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H-8070  
Nancy McKee

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: RISE REAL ESTATE INC. 1235-1253 RICHMOND STREET MEETING ON FEBRUARY 26, 2013</b>

**RECOMMENDATION**

That, on the recommendation of the Senior Planner of Development Services, based on the application by Rise Real Estate Inc. relating to the property located at 1235-1253 Richmond Street, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on March 5, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R9 Bonus (h-5\*h-129\*R9-7\*H45\*B-14) Zone for 1235-1247 Richmond Street, and a Holding Residential R9 Bonus (h-5\*h-129\*R9-7\*H50\*B-14) Zone for 1253 Richmond Street **TO** a Residential R9 Bonus (R9-7\*H45\*B-14) Zone and a Residential R9 Bonus (R9-7\*H50\*B-14) Zone to remove the holding provisions.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

**Z-7856**

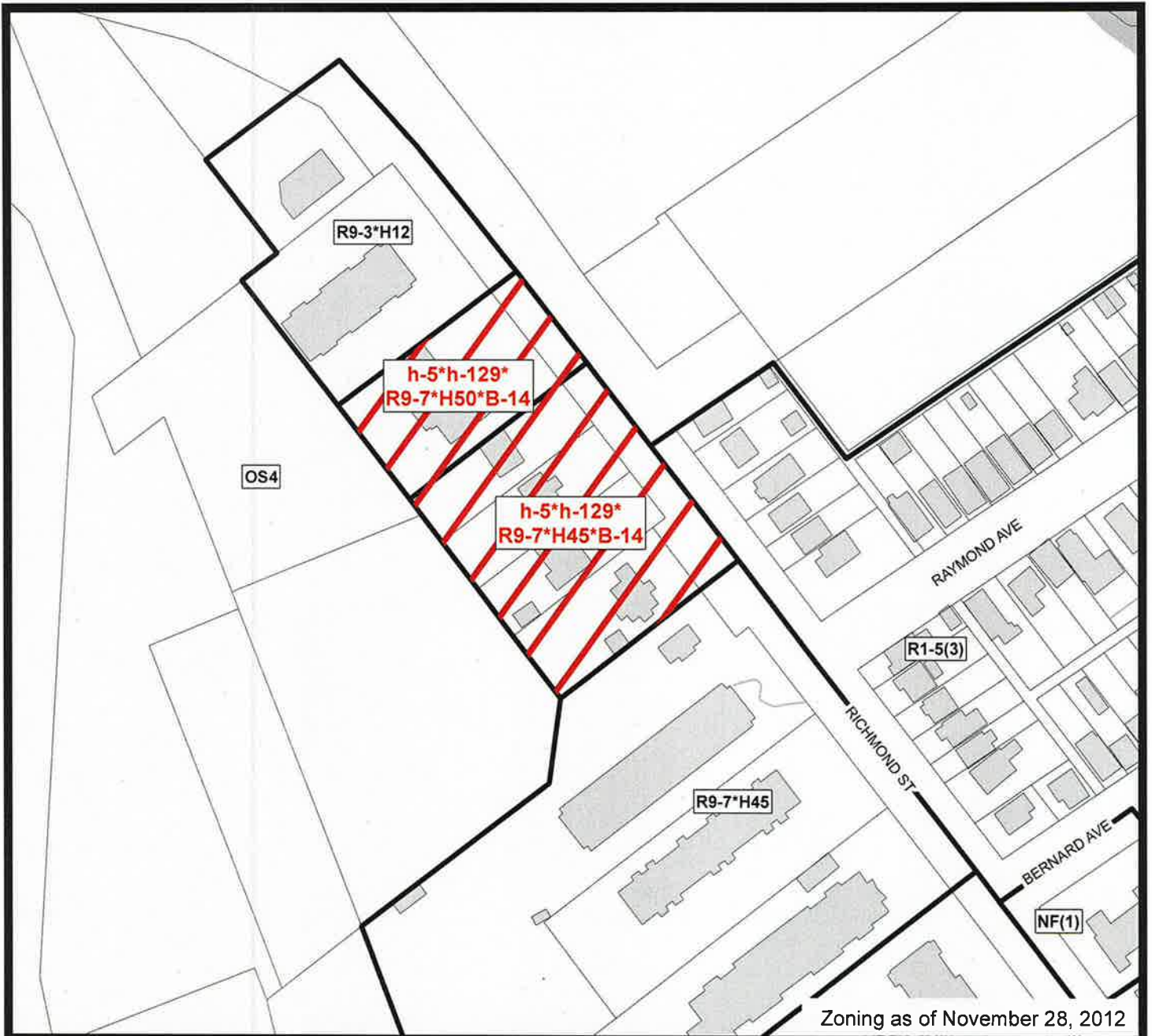
- Report to Planning Committee recommending the approval of a Zoning By-law amendment to add a Bonus Zone to the subject lands to permit increased height and density with reductions in setback requirements, landscaped open space requirements, and parking space requirements, and an increase the maximum lot coverage in exchange for certain urban design features – Meeting on March 28, 2011
- Report to Planning Committee advising of an Ontario Municipal Board appeal and confirming Council's position - Meeting on July 18, 2011
- Information report to Planning Committee with the decision of the Ontario Municipal Board – Meeting on March 26, 2012

**SP12-012179**

- Report to Planning & Environment Committee on site plan and public meeting – Meeting on January 8, 2013.

**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect of this zoning change is to remove the holding provisions from this site to permit the development of a 19-storey apartment building with a total of 311 two-bedroom units and 1 commercial unit.



Zoning as of November 28, 2012



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

**h-5\*h-129\*R9-7\*H50\*B-14 & h-5\*h-129\*R9-7\*H45\*B-14**

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-8070

NM

MAP PREPARED:

2012/12/07

RN

1:2,000

0 10 20 40 60 80  
Meters

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**H-8070**  
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**RATIONALE**

1. The h-5 holding provision can be removed as the public site plan meeting occurred on January 8, 2013 and the Owner has entered into a development agreement with the City, and has provided the required road widening and securities.
2. Sign off was provided from the Upper Thames River Conservation Authority that the Hydraulic Floodway Analysis provided by the applicant was acceptable.

**BACKGROUND**

<b>Date Application Accepted:</b> July 10, 2012	<b>Agent:</b> Harry Froussios, Zelinka Priamo Ltd.
<b>REQUESTED ACTION:</b> Request to remove the holding provisions from the zoning of lands located at 1235-1253 Richmond Street to allow the development of an apartment building.	

**PLANNING HISTORY**

On December 24, 2010, an application for a Zoning By-law amendment was submitted requesting that the subject site be rezoned to add a Bonus zone to permit an increase in height and density with reductions in yard setback requirements, landscaped open space requirements, and parking space requirements, and an increase the maximum lot coverage in exchange for certain urban design features. The purpose and effect of the requested amendment was to facilitate the development of an 18-storey apartment building with a total of 311, two-bedroom units and 174 parking spaces.

Planning Staff recommended that the requested Zoning By-law amendment be adopted with holding provisions to:

- require that the proponents be required to present the proposed site plan at a public meeting and enter into a Development Agreement (h-5), and
- ensure that the results of the Hydraulic Floodway Analysis are accepted to the satisfaction of the Upper Thames River Conservation Authority prior to development of the subject site (h-129).

Council supported the Planning Staff recommendation and the requested Zoning By-law amendment was adopted on April 4, 2011.

Three appeals were received on the proposed zoning amendment. A prehearing conference related to this matter was held on October 14, 2011, where the OMB was notified that two of the three appeals had been settled between the applicant and the appellants. The final appeal was withdrawn on January 17, 2012 and as a result, the OMB ordered the appeals against Zoning By-law amendment Z.-1-112002 of the City of London be dismissed.

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H-8070  
Nancy McKee

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

<b>PUBLIC LIAISON:</b>	Notice was published in the Living in the City section of the London Free Press on July 21, 2012.	No replies received.
<b>Nature of Liaison:</b> City Council intends to consider removing the holding (h-5, h-129) provisions which were put in place to: a) ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan meeting (h-5); and b) ensure the results of the Hydraulic Floodway Analysis are accepted to the satisfaction of the Upper Thames River Conservation Authority.		
<b>Responses:</b> None		

**ANALYSIS**

The subject lands are located on the west side of Richmond Street, between Parkdale Avenue and the north branch of the Thames River, at the eastern periphery of the main campus of the University of Western Ontario.

The subject lands are designated Multi-Family, High Density Residential and the Bonusing (B-14) provision allows for increased height and density and a reduction in the required number of parking spaces in return for certain urban design features. Development of the lands as shown on the proposed plans on full municipal services would be in conformity with Official Plan policies applicable to this site.

The subject lands also located within the flood fringe of the Thames River. This flood fringe covers a wide area north of Epworth/Tower Lane to the south spanning to the north branch of the Thames River.

**h-129 – Hydraulic Floodway Analysis**

Through the zoning by-law amendment process, the applicant submitted a Hydraulic Floodway Analysis to demonstrate that floodproofing standards are incorporated, access standards allowing vehicles and people to exit the area during times of flooding can be used, new hazards are not created and existing hazards are not aggravated, and no adverse environmental impacts will result. However, at the time of the zoning by-law amendment, the Upper Thames River Conservation Authority (UTRCA) had not completed its review of the Hydraulic Floodway Analysis. The h-129 holding provision was added to ensure the development would not create new hazard and existing hazards would not be aggravated.

On November 28, 2012, a revised Hydraulic Floodway Analysis was submitted to the UTRCA. The analysis detailed that the following flood impact mitigation measures to be used for 1235-1253 Richmond Street:

- Lower level parking lot minimum elevations of 239.42 m to 239.73 along the rear boundary;
- Flood proofing to 240.7 m minimum elevation;
- Grading along the proposed frontage directing overland flows to Richmond Street;
- Southern driveway crest elevation at the future property boundary of 240.11;
- Southern unobstructed overland flow path 21.0 m wide with a minimum slope of 1% adjacent to the existing buildings to be retained; and
- Northern driveway crest elevation at the future property boundary of 239.85; and
- Northern unobstructed overland flow path 31.6 m wide with a minimum slope of 1% adjacent to the existing buildings to be retained.

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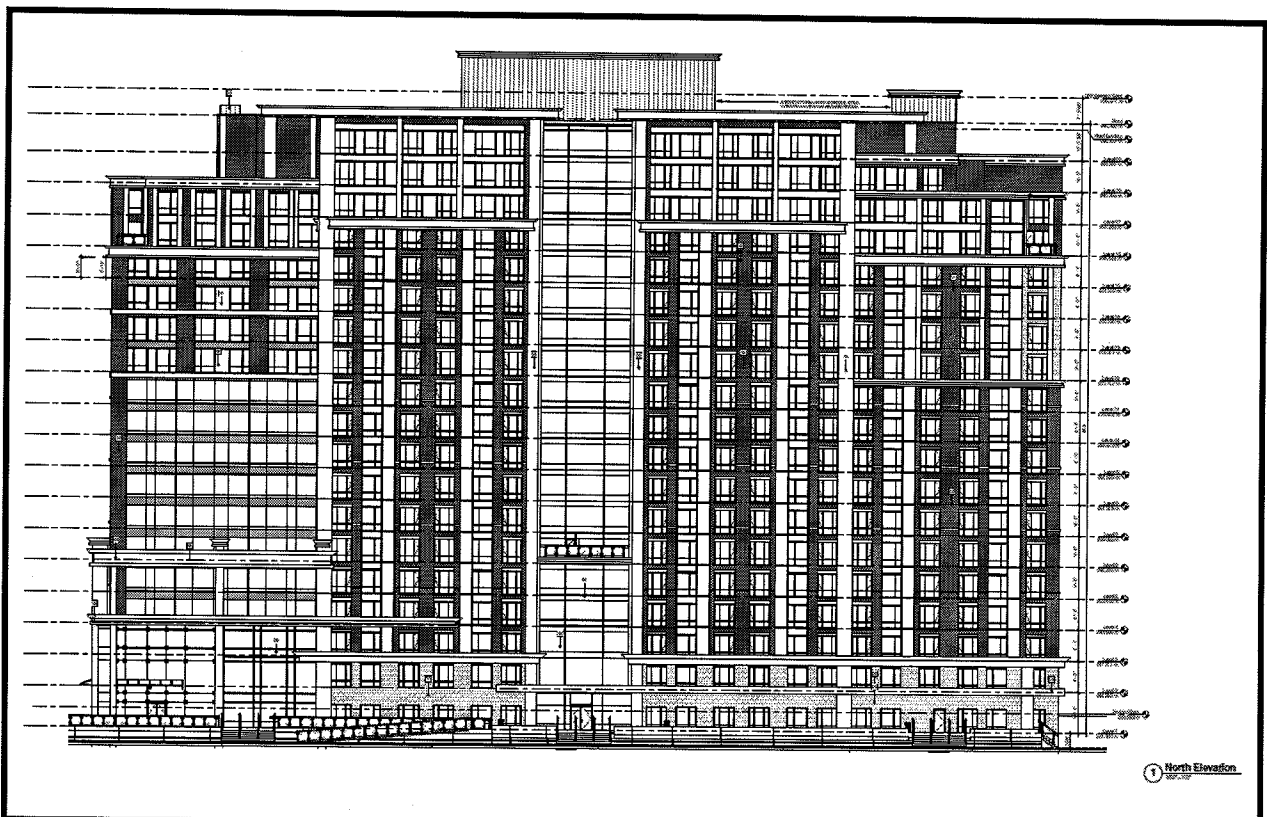
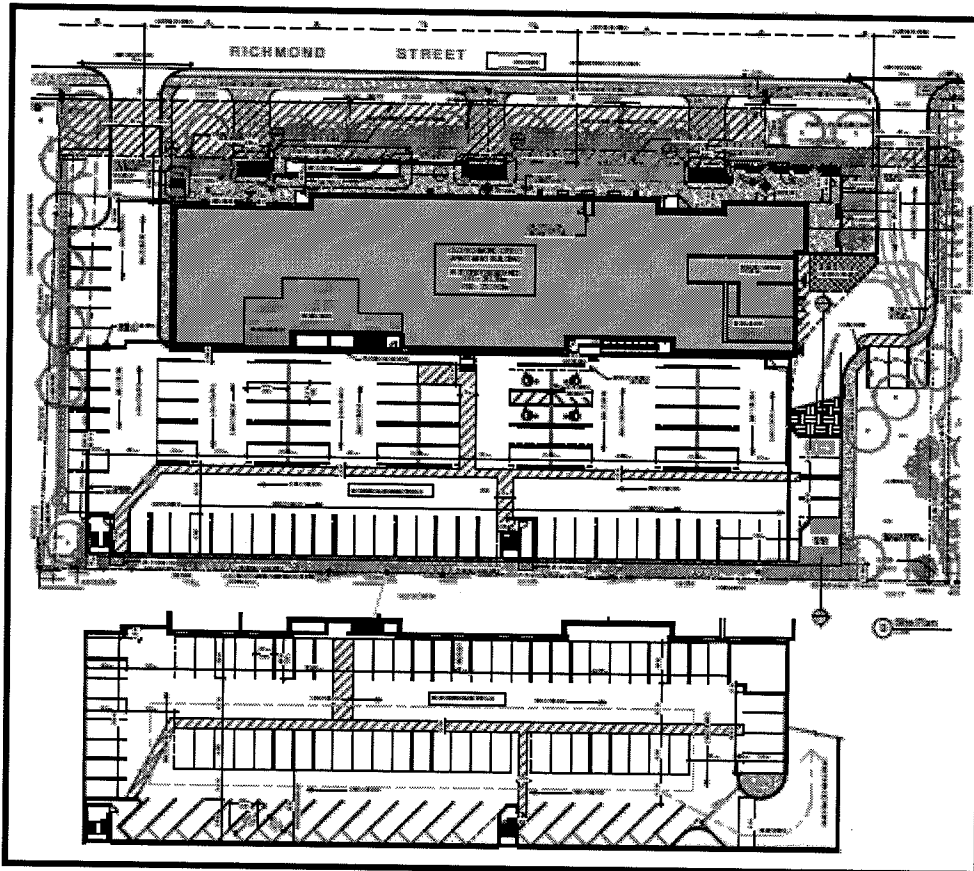
H-8070  
Nancy McKee

By letter dated December 17, 2012, the UTRCA have indicated they are satisfied with the analysis provided and the mitigation measures proposed and the holding provision for the site can be removed.

**h-5 - Public Site Plan Meeting**

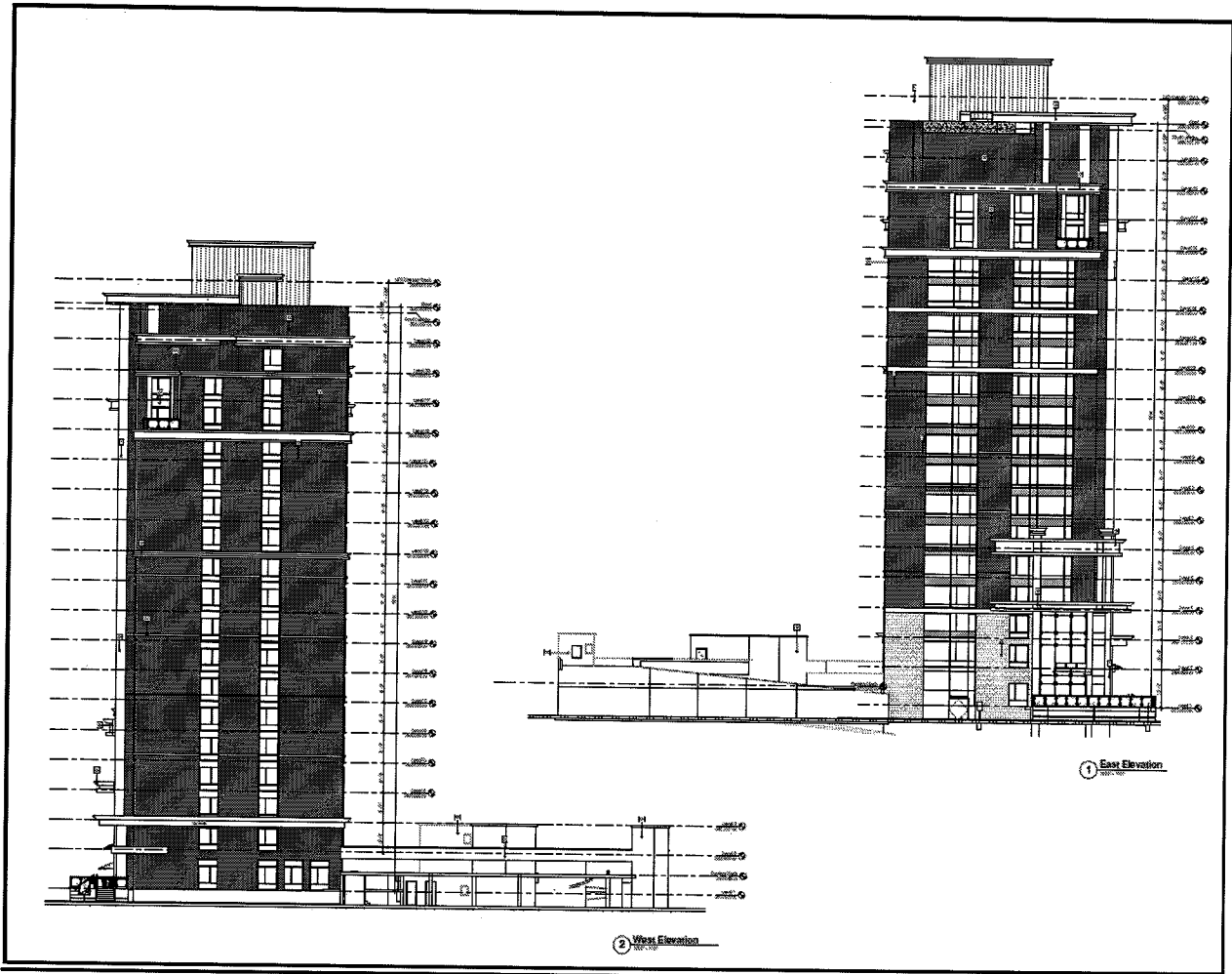
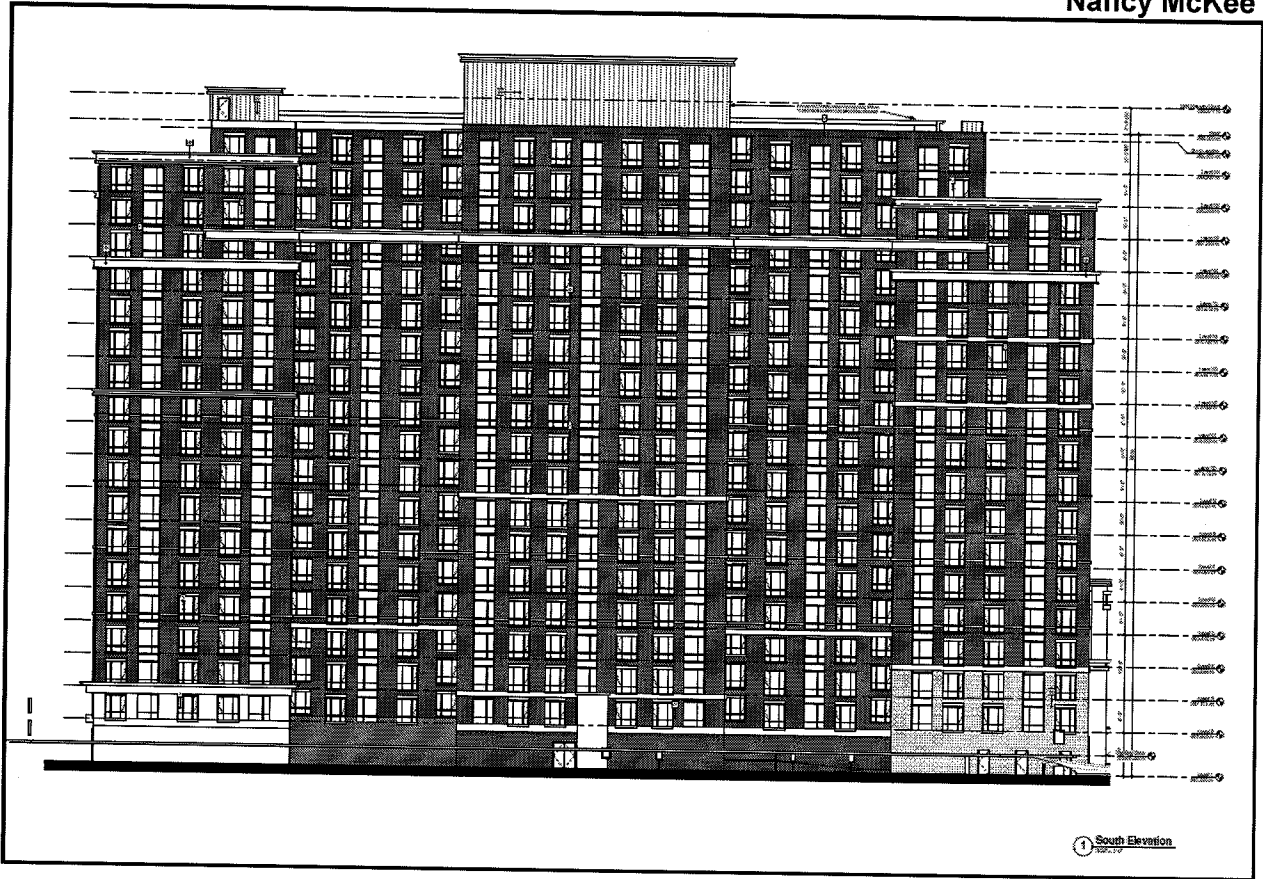
The proposed site plan was originally submitted on April 30, 2012 and revised on February 5<sup>th</sup>, 2013. The applicant is proposing a 19 storey apartment building with 311 two bedroom units, and a small commercial unit located on the ground floor.

**Submitted Site Plan and Elevations (February 2013)  
- 1235-1253 Richmond Street**



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H-8070  
Nancy McKee



The h-5 holding provision requires a public site plan meeting and the owner to enter into a development agreement. The public site plan meeting occurred on January 8, 2013. Since that time several issues arose with the siting of the building, which resulted in a resubmission on February 5. The applicant has provided the necessary road widening and site plan and external works securities, and has now entered into the Development Agreement. It is staff's opinion that

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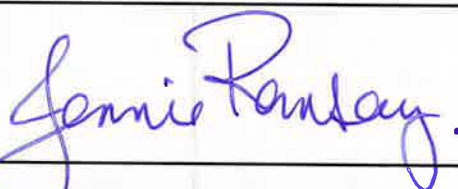

**H-8070**  
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it would therefore be appropriate to remove the holding provision.

Overall, the proposed site plan is consistent with the Council Resolution of the Zoning By-law Amendment which includes provisions for Urban Design features and is compatible with adjacent properties. It is therefore acceptable to remove the h-5 holding provision at the March 5<sup>th</sup> Council meeting.

<b>CONCLUSION</b>
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A public meeting was held on January 8<sup>th</sup>. The UTRCA has indicated they are now satisfied with the Hydraulic Floodway Analysis. The applicant has submitted the necessary road widening, securities and has entered into a Development Agreement. Overall the development is in conformity with the Provincial Policy Statement and the Official Plan. Therefore, the removal of the holding provision represents sound land use planning and is appropriate.

<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>NANCY MCKEE, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES</b>	<b>TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>
<b>CONCURRED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>JENNIE A. RAMSAY, P.ENG. MANAGER, DEVELOPMENT SERVICES &amp; ENGINEERING LIAISON</b>	<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

February 13, 2013

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Agenda Item #	Page #

**H-8070  
Nancy McKee**

Appendix "A"

Bill No. (Number to be inserted by Clerk's Office)  
2013

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 1235-1253 Richmond Street

WHEREAS Rise Real Estate Inc. has applied to remove the holding provision from the zoning for an area of land located at 1235-1253 Richmond 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 lands located at 1235-1253 Richmond Street, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R9 Bonus (R9-7\*H45\*B-14) Zone and a Residential R9 Bonus (R9-7\*H50\*B-14) Zone comes into effect.

2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on March 5, 2013.

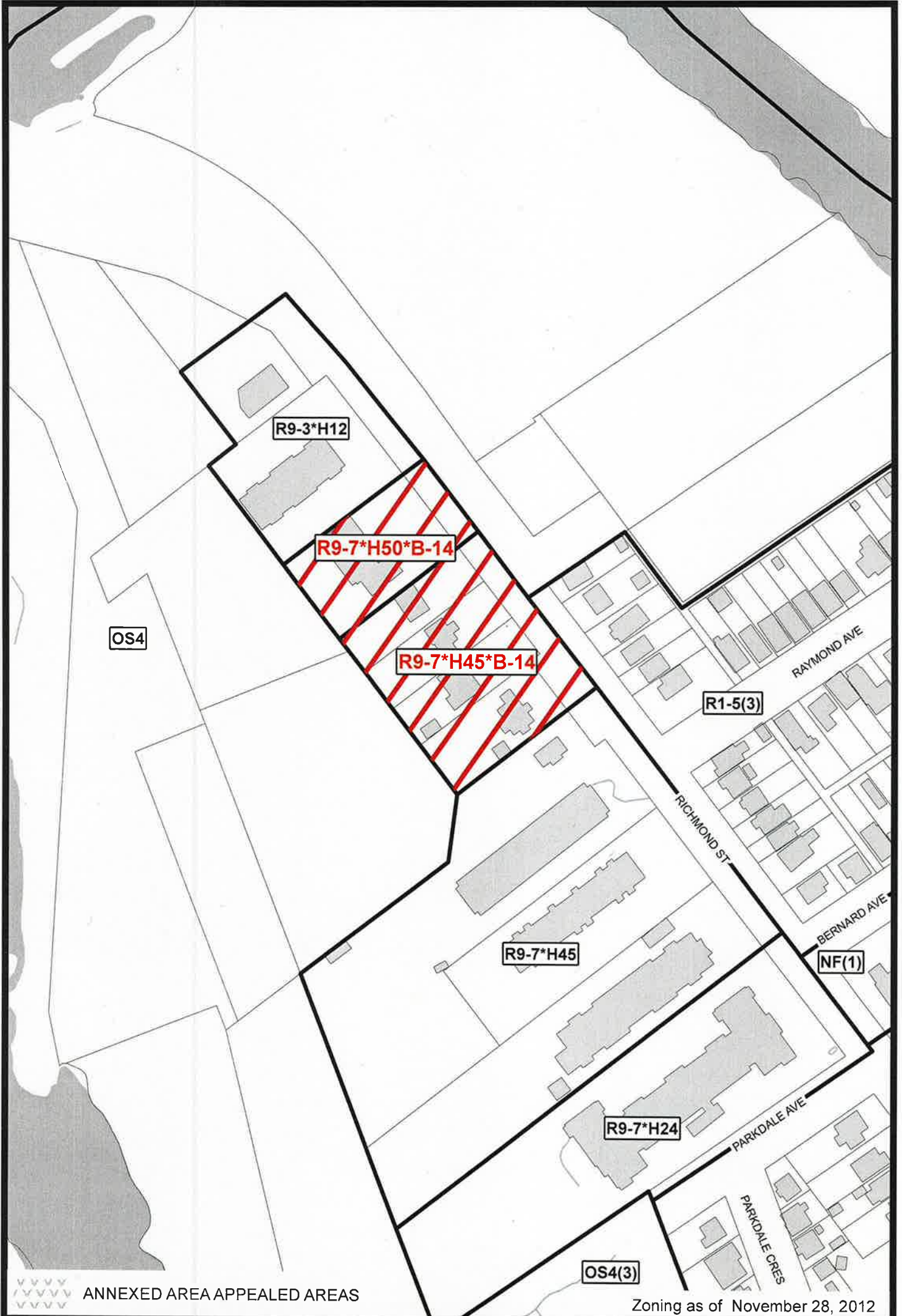
Joseph Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - March 5, 2013  
Second Reading - March 5, 2013  
Third Reading - March 5, 2013



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



File Number: H-8070

Planner: NM

Date Prepared: 2012/12/07

Technician: RN

By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters

