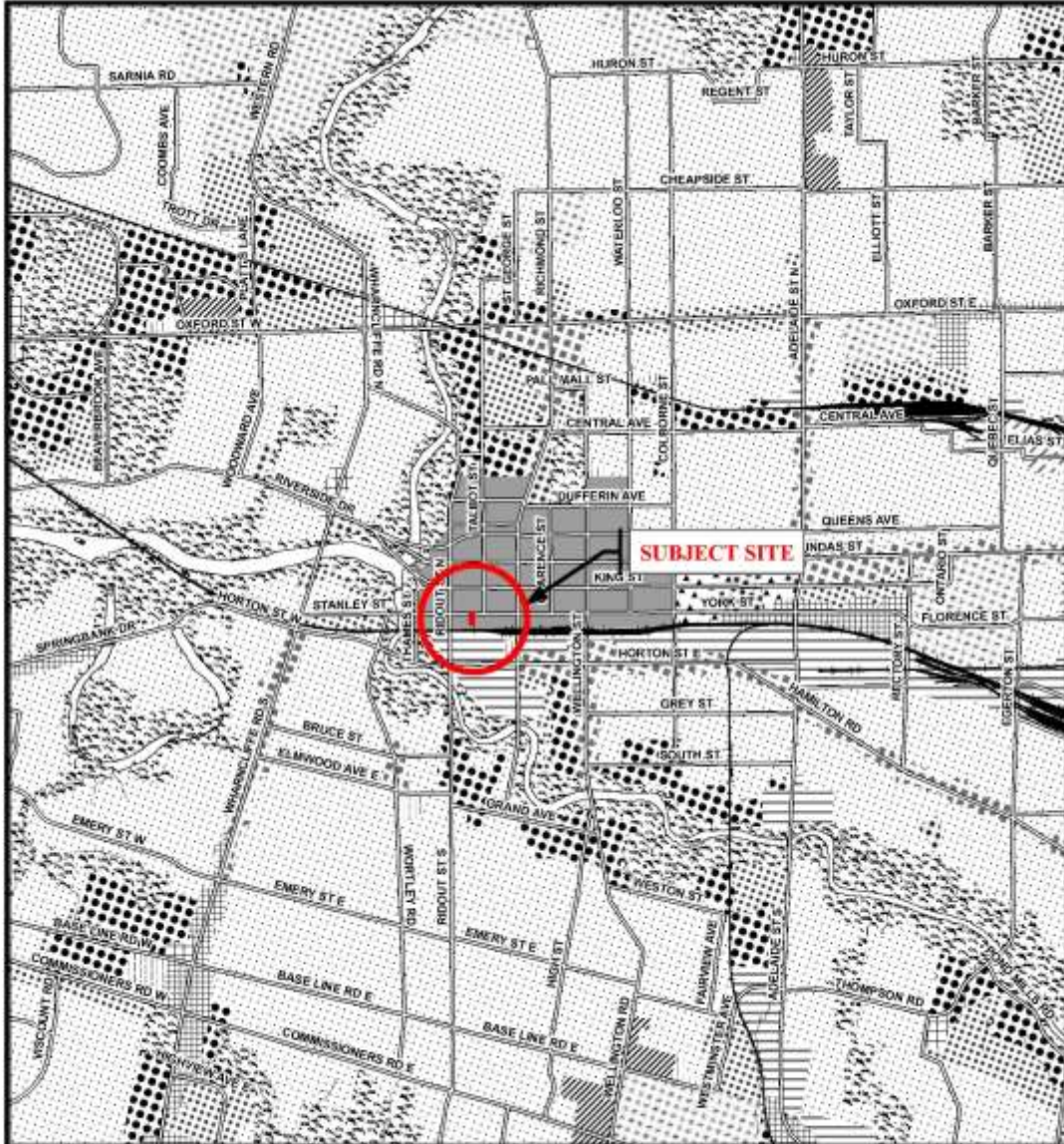
Agency/Departmental Comments

None.

Appendix C – Relevant Background

Additional Maps

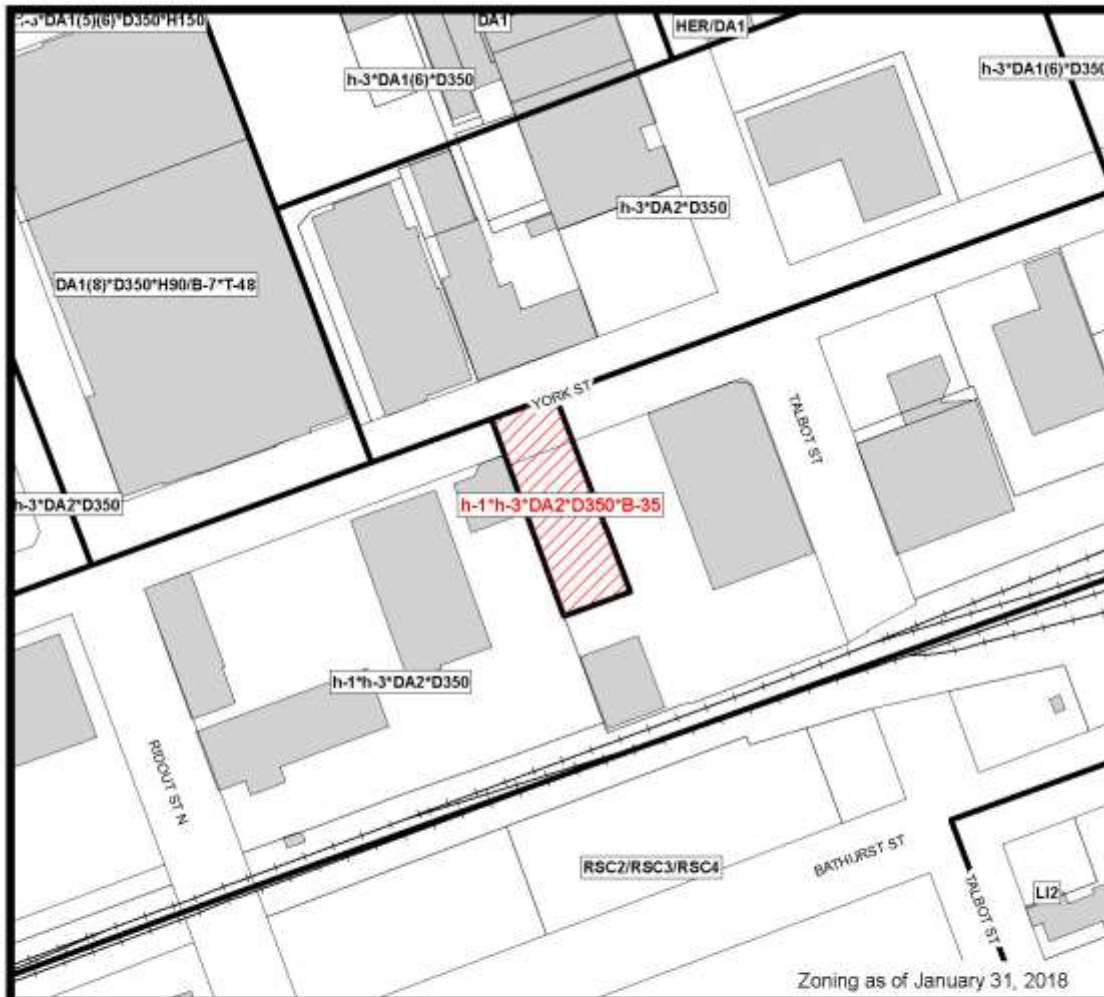
Official Plan Schedule “A” Excerpt



<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LAND USE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: H-8861</p> <p>PLANNER: CS</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/03/01</p>
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PROJECT LOCATION: s:\planning\project\map_official\plan\work\corsec\0\exam\p\main\oz_templates\scheduleA_NEW_d&w_Sc14.mxd

Zoning By-law Map Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) LEGEND FOR ZONING BY-LAW Z-1

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | |
| SS - AUTOMOBILE SERVICE STATION | |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z-1
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

H-8861

NP

MAP PREPARED:

2018/03/01

rc

1:1,500

0 5 10 20 30 40
Meters

Previous Reports/Applications

A.127/10

The site was the subject of a minor variance application in 2010, (file A.127/10). The request was to allow for a reduction in parking from six (6) required spaces to zero (0), to facilitate the development of a mixed use building. The Committee of Adjustment refused the application and it was appealed to the Ontario Municipal Board by the applicant. The appeal was later withdrawn on February 24, 2011.

SP12-012426

The site was the subject of two site plan applications, SP10-031591 in 2010, and SP12-012426 in 2012. The 2012 site plan application received approval and a development agreement was entered into with the City of London for a five (5) storey mixed-use building with five (5) residential apartments. Security in the amount of \$22,000 was received, and parkland dedication cash in lieu of \$10,600 was paid.

H-8064

There was an application to remove the holding provisions h-1 and h-3 from the site in 2012. The application was successful and the holding provisions were removed from the property zoning on November 20, 2012.

Downtown Heritage Conservation District

The subject lands are within the Downtown Heritage Conservation District though do not feature any individual historically significant buildings. The district is designated under part V of the Ontario Heritage Act and provides direction to ensure proposed development is compatible with the precinct.

Our Move Forward – London’s Downtown Plan

The lands are also subject to Our Move Forward – London’s Downtown Plan (“Downtown Plan”) which was approved by Council in April, 2015. The Downtown Plan sets the context for future public and private sector investment and identifies how development should contribute to the overall Downtown vision.

Z-8525

A zoning by-law amendment to add a bonus zone to the site to permit an increase in return for various design improvements was approved by Municipal Council on December 21, 2015.