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H-8064/L. Mottram

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: ENDRI POLETTI ARCHITECT INC. (JENNIFER CASTEIN) 89 YORK STREET MEETING ON NOVEMBER 5, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Senior Planner, Development Services, based on the application by Endri Poletti Architect Inc. (Jennifer Castein) relating to the property located at 89 York Street, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 20, 2012 to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands **FROM** a holding Downtown Area (h-1•h-3•DA2•D350) Zone **TO** a Downtown Area (DA2•D350) Zone to remove the holding provisions.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect is to remove the holding (h-1 & h-3) provisions from the zoning to permit a new five storey, multi-use redevelopment of the property at 89 York Street. The h-1 provision ensures that appropriate noise and/or vibration attenuation measures are incorporated into the design of the development adjacent transportation and utility corridors. The h-3 provision ensures development will not have an adverse impact on pedestrian level wind conditions in the Downtown Area and that a wind impact assessment is prepared, prior to removal of the holding symbol.

<b>RATIONALE</b>
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1. The conditions for removing the holding (h-1 and h-3) provisions have been satisfied and the recommended amendment will allow development of the lands in accordance with the Downtown Area (DA2•D350) Zone.
2. Noise and vibration impact and wind impact assessment reports have been prepared and submitted, and appropriate mitigation measures have been implemented through the approved site plan and development agreement.

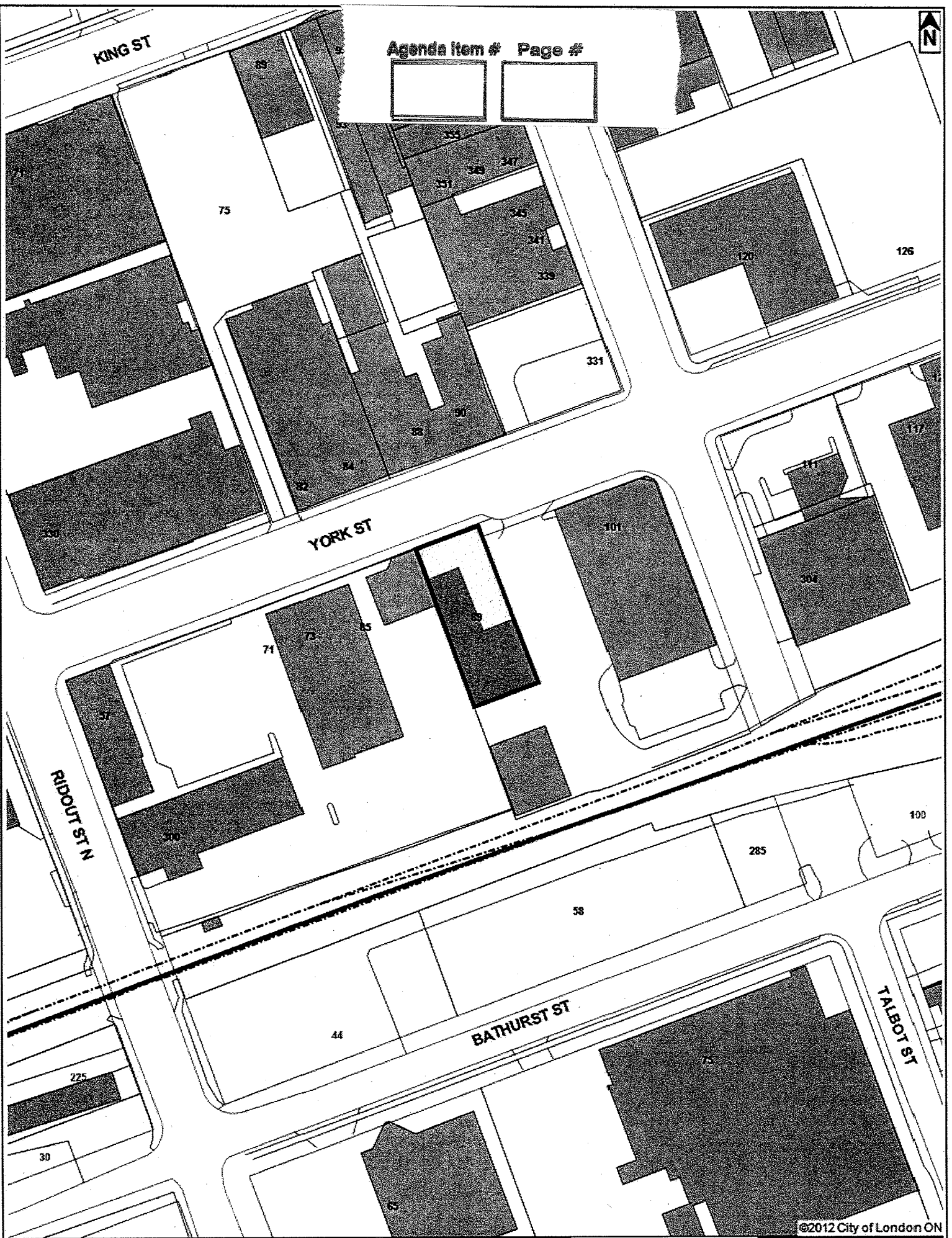
<b>BACKGROUND</b>
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<b>Date Application Accepted:</b> June 12, 2012	<b>Agent:</b> n/a
<b>REQUESTED ACTION:</b> Request to remove the Holding (h-1 and h-3) Provisions from the zoning of lands located at 89 York Street.	

KING ST

Agenda Item # Page #

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0 metres 50 100 150 200 250

### LOCATION MAP

Subject Site: 89 York Street  
 Applicant: Endri Poletti Architect Inc  
 File Number: H-8064  
 Planner: L. Mottram  
 Created By: LM  
 Date: 2012-06-15  
 Scale: 1:1200

### LEGEND

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



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H-8064/L. Mottram

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – vacant</li> <li>• <b>Frontage</b> – 17.8 metres (58.4 ft.)</li> <li>• <b>Depth</b> – 41.7 metres (136.8 ft.)</li> <li>• <b>Area</b> – 757 square metres (8,148 sq.ft.)</li> <li>• <b>Shape</b> – regular</li> </ul>
<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"> <li>• <b>North</b> – office residential</li> <li>• <b>South</b> – passenger bus terminal and railway corridor</li> <li>• <b>East</b> – passenger bus terminal</li> <li>• <b>West</b> – commercial</li> </ul>

<b>OFFICIAL PLAN DESIGNATION:</b>
<ul style="list-style-type: none"> <li>• Downtown Area</li> </ul>
<b>EXISTING ZONING:</b>
<ul style="list-style-type: none"> <li>• holding Downtown Area (h-1•h-3•DA2•D350)</li> </ul>

<b>PLANNING HISTORY</b>
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The property is the former site of an ethnic food service and supply business (King-Wah Food Supplies). The former one storey building has recently been demolished.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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CN Rail

**Note:** Notice of Application to Remove Holding Symbol was circulated to CN Rail on June 18, 2012. A copy of the Noise and Vibration Assessment report prepared by Development Engineering (London) Limited dated April 19, 2012, was previously provided to CN as part of the site plan review circulation process. CN did undertake a peer review of the Noise and Vibration Assessment report. The peer review comments received August 14, 2012 were subsequently forwarded to the applicant's agent for response by their consultant. Development Engineering (London) Limited provided a response to the comments and concerns, and revised their report recommendations concerning noise and vibration impacts and mitigation measures adjacent the railway corridor by way of an addendum letter dated September 6, 2012. The consultant's response was forwarded to CN on September 21, 2012 requesting their comments. A second request for comments was made and a response was received on October 18, 2012 indicating that CN would not be in a position to provide further comments for at least several weeks due to scheduling difficulties, and have left the matter to the City to proceed using its best judgment.

<b>PUBLIC LIAISON:</b>	Notice was published in the Living in the City section of the London Free Press on June 23, 2012.	No replies
<b>Nature of Liaison:</b> To remove the holding "h-1" and "h-3" provisions.		
<b>Responses:</b> None		

[ ] [ ]

DA1(8)\*D350\*  
H90/B-7\*T-48

h-3\*DA2\*D350

YORK ST

TALBOT ST

h-1\*h-3\*DA2\*D350

h-1\*h-3\*  
DA2\*D350

RIDOUT ST N

RSC2/RSC3/RSC4

BATHURST ST

TALBOT ST

LI2

Zoning as of September 6, 2012



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-1\*h-3\*DA2\*D350**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE
  
- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE
  
- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE
  
- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW
  
- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
  
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION
  
- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) **ANNEXED AREA APPEALED AREAS**

**CITY OF LONDON**

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:  
H-8064 LM

MAP PREPARED:  
2012/10/12 RN

1:1,500  
0 5 10 20 30 40 Meters

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YORK STREET WEST

- CONDITION
- 2x2x8" LANTING TRAY
- 2x2x8" LANTING TRAY
- 2x2x8" LANTING TRAY
- 2x2x8" LANTING TRAY
- 2x2x8" LANTING TRAY

ITEM NO.	DATE (Y/M/D)	ISSUED FOR:
2	12/04/01	30% REVIEW
1	12/04/00	SITE PLAN /
2	12/02/07	SITE PLAN /
4	12/05/10	30% REVIEW
5	12/05/11	70% REVIEW
6	12/04/04	(SITE PLAN)
8	12/07/06	(BUILDING P)
9	12/07/13	(REVISED FC)

IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND ALL SUB-TRADES AS A WHOLE. ALL DISCREPANCIES PLANS AND RELATED DOCUMENTS ARCHITECT PRIOR TO CONSTRUCTION SET HAVE OREG SIGNS

THE CONTENTS OF THIS DRAWING IN ENGLISH ARE VALID



**LONDON HEA CONNE**  
89 York London,

SHEET TITLE:

**SITE PLAN**  
CITY OF LONDON  
Building  
**PLANS REVIEW**

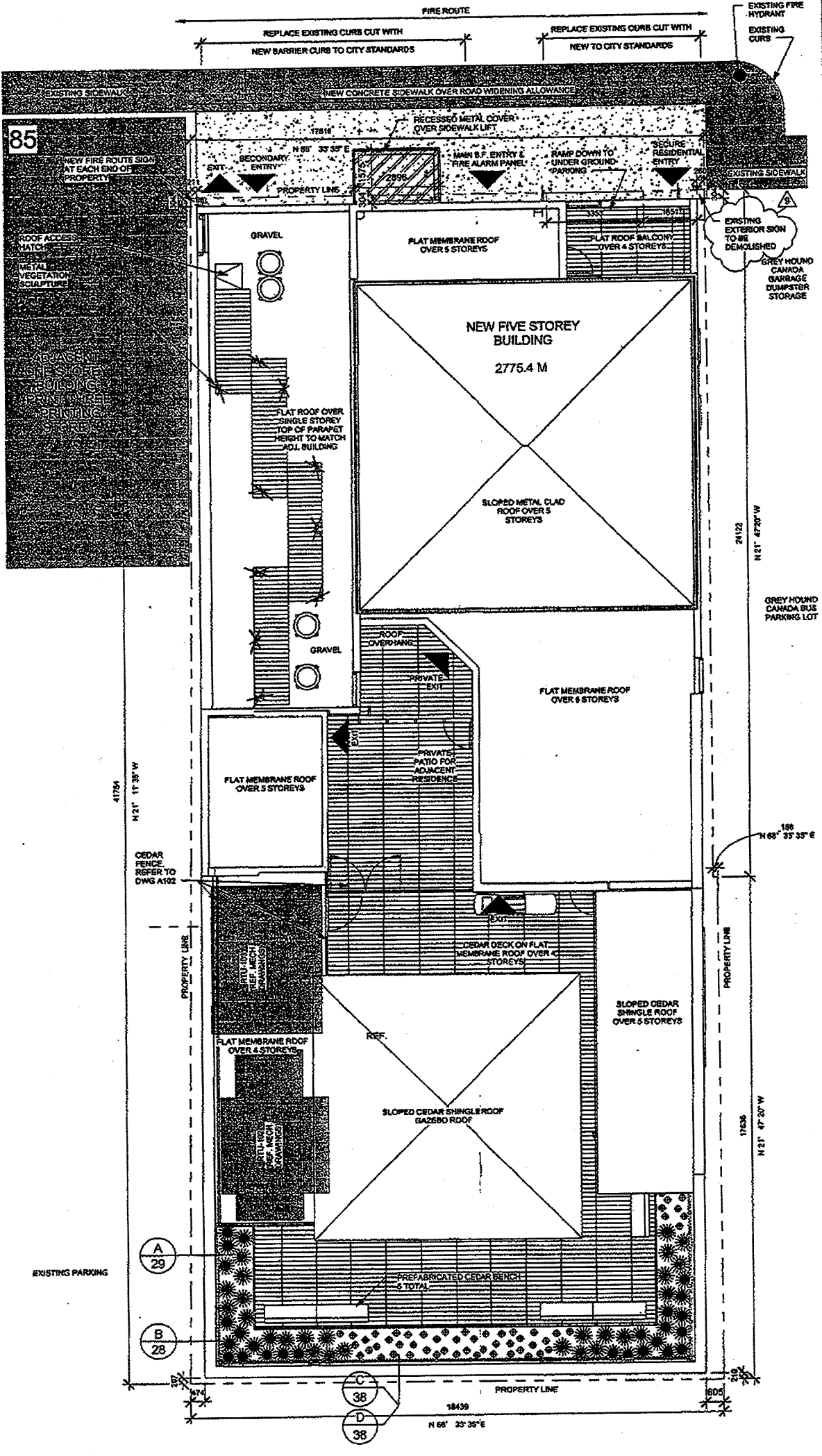
PETER van ENCCKEV  
DATE: *11/13/2014*  
for THE CHIEF BUILDING OFFICER

FIRST ISSUE DATE:

DRAWN BY:

PROLUSION/ARCH:

CHECKED BY:



89 York Street Site Plan



RECEIVED BY

JUL 13 2012

CITY OF LONDON  
DEVELOPMENT SERVICES

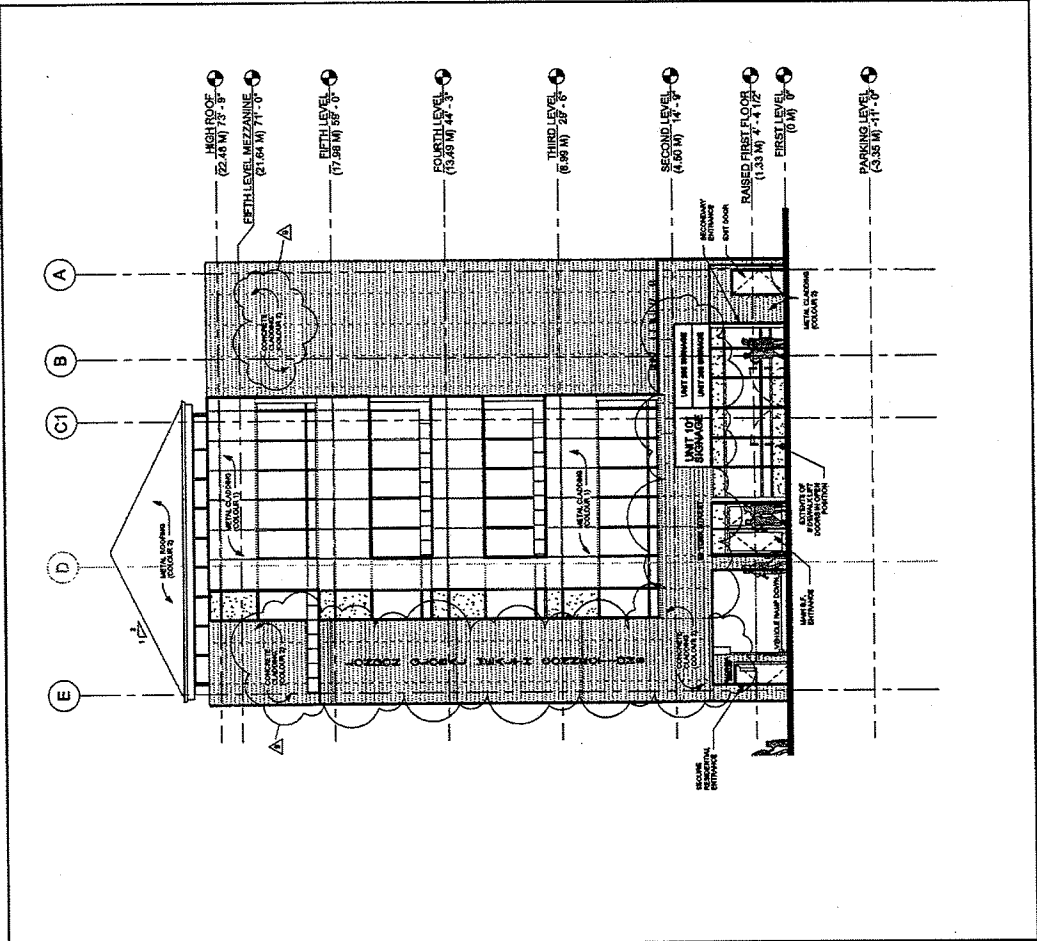
PROJECT NO.	1007
SHEET	A301
DATE	12/07/06
DESIGNED BY	JC
DRAWN BY	EP
CHECKED BY	CK

LONDON GLOBAL  
HEALTH  
CONNECTIONS  
89 York Street

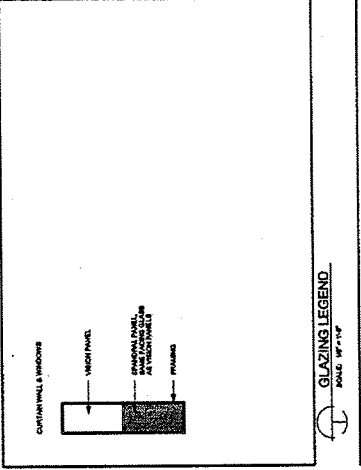


CONSTRUCTION BY: [Redacted]  
1007-1008 YORK STREET, TORONTO, ONT. M5E 1B4

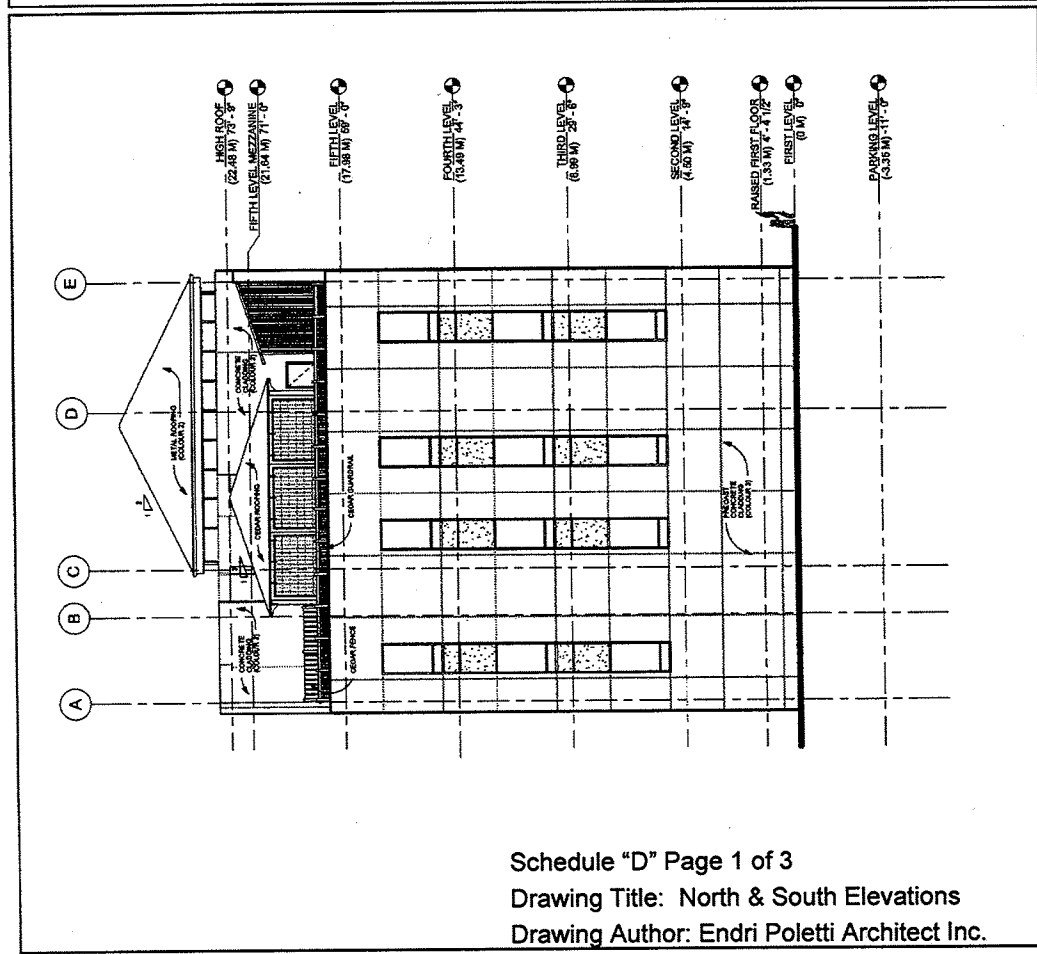
NO.	REVISION	DATE
1	ISSUED FOR PERMIT	11/11/05
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9	ISSUED FOR PERMIT	11/11/05
10	ISSUED FOR PERMIT	11/11/05



1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



GLAZING LEGEND  
PAGE 1 OF 1



2 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

Schedule "D" Page 1 of 3  
Drawing Title: North & South Elevations  
Drawing Author: Endri Poletti Architect Inc.  
Drawing Number: A301  
Date of Drawing: November 11, 2005  
Drawing Latest Revision Date: July 13, 2012  
Municipal Address: 89 York Street  
Drawing Sealed by: Endri Poletti, OAA  
City File Number: SP12-012426

89 York Street  
North & South Building Elevations

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<b>ANALYSIS</b>
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The development at 89 York Street consists of a 2775 square metre, five storey, multi-use building with restaurant, retail, and office uses on the first and second floors, and residential apartments totaling five units on the third, fourth and fifth floors. The application for site plan approval was approved and a development agreement has been entered into (excerpts of the site plan and north/south building elevations are included on pages 5 & 6). The zoning of the property is holding Downtown Area (h-1•h-3•DA2•D350). The development proposal complies with the permitted uses and regulations of the zoning by-law, subject to the holding (h-1 & h-3) symbols being removed.

The purpose of the holding ("h-1") provision in the zoning by-law is as follows:

*Purpose:* 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.

*Permitted Interim Uses:* Existing uses; any non-residential use permitted by the applicable zones.

Based on the recommendations of the Noise and Vibration Assessment report prepared by Development Engineering (London) Limited dated April 19, 2012, and their addendum letter dated September 6, 2012 in response to the peer review comments from CN Rail, appropriate noise and vibration attenuation measures will be incorporated into the design of the development along with standard warning clauses to prospective purchasers and tenants. Special provisions to address noise and vibration impacts and mitigation measures adjacent the railway corridor have been included in the Development Agreement, as follows:

- i) *The Owner shall make all payments, carry out and perform all the works and satisfy all the provisions hereinafter set out in these Special Provisions.*

*The following warning clauses shall be registered on title:*

- (a) *The installation of central air conditioning will be mandatory for all units within the proposed building which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environments noise criteria.*
- (b) *Purchasers tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria.*
- (c) *An outdoor amenity area has been provided as per the approved site plan for those units whose outdoor noise level exceeds the Ministry guidelines by more than 5 dBA. All occupants within the building should be notified of their designated amenity area.*
- (d) *Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway of 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 dwellings; CNR will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid rights-of-way.*

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- (e) *The City of London assumes no responsibility for noise issues which may arise from existing or increased traffic on both York Street and the Canadian National Railway as it relates to interior or exterior living areas within this development. The City of London will not be responsible for constructing any form of noise mitigation for this development.*
- ii) *For units facing east, south and west an EW5 construction rating or masonry equivalent from foundation to rafters should be utilized along with the installation of double glazed windows for all building faces that have exposure to the Canadian National Railway. The proposed structure will meet the requirements of the EW5 rating. Prior to issuance of building permits the acoustical consultant shall review and verify the wall and window recommendations noted in the report have been included in the design.*
- iii) *To mitigate vibration levels, the introduction of a concrete raft slab, a layer of 50 mm clear stone adjacent to the foundation walls from the proposed building to the property line, and 100 mm of styrofoam directly adjacent to the foundation walls is recommended to mitigate the impacts of rail vibration. Refer to structural plans for additional information regarding vibration loading and design.*
- iv) *The Owner agrees to not submit a building permit application without the above-noted noise and vibration mitigation measures.*

The purpose of the holding ("h-3") provision in the zoning by-law is as follows:

*Purpose:* To ensure that development over 30.0 metres (98.4 feet) in the DA1 Zone or over 15 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.

*Permitted Interim Uses:*

- i) *For lands zoned DA1 for any building or use less than 30.0 metres in height: any use permitted by the DA1 zone;*
- ii) *For lands zoned DA2 for any building or use less than 15.0 metres in height: any use permitted by the DA2 zone.*

A wind impact assessment report was submitted and considered as part of the site plan review process. Based on the evaluation and recommendations of the Pedestrian Wind Assessment report prepared by Rowan Williams Davies & Irwin Inc. (RWDI) dated April 16, 2012, and their addendum letter dated June 6, 2012, given the limited building height and the wind climate in the London area, wind conditions are generally expected to be suitable for the intended usage at the building entrances, sidewalks and the adjacent bus terminal loading area. No severe, unsafe, or uncomfortable wind conditions are anticipated in either the summer or winter seasons. The proposed development will not cause any adverse wind effects to the surrounding areas.

However, the report noted that compared to the entrances and sidewalks at ground level, the proposed roof-top gazebo will be more exposed to prevailing winds. A cedar fence screen and landscaping have been proposed, as shown on the elevation and roof plan. The resulting wind conditions on the roof-top are expected to be suitable for standing in the summer, with higher predicted wind speeds conducive to walking in the winter. Additional wind control features such as a taller (min. 2 metres) perimeter wind screen to provide added shelter for the roof top gazebo area may be considered, if desired.

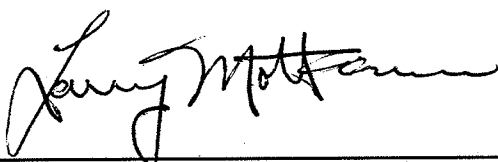
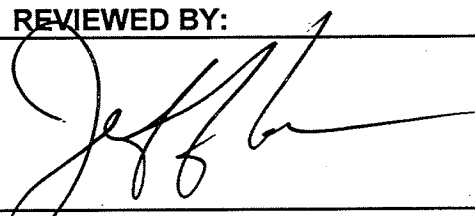
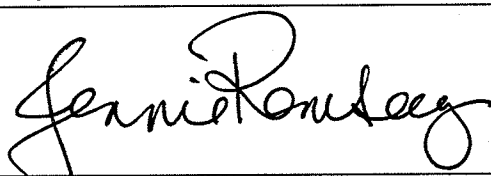



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H-8064/L. Mottram

<b>CONCLUSION</b>
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Based on our review, the holding ("h-1" & "h-3") symbols can be lifted from the zoning as the conditions for removing the holding provisions which specifically address noise and vibration impacts adjacent transportation and utility corridors, as well as pedestrian level wind impacts in the downtown area, have all been satisfied; and appropriate mitigation measures have been implemented through the approved site plan and development agreement.

<b>RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>LARRY MOTTRAM MCIP, RPP SENIOR PLANNER</b>	<b>JEFF LEUNISSEN MCIP, RPP MANGER, DEVELOPMENT PLANNING</b>
<b>CONCURRED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>JENNIE A. RAMSAY, P. ENG. MANAGER, DEVELOPMENT SERVICES</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

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**H-8064/L. Mottram**

Bill No. (Number to be inserted by Clerk's Office)  
2012

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for an area of land located at 89 York Street.

WHEREAS Endri Poletti Architect Inc. (Jennifer Castein) has applied to remove the holding provisions from the zoning for an area of land 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 lands;

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

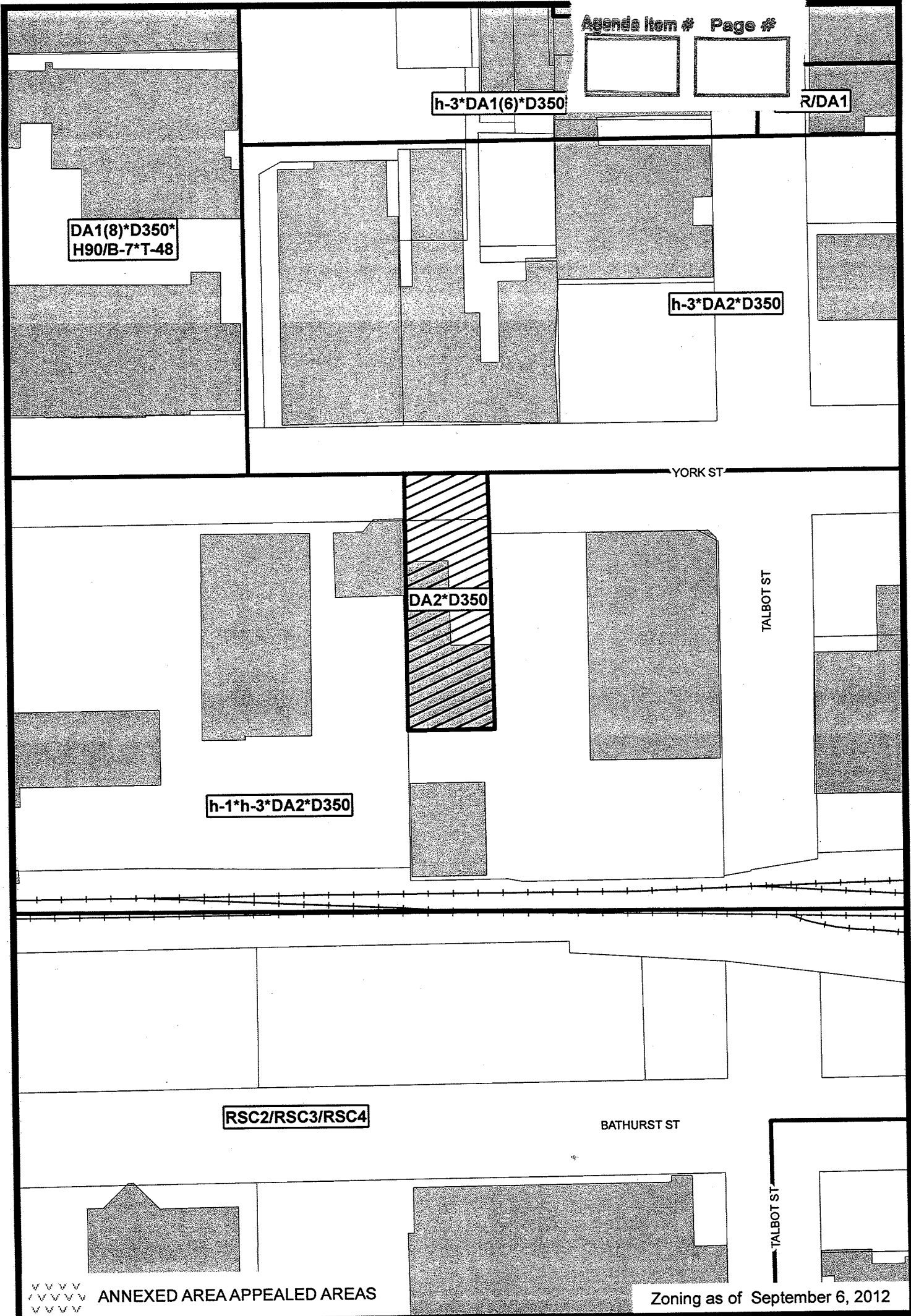
PASSED in Open Council on November 20, 2012.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - November 20, 2012  
Second Reading - November 20, 2012  
Third Reading - November 20, 2012

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: H-8064

Planner: LM

Date Prepared: 2012/10/15

Technician: RN

By-Law No: Z.-1-

SUBJECT SITE



1:1,000

