

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: BlueStone Properties Inc.
240 Oakland Avenue
Public Participation Meeting on: February 4, 2019

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of BlueStone Properties Inc. relating to the property located at 240 Oakland Avenue:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of a six-storey 113-unit apartment building; and,
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The Site Plan Control application for 240 Oakland is proposing to add an additional 113-unit 6-storey apartment building to a site with five existing three-storey apartment buildings.

Purpose and the Effect of Recommended Action

The purpose of this application is to attain Site Plan Control Approval for an additional 113-unit 6-storey apartment building.

Rationale of Recommended Action

1. The proposed Site Plan is consistent with the Provincial Policy Statement (2014), which encourages infill and intensification and the provision of a range of housing types, compact urban form and efficient use of existing infrastructure.
2. The proposed Site Plan is in conformity with the applicable policies of The London Plan.
3. The proposed Site Plan is in conformity with the policies of the Low Density Residential designation of the Official Plan (1989).
4. The proposed Site Plan complies with the regulations of the Z.-1 Zoning By-law.
5. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property at 240 Oakland Ave is located alongside 232-238 Oakland Ave within a low-density neighbourhood consisting of one- and two-unit residential buildings, together the two properties function as one site. 240 Oakland Ave specifically is surrounded on the west and south by single-detached dwellings with one- and two-unit dwellings to the east. To the immediate west is the Oakland Avenue Park. Notable to the east is a pedestrian access to Highbury Avenue. To the immediate north is a rail line. Further to the north and northwest of the site is some auto-oriented and light industrial uses.

The 240 Oakland Ave property faces the backyards of the dwellings it abuts. The only vehicular access to the site is to the west onto the cul-de-sac portion of Oakland Ave. The identified entrance is shared with 232-238 Oakland Ave.

232-238 Oakland Ave currently contains four existing apartment buildings of three storeys, and there is another additional three- storey apartment building on 240 Oakland Ave itself.

1.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- Official Plan, 1989, Designation – Low Density Residential
- Existing Zoning – h-5*R8-4(31) Zone

1.3 Site Characteristics

- Current Land Use – five 3-storey apartment buildings
- Frontage – 11.3m
- Depth – 205m
- Area – 3.158ha
- Shape – Irregular polygon

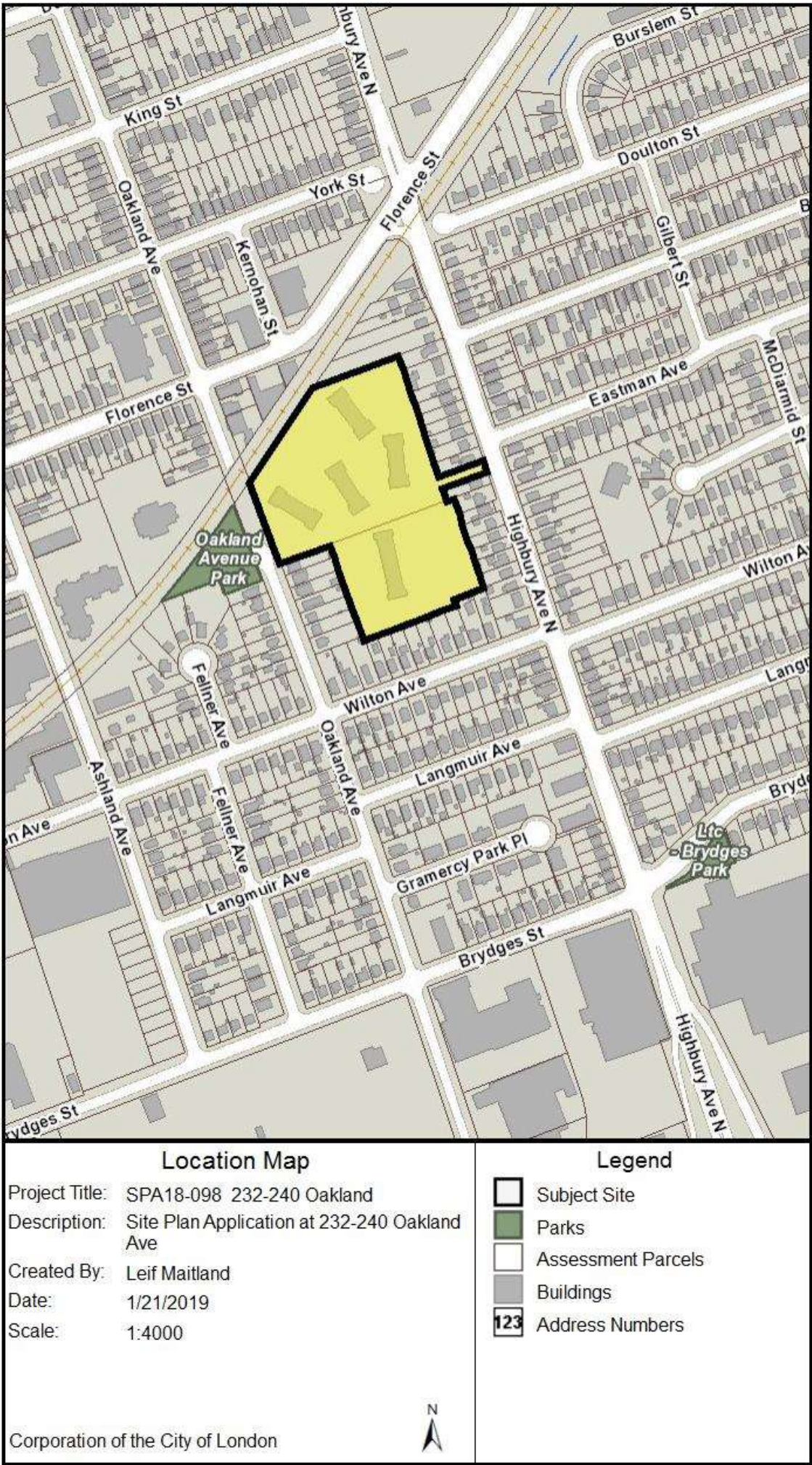
1.4 Surrounding Land Uses

- North – Low density residential up to two-units per lot, a railway and auto-oriented commercial and industrial uses on the opposite side of the railway
- East – Low density residential up to two-units per lot
- South – Single-detached dwellings
- West – Single-detached dwellings, a park and the railway

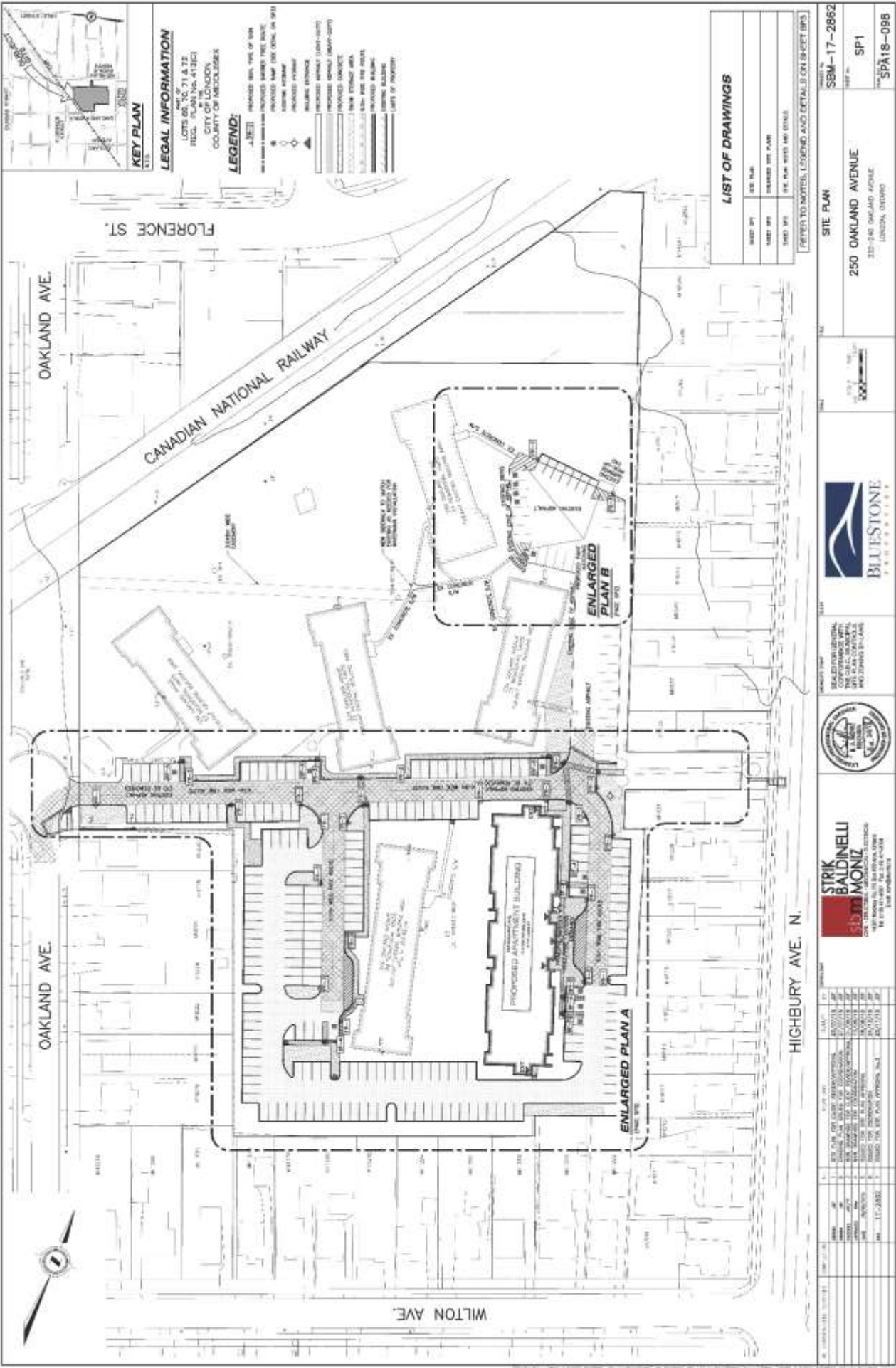
1.5 Intensification of 113 units

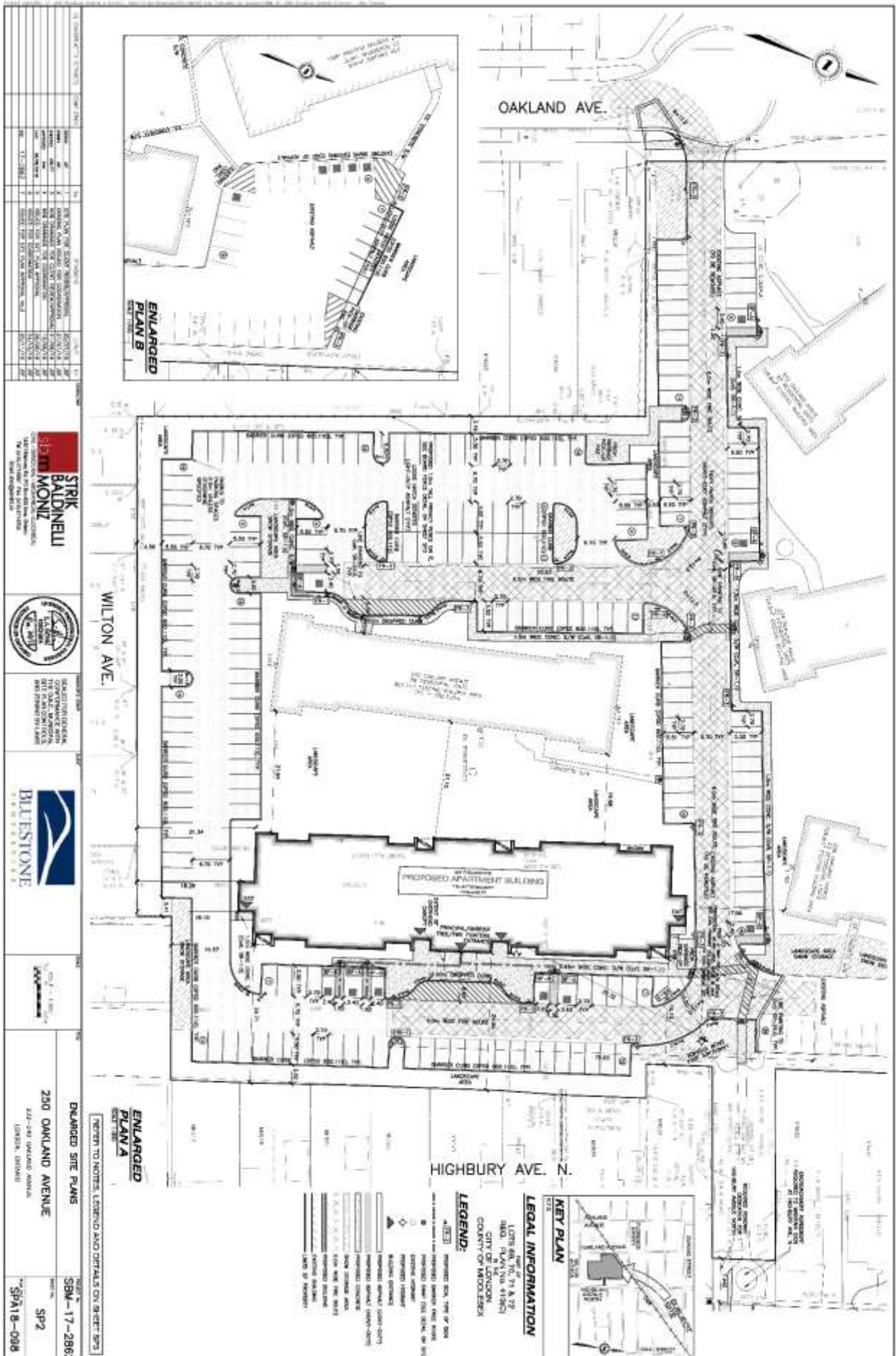
- The development proposal adds 113 units to an underutilized site within the Built Area Boundary.
- The development proposal adds 113 units within the Primary Transit Area.

1.6 Location Map

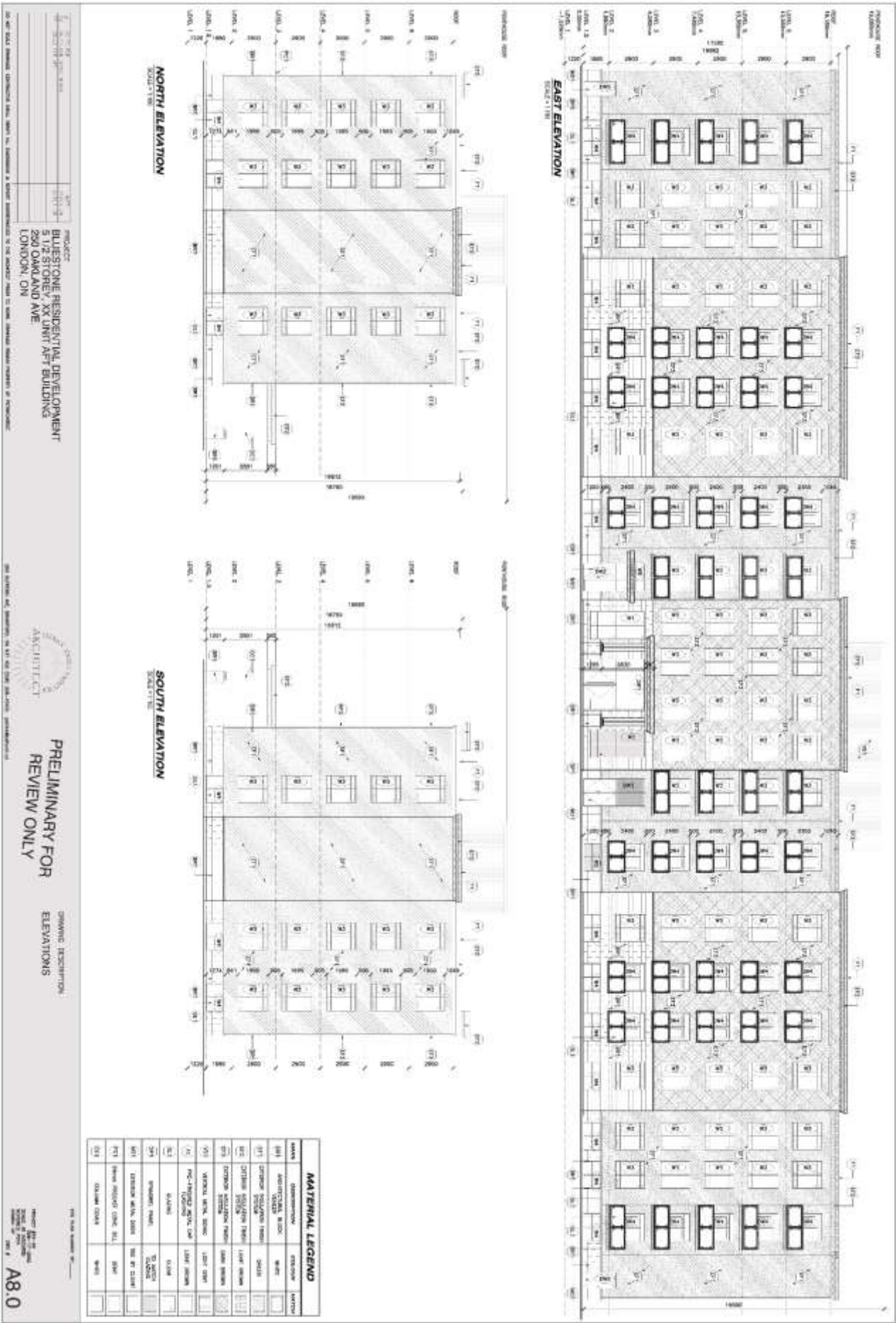


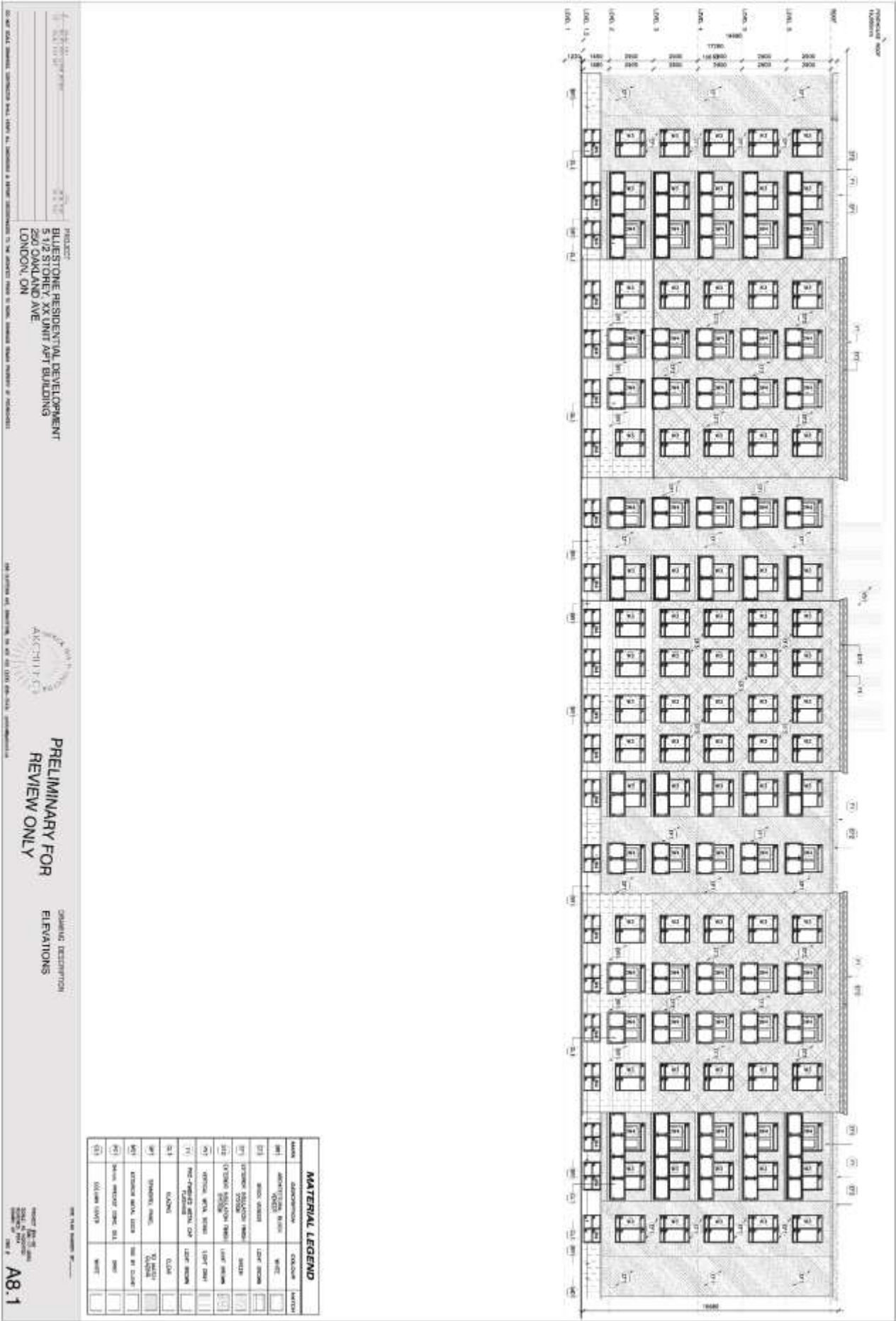
1.7 Site Plan





1.8 Elevations





2.0 Description of Proposal

2.1 Development Proposal

On September 5, 2018, staff received a Site Plan Control application from BlueStone Properties Inc. for a 6 storey apartment building with 113 Units at 240 Oakland Avenue. The proposal adds a sixth apartment building to the existing site where five 3-storey buildings are already present. The proposal would result in the creation of additional parking spaces to reach the maximum 264 permitted by the zoning on the site. The proposed new building is located in the southwest corner of the site and relies on the existing accesses (vehicular access from Oakland and pedestrian access from Highbury Avenue North).

3.0 Relevant Background

3.1 Planning History

The site plan application of June 7, 2018 is the third of a series of planning applications for 240 Oakland Avenue.

A Zoning By-law amendment application was received December 15, 2015 for 232-240 Oakland Avenue. The Zoning By-law Amendment, file no: Z-8578 was passed by Municipal Council April 19, 2016. The amendment changed the applicable zoning to the lands located at 232-240 Oakland Avenue, from a Residential R1/Residential R8 (R1-4/R8-2) Zone to a Holding Residential R8 Special Provision (h-5*R8-4(31)) Zone. This zoning amendment had the effect of adding two additional permitted uses: townhouse and stacked townhouses. Regulations within the special provision included permission for 264 parking spaces and a lot frontage of 11 metres (minimum). At that time the Holding (h-5) provision was added to require a public site plan review process.

A minor variance application for 240 Oakland was received July 17, 2018 which resulted in a decision of the Committee of Adjustment, August 20, 2018 to grant the variance subject to conditions. The variance granted permits a height of 17.3m (56.8ft), whereas 13.0 m (42.7ft) is the maximum. Conditions for the variance include:

- *A Noise and Vibration Study to be completed by a qualified consultant to submit for review, completed to the satisfaction of CN Rail;*
 - *The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*
- *The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.*

3.2 Community Engagement

Notice of Application & Public Meeting

On January 16th, 2019, Notice of Application & Public Meeting was sent to 98 property owners in the surrounding area, Notice of Application & Public Meeting was also published in the Public Notices and Bidding Opportunities section of the *Londoner* on January 17th, 2019.

At the time of the preparation of this report no responses had been received.

Summary of Concerns and Comments:

No comments received.

3.3 Policy and Regulatory Context

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement, 2014 (PPS) encourages intensification and redevelopment where it can be accommodated, which takes into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3 PPS). The proposal will develop an under-utilized site that has full access to municipal services. Land use within settlement areas shall be based on densities which efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation (1.1.3.2.a) and (1.4.3.d). The proposal efficiently utilizes public services within a walkable neighbourhood and supports transit options along Highbury Avenue North.

Minimum targets for intensification and redevelopment within built-up areas have been established by Municipal Council, which includes a target of 45% within the Built-Area Boundary for all new residential development, and a target of 75% within the Primary Transit Area for all new intensification (1.1.3.5). The development is located within the Primary Transit Area and Built-Area Boundary; therefore, this development contributes to achieving the targets for intensification.

The proposed development is consistent with the Provincial Policy Statement.

The London Plan

The London Plan encourages “inward and upward” growth in existing built-up areas. Residential intensification is supported by infill development of vacant and underutilized lots through redevelopment at a higher density than currently exists on developed lands (80_4 and _6 – in force). A target minimum of 45% for all new residential development will occur within the Built-Area Boundary (81 – under appeal). The Built-Area Boundary is comprised as the line circumscribing all lands that were substantively built out as of 2006, and includes the subject site. This development assists in reaching the 45% intensification target.

The City Design chapter provides policies to direct the form and layout that new development takes in existing (and new) neighbourhoods. Policy 253 (in force) directs that site layout should be designed to minimize and mitigate impacts on adjacent properties which the proposal does by locating the new apartment at a sufficient distance to allow for landscaping treatments that mitigate impacts. The parking layout proposed is in accordance with policy 272 (under appeal) which directs that parking is screened and located in interior and rear yards.

The proposed development conforms to the applicable policies of *The London Plan*.

Official Plan (1989)

The vision statement promotes an urban form with more intensive forms of residential development focused along sections of major transportation corridors, such as Highbury Avenue North and in designated nodes to facilitate public transit (2.2.1 v). Infill residential development is encouraged and promoted in residential areas where existing land uses are not adversely affected (3.1.2) and where development can efficiently utilize existing municipal services and facilities (3.1.1 vi). The proposed development has full access to municipal services and provides efficient development within an existing residential area.

Section 3.2.1. of the Official Plan, 1989 provides that “*Multiple-attached dwellings, ...[may] be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development*”. The subject lands are currently developed as a complex of multiple apartment buildings, and the proposed development would create 75 unit/ha development which meets the maximum permitted density.

Section 3.2.3. supports Residential Intensification as “*a means of providing opportunities for the efficient use of land and encouraging compact urban form. Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the following policies and the Planning Impact Analysis policies under Section 3.7.*” The proposed development, which follows an amendment to the Zoning by-law is an opportunity for the efficient use of land by utilizing existing excess landscaped area to be converted to additional residential dwellings that can achieve the goals of the residential intensification policies.

The proposed development is in conformity with the City of London Official Plan (1989).

Z.-1 Zoning By-law

The site is presently within a holding Residential R8 (h-5*R8-4(31) Zone. The Residential R8-4(31) Zone allows for a variety of multi-unit residential uses in multi-storey forms, including apartment buildings; handicapped person’s apartment buildings; lodging houses class 2; stacked townhouses; senior citizen apartment buildings; emergency care establishments; and, continuum-of-care facilities. Special provision 31 adds the additional uses of townhouse and stacked townhouse while specifying that for the 232-240 Oakland Avenue property 264 parking spaces and a lot frontage of 11 metres are permitted. The special provision was applied through the Zoning By-law amendment Z-8578 in April 2016 and the h-5 holding provision was also added at that time. Although the proposal for a height of 17.3m did exceed the height contemplated by the 2016 Zoning By-law amendment, a minor variance has subsequently been obtained to permit a height of 17.3m.

The purpose of the “h-5” holding provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, prior to the removal of the "h-5" symbol. A subsequent meeting will be scheduled to seek removal of the holding provision once this process of public site plan review has been completed.

The proposal meets the regulations of the Zoning By-law Z.-1.

4.0 Key Issues and Considerations

4.1 Use, Intensity and Form

The Low Density Residential designation permits infill development where existing land uses are not adversely affected. Present on the site are existing apartment buildings which have been recently reviewed through the Zoning By-law amendment process. The Residential R8-4(31) Zone allows for a variety of multi-unit residential uses in multi-storey forms among which is the apartment building to a maximum of 75 units per hectare. The proposal conforms to the 75 units per hectare requirement (234 units

proposed for 3.13ha). The mid-rise apartment building is of a similar form to those residential buildings already existing on the site.

4.2 Tree Retention and Landscape Approach

The proposed new apartment building is surrounded by low rise residential uses and as such the landscape approach is to provide buffering and screening of the new building and its associated parking. The proposed tree retention approach would result in the removal of and replacement of 67 of the 84 primarily deciduous trees on site. The post-development tree planting approach seeks to achieve a level of perimeter tree planting in keeping with the existing treed edges of the site. Buffering landscape treatment and trees within the parking area are also proposed.

4.3 Traffic and Transportation

The site is accessed from Oakland Avenue via an existing shared driveway. The parking requirements for the site have been specified through the 2016 Zoning By-law amendment approval at 246 spaces. A pedestrian access to Highbury Avenue North is also provided which significantly improves access to transit.

4.4 Outstanding Site Plan Comments

As of December 20, 2018, the following items have yet to be completed following BlueStone's most recent submission.

- Confirmation from CN Rail that the noise and vibration study provided is acceptable. This is to be accompanied by a note on future lease or sales agreements indicating the potential future expansion of CN operations. An environment easement is also required for CN operations.
- Removal of the h-5 holding provision as required.
- An accepted Archaeological assessment update (provided and under review)
- A response to site plan notes to delineate the approach for garbage collection and long-term bicycle parking.
- A response to site design notes to consider an additional pedestrian walkway near the entrance on Oakland Avenue, and provide additional screening on the site perimeter.
- A response to landscape plan notes to consider retaining 6 specific trees and provides additional landscape plantings on the parking peninsulas.
- Confirmation that the planting approach does not interfere with the lighting to be provided.
- Details on the Stormwater manhole on Oakland Ave for a cost estimate prior to construction.
- Provision of perimeter isolation provided in the Servicing Plan for the private water system in accordance with City standards.
- Revised hydraulic modeling to satisfy the Water Engineering Division that the 150mm watermain is sufficient.

5.0 Conclusion

The proposed Site Plan Application is consistent with the Provincial Policy Statement, in conformity with The London Plan and the City of London Official Plan, 1989.. The application has been reviewed in accordance with the Z.-1 Zoning By-law and is considered to be in conformity with the applicable regulations. The proposed Site Plan and elevations will result in development that will maintain the character of the area and in compliance with the Site Plan Control By-law.

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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.	

January 21, 2019

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