

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application by Stantec Consulting c/o Amelia Sloan
1478 Westdel Bourne
Removal of Holding Provision

Date: December 13, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application by Stantec Consulting c/o Amelia Sloan relating to lands located at 1478 Westdel Bourne, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on December 21, 2021 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 R6/R8 Special Provision (h-54•h-209•R6-5(77)/R8-4(64)) Zone **TO** a Residential R6/R8 Special Provision (R6-5(77)/R8-4(64)) Zone to remove the holding (h-54 and h-209) provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-54" and "h-209" holding provisions to allow development of two, four-storey apartment buildings having a total of 124 units (70 and 54 units respectively).

Rationale of Recommended Action

1. The conditions for removing the holding (h-54 and h-209) provisions have been met and the recommended amendment will allow development of residential uses in compliance with the Zoning By-law.
2. A Site Plan will be approved and Development Agreement entered into which implements the recommendations of the accepted noise study, and demonstrates compliance with the Riverbend South Secondary Plan urban design guidelines. Performance security has been posted in accordance with the Development Agreement and City policy.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

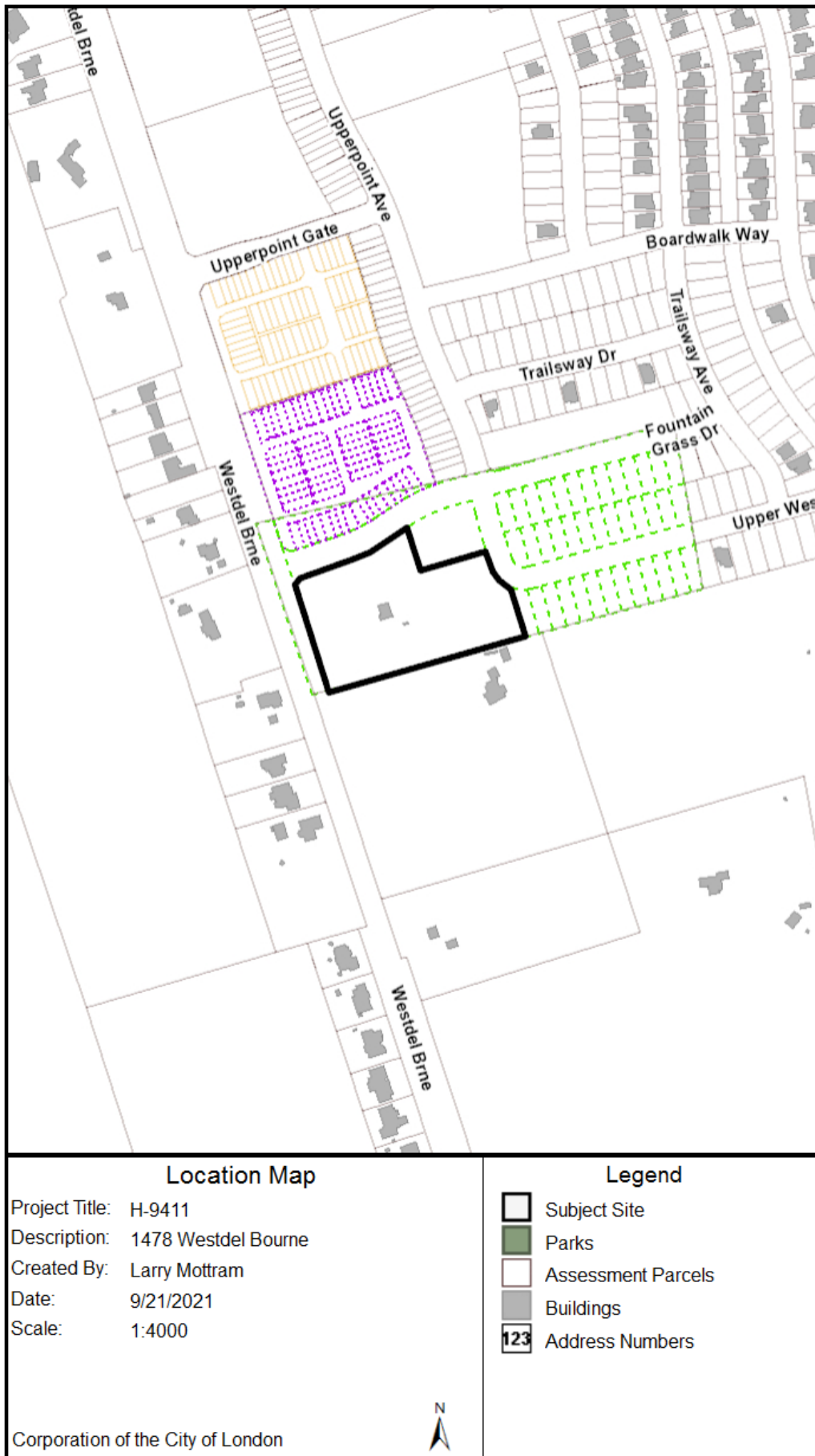
November 22, 2021 – Report to Planning and Environment Committee – 1478 Westdel Bourne – Townline Orchard Property Limited – Application for Removal of Holding Provision (File No. H-9412).

October 18, 2021 – Report to Planning and Environment Committee – 1478 Westdel Bourne – Townline Orchard Property Limited - Special Provisions for Subdivision Agreement (File No. 39T-20503).

March 29, 2021 – Report to Planning and Environment Committee – 1478 Westdel Bourne – Townline Orchard Property Limited – Applications for Approval of Draft Plan of Subdivision and Zoning By-law Amendment (File No. 39T-20503/Z-9278).

2.0 Discussion and Considerations

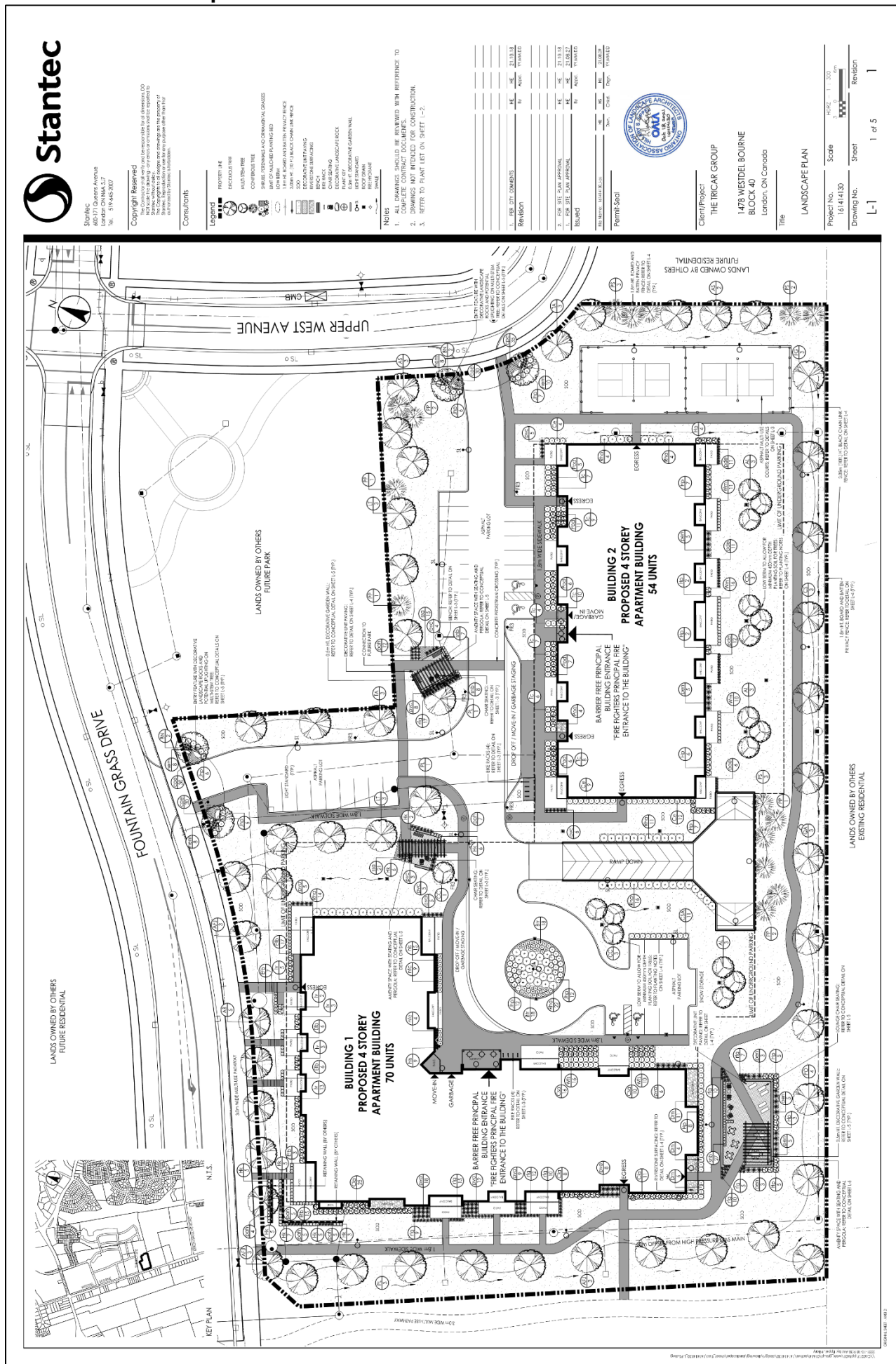
2.1 Location Map



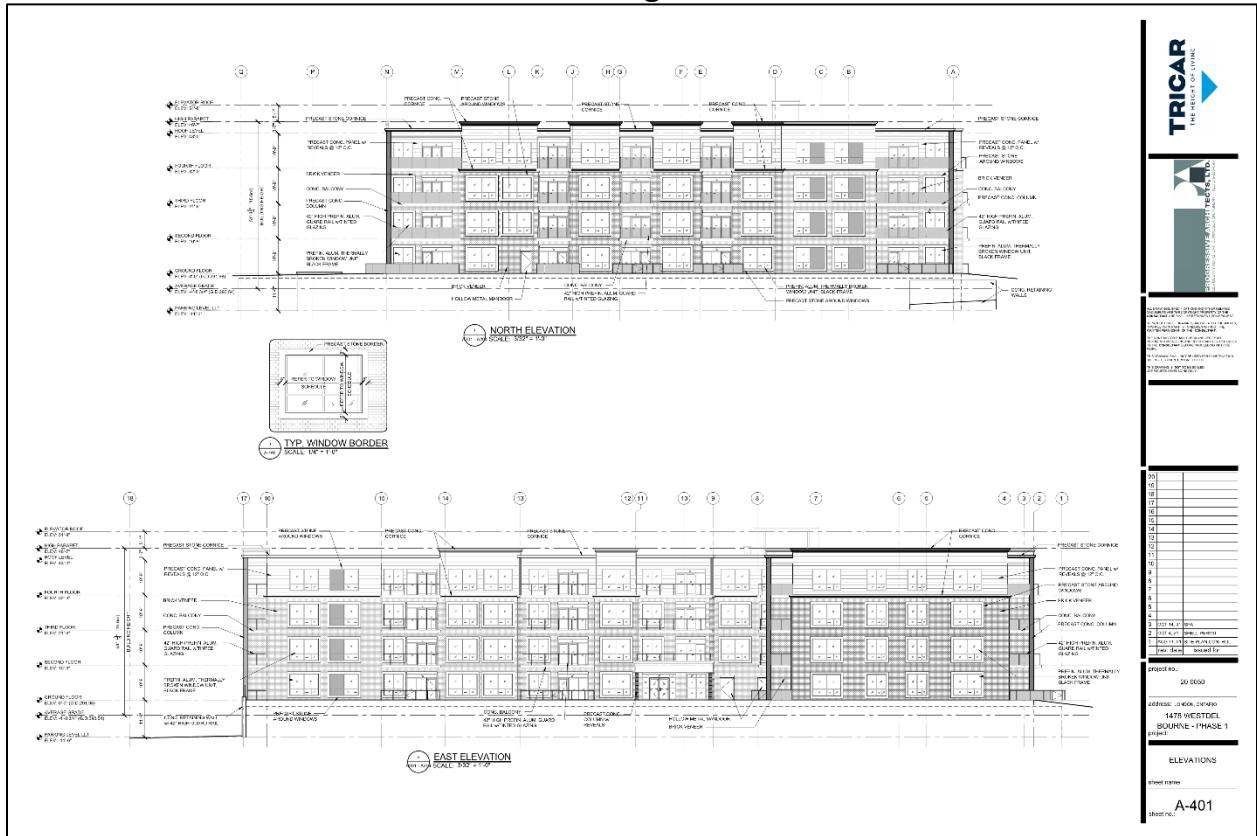
2.2 Description of Proposal

This proposal is for two, four-storey apartment buildings having a total of 124 units (70 and 54 units respectively), with 35 surface and 152 underground parking spaces, and vehicular ingress and egress from Fountain Grass Drive and Upper West Avenue.

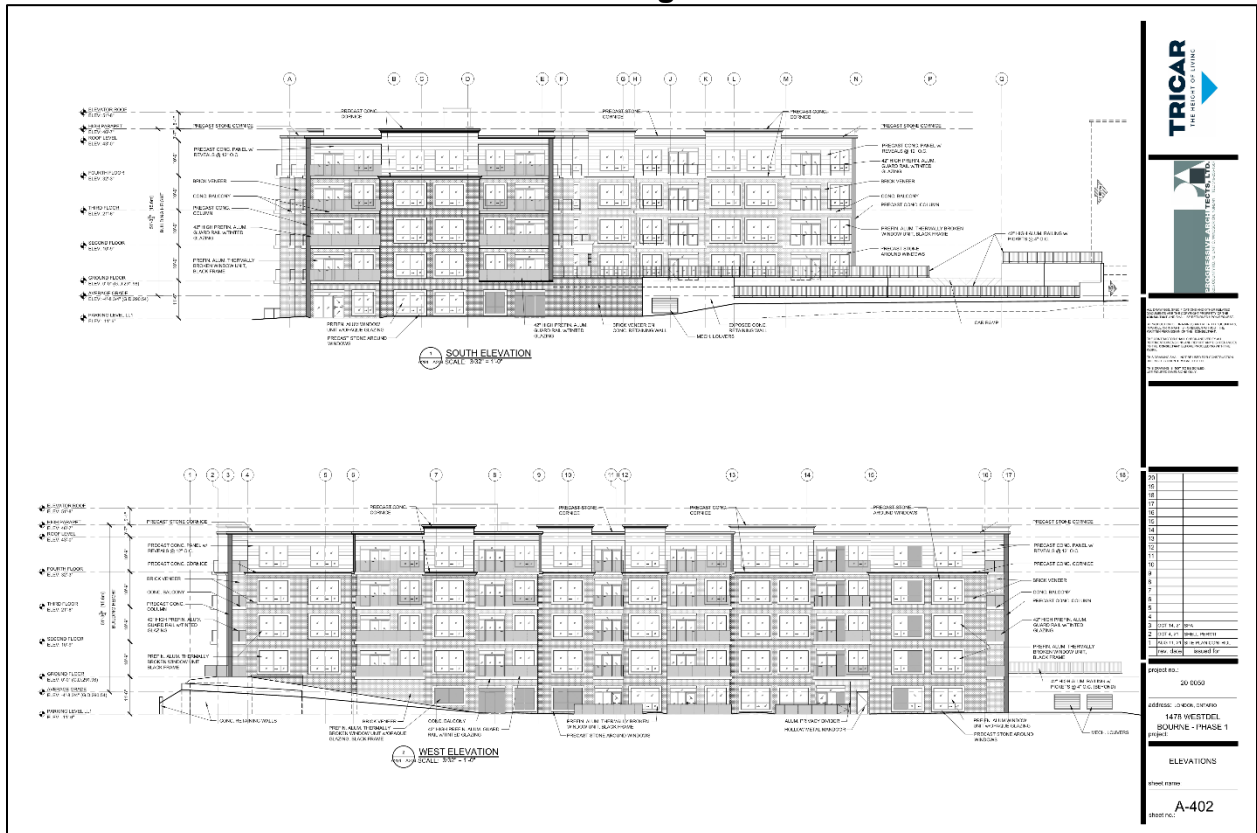
2.3 Site/Landscape Plan



2.4 North and East Elevations – Building 1



2.5 South and West Elevations – Building 1



2.6 Planning History

On April 28, 2021, the Approval Authority for the City of London issued draft-approval for the plan of subdivision submitted by Townline Orchard Property Ltd. representing the third and final phase of development within the Riverbend South Secondary Planning Area. The draft-approved plan consists of 39 low density residential single detached lots, 2 medium density residential blocks, 1 future development block, 1 park block, 1 road widening block, and 2 reserve blocks, served by 2 new streets being the extensions of Fountain Grass Drive and Upper West Avenue. On April 13, 2021, Municipal Council passed an amendment to the Zoning By-law to apply zoning to the various lots and blocks within the subdivision plan.

On November 22, 2021, the Planning and Environment Committee received a report recommending removal of the standard “h” holding provision to allow development of the single detached lots within the applicant’s subdivision to proceed. Holding (h-54 and h-209) provisions applying to the medium density residential blocks would remain in place until such time as conditions specified in the Zoning By-law have been met to remove those holding symbols from the zone map.

The h-54 provision requiring the completion of a noise assessment report and implementation of noise attenuation measures applies to the multi-family residential blocks adjacent Westdel Bourne. The h-209 provision is intended to ensure development demonstrates compliance with the urban design policies of the Riverbend South Secondary Plan, including orientation towards public streets and public spaces.

This development proposal is the subject of an application for Site Plan Approval (Application File No. SPA21-073 – Tricar Properties Limited).

2.7 Community Engagement (see more detail in Appendix B)

There were no responses received to the Notice of Application.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Conclusions

4.1 Have the conditions for removal of the holding provisions been met?

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment and Draft Plan of Subdivision application process, two holding provisions were added to the subject site to address potential noise impacts from traffic on Westdel Bourne, and to ensure compliance with the urban design policies of the Riverbend South Secondary Plan. The holding provisions, and confirmation as to how each requirement has been satisfied, are reviewed in further detail below.

The purpose of the holding (“h-54”) provision in the Zoning By-law is as follows:

Purpose: To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.

The noise assessment report (Noise Impact Study 1478 Westdel Bourne, London, Ontario, prepared for The Tricar Group completed by J.E. Coulter Associates Limited dated July 19, 2021) indicates a modest noise impact would be present at Building 1 due to traffic on Westdel Bourne, based on projected traffic noise levels. The exterior sound levels at the west façade of Building 1 are less than 65 dB Leq (level of equivalency) daytime and/or 60 dB Leq (level of equivalency) nighttime. Noise control measures will include provision for central air conditioning, warning clauses, and double glazing. Balconies or patios that are less than 4m in depth are not classified as Outdoor Living Areas as per the Ministry of Environment, Conservation and Parks (MOECP) noise guidelines. All balconies have a depth that is less than 4 metres and as such do not qualify as a private outdoor amenity area for the purposes of the Ministry guidelines. The Development Agreement will include provisions for central air conditioning and noise warning clauses to be registered on title. These requirements will form part of the approved Site Plan and Development Agreement. The study indicated Building 2 meets all MOECP noise criteria for traffic noise.

The purpose of the holding (“h-209”) provision in the Zoning By-law is as follows:

Purpose: To encourage building orientation towards public streets and public spaces, a site plan shall be approved, and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London prior to the removal of the h-209 symbol.

Permitted Interim Uses: Existing Uses (Z.-1-172539)

Urban design principles and guidelines have been established for the Riverbend South Secondary Plan to provide guidance for future development and to assist architects and builders in achieving the vision for the community. These principles and guidelines are intended to create an attractive and cohesive neighbourhood that is compatible and sensitive to existing surroundings, while recognizing that there is a need for change and higher intensity to assist in achieving compact form and transit supportive development over time.

In response to the urban design policies identified in the Riverbend South Secondary Plan, an Urban Design Brief prepared by Stantec Consulting Ltd. for The Tricar Group dated August 31, 2021 was submitted with the application for Site Plan Approval, and has been reviewed by the City’s Urban Design and Site Planning staff. The following provides an overview of the principles and guidelines relevant to the proposed site development plans:

20.6.5(1) General Design Principles

ii) Consideration and integration of the existing surrounding context will be undertaken through attention to site and building design, pedestrian and vehicle connections and natural heritage components.

As described in the Urban Design Brief, although the site currently has access and frontage onto Westdel Bourne, the subdivision internal road network (via Fountain Grass Drive and Upper West Avenue) and multi-use pathway system will provide a cohesive neighbourhood design that will support connectivity of the site to neighbourhood parks, amenities, and natural areas.

iv) Landscaped streets and trails, linear parks and innovative 'edge' treatments are encouraged to create green connections and transition areas between existing development, new development and natural areas.

The Riverbend South Secondary Plan recognized the interface between existing low density, rural residential uses on the west side of Westdel Bourne and future multi-family residential developments on the east side. In order to ensure compatibility and sensitivity to those uses, the creation of a green edge with substantial tree and vegetation planting, as well as landscape sculpting and berms to create a more varied topography within the future multi-use trail on Westdel Bourne is being incorporated within the gas pipeline easement and setback area.

The applicant’s Design Brief noted that as lands to the south remain in non-intensive agricultural production, this site becomes a significant location for the divide between urban and rural uses. An appropriate buffer to the neighbouring uses will be introduced which will incorporate a 1.8 metre high, board and batted privacy fence and deciduous trees situated no more than 6.0 metres apart along the southern border of the subject site, and similarly spaced deciduous tree plantings along the westerly border adjacent Westdel Bourne. The landscaped setback areas will serve as a way to mitigate potential conflicts with neighbouring rural residential and agricultural uses.

v) Gateways and focal points should emphasize the unique physical attributes of RiverBend South and create an identifiable sense of place.

One of the design goals as stated in the Design Brief is to provide a medium-density block along an arterial roadway that serves as a gateway feature to the City's urban area (built-up boundary), while respecting the low-density residential and rural character to the west and south. The Riverbend South Secondary Plan intended the collector road connection to Westdel Bourne as a gateway and focal point into the community from the south. Gateway elements include Fountain Grass Drive, a future multi-use trail corridor along Westdel Bourne, a proposed 3.0 metre multi-use pathway within the right-of-way of Fountain Grass Drive, and a neighbourhood park adjacent the subject site. The proposed site design and building architecture is well integrated physically and visually with these elements within the public realm.

20.6.5(2) Residential Guidelines

ii) Buildings are encouraged to be located close to the street, with front doors oriented to the street, to provide a strong street edge and sense of enclosure.

The site plan shows Building 1 will be located prominently at the intersection of Fountain Grass Drive and Westdel Bourne contributing to a strong street edge and sense of enclosure. Balconies will be located on each building to maximize the 'eyes on the street' for the streetscapes and future park area. Pedestrian entrances and sidewalk connections will be facilitated on various sides of both buildings. Ground floor units will also have direct access outside through patios. Sidewalks will link the public roadways to both building primary access points.

iii) A variety of architectural styles, materials and finishes are encouraged to create interest and diversity within the building stock.

The exterior design employs a contemporary architectural style with standard use of building materials, windows, and features such as precast stone moulding around windows and precast concrete cornices capping the building on the top floor level. Building details include accent materials, colours, feature walls, and cladding/brick materials. The elevations illustrate the use of brick, stone, and precast concrete panels with reveals in the facades to help soften their appearance. Individual private balconies include concrete deck and pre-finished aluminum guard rails with tinted glazing.

vii) Building design and orientation should take advantage of opportunities for passive and active solar energy generation.

Sustainability techniques were addressed in the Design Brief which indicated the site layout and building design will take advantage of opportunities for passive and active solar energy generation. Low greenhouse gas emission and energy-efficient technologies will be incorporated into the proposed development, including a well-constructed and insulated building shell, efficient mechanical, ventilation and plumbing systems with low energy consumption lighting and controls.

ix) Transition between low density residential areas and medium / high density development is encouraged through the use of appropriate massing, scale, materials, architectural detailing and articulation, landscape features and consideration of access to sunlight.

The massing of the site is illustrated in the renderings, which show the relationship between the proposed development and the surrounding landscape. The proposed building articulation consists of a series of material variations, protrusions, and balconies which help break up the massing and contributes to the overall aesthetics. The ground floor and lower level will consist of different uses such as residential units and various amenity spaces. These spaces are connected to the outside through patios and seating areas at different levels. Pathway connections to access the outdoor amenity area and multi-use courts (enclosed with 3 metre high, chain-link fencing) will be provided as shown on the Site Plan and Landscape Plan.

xiii) The use of terraces, large balconies, living walls and green roofs should be considered to provide opportunities for gardening and greenery for townhouse, stacked townhouse and apartment buildings.

Large balconies, patio spaces, and outdoor terraces, will be included in the building designs to provide opportunities for greenery and enjoyment of outdoor spaces. As noted in the Design Brief, each building will contain a common amenity area with seating and an outdoor fireplace. Landscaped walls will surround these common areas providing privacy and enhancing the area as an architectural feature.

xiv) Utility meters, garbage storage and other service and maintenance facilities for multi-family developments should be screened from public view by fencing, landscaping and appropriate site design and building orientation.

xv) All rooftop mechanical and ventilation equipment should be screened from public view by appropriate rooflines or other measures appropriate to the building design.

Utility meters, garbage storage and other service and maintenance facilities will be screened from public view by fencing, landscaping, site design and building orientation. Rooflines incorporate measures to screen rooftop mechanical/ventilation equipment.

Site Rendering and Aerial View Looking Southwest (Buildings 1 & 2)



Conceptual Rendering Looking Northwest (Building 1)



Images above are from the Urban Design Brief – Site Plan Application (SPC-21-118) 1478 Westdel Bourne – Prepared for The Tricar Group – Prepared by Stantec Consulting Ltd. - August 31, 2021

20.6.5(3) Circulation Guidelines

vi) Clearly defined and separated pedestrian routes should be provided within parking areas for all commercial and multi-family sites to ensure safe passage and wayfinding.

The Site Plan and Landscape Plan provides for clearly defined and separated pedestrian routes. Sidewalks will extend along Fountain Grass Drive and Upper West Ave that connect to sidewalks internal to the site providing direct and safe connections to the pedestrian entrances of both buildings.

vii) The proposed multi-use trail in the east right of way of Westdel Bourne should integrate landscaping, trees and other natural materials so as to provide visual screening and amenity and an attractive north-south pedestrian/cycling route.

As noted previously, tree planting and landscaping will be incorporated adjacent the proposed multi-use trail on the east side of Westdel Bourne so as to provide visual screening and an attractive amenity to the future north-south pedestrian/cycling route.

viii) Bicycle racks or covered/protected bicycle storage facilities should be located in visible areas at park entrances, commercial areas and multi-family housing developments.

The development will provide ground surface bike racks as well as 94 long-term, covered underground bike parking spaces.

20.6.5(4) Parks, Open Space and Natural Heritage Guidelines

ii) Create and enhance views to parks and natural features (woodlots, views and vistas, significant topographical features) by providing street frontage where feasible and through the installation of landscaping, seating areas, lookouts, gazebos and similar features.

20.6.5(5) Gateways and Focal Points Guidelines

iii) Focal points should be created throughout the community, through unique park facilities, views to parks and open spaces, roundabouts and entrance features to private and public space.

An adjacent Open Space block within the subdivision northeast of the site has been dedicated to the City for a future neighbourhood park. The proposed apartment buildings will enjoy excellent views to the park. Pathways from the site to the park, and pathways within the site connecting to Fountain Grass Drive and Upper West Ave are proposed.

The plans and building elevations have been reviewed for compliance with the Riverbend South Secondary Plan, and the City's Urban Design policies and Placemaking Guidelines. Staff are generally satisfied that the site plan submission addresses the design principles and guidelines identified in the Riverbend South Secondary Plan as discussed above. The Site Plan drawings will be approved, and a Development Agreement will be entered into between Tricar Properties Ltd. and the City of London. Performance security has been posted in accordance with the Development Agreement and City policy.

Conclusion

The requirements for removing the holding provisions on the subject lands have been addressed through the site plan approval process. Removal of these holding provisions will allow the issuance of building permits for the proposed 124 unit low-rise apartment development. In the opinion of Staff, the h-54 and h-209 holding provision requirements have been satisfied and it is appropriate to proceed to lift the holding symbols from the zoning map.

Prepared by: **Larry Mottram, MCIP, RPP**
Senior Planner, Subdivisions and Condominiums

Reviewed by: **Bruce Page, MCIP, RPP**
Manager, Subdivision Planning

Recommended by: **Gregg Barrett, AICP**
Director, Planning and Development

Submitted by: **George Kotsifas, P. Eng.**
**Deputy City Manager, Planning and Economic
Development**

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 Planning and Development.

CC: Matt Feldberg, Manager, Subdivisions and Development Inspections

December 3, 2021
GK/GB/BP/LM/lm

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Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2021

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
remove the holding provisions from the
zoning for lands located at 1478
Westdel Bourne.

WHEREAS Stantec Consulting c/o Amelia Sloan has applied to remove the holding provisions from the zoning on lands located at 1478 Westdel Bourne, 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 1478 Westdel Bourne, as shown on the attached map, to remove the holding (h-54 and h-209) provisions so that the zoning of the lands as a Residential R6/R8 Special Provision (R6-5(77)/R8-4(64)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

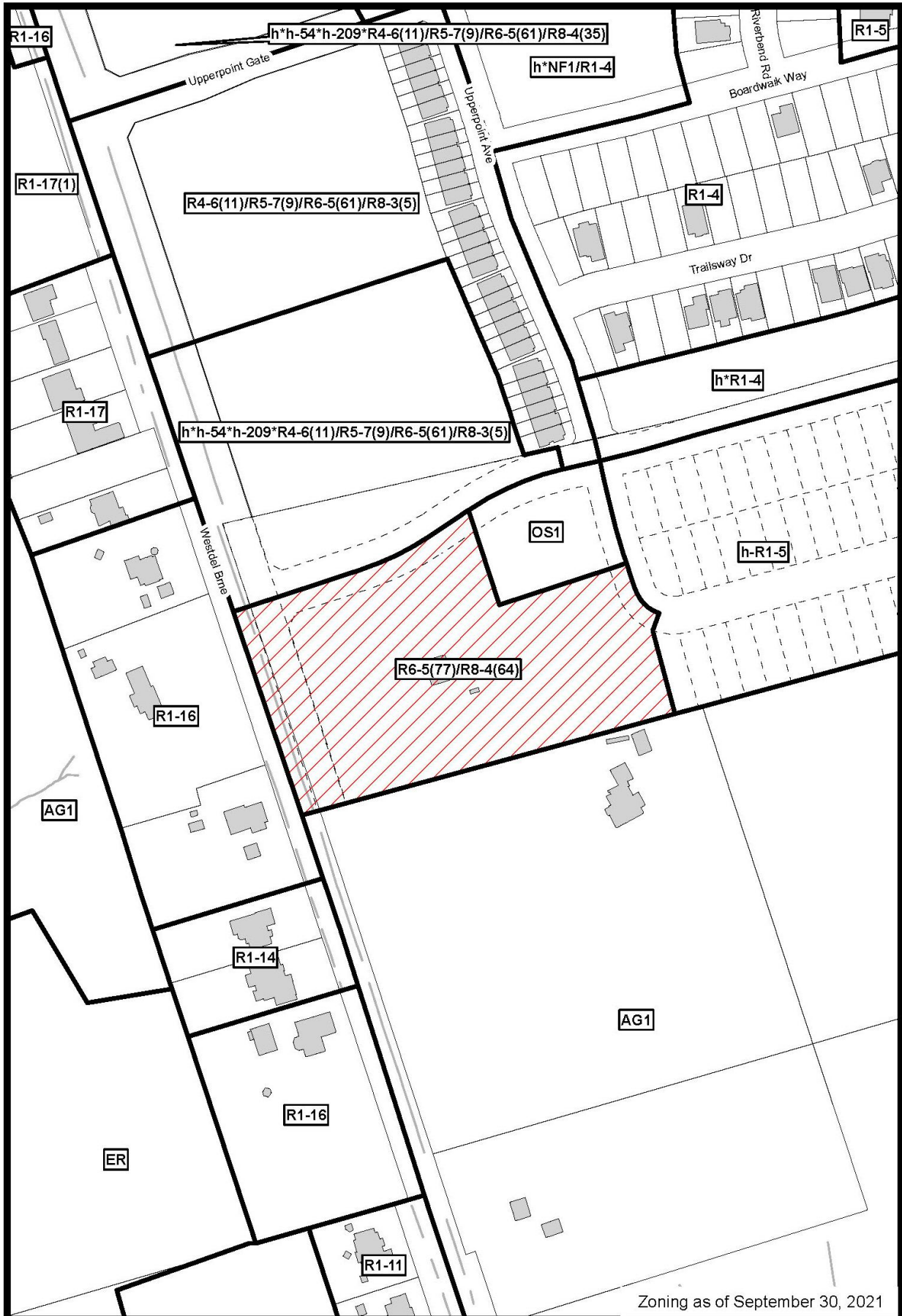
PASSED in Open Council on December 21, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2021
Second Reading – December 21, 2021
Third Reading – December 21, 2021

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



File Number: H-9411

Planner: LM

Date Prepared: 2021/10/26

Technician: RC

By-Law No: Z-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 30, 2021.

Responses: None

Nature of Liaison: 1478 Westdel Bourne; portion of property located on the southeast corner of Westdel Bourne and future extension of Fountain Grass Drive (identified as Block 40 on a draft-approved plan of subdivision File No. 39T-20503) – City Council intends to consider removing the Holding (“h-54” and “h-209”) Provisions from the zoning of the subject lands to allow development of two low-rise apartment buildings permitted under the Residential R6/R8 Special Provision (R6-5(77)/R8-4(64)) Zone. The purpose of the h-54 provision is to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London. The purpose of the h-209 provision is to encourage building orientation towards public streets and public spaces, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London. Council will consider removing the holding provision as it applies to these lands no earlier than November 16, 2021.

Response to Notice of Application and Publication in “The Londoner”

Telephone:
None

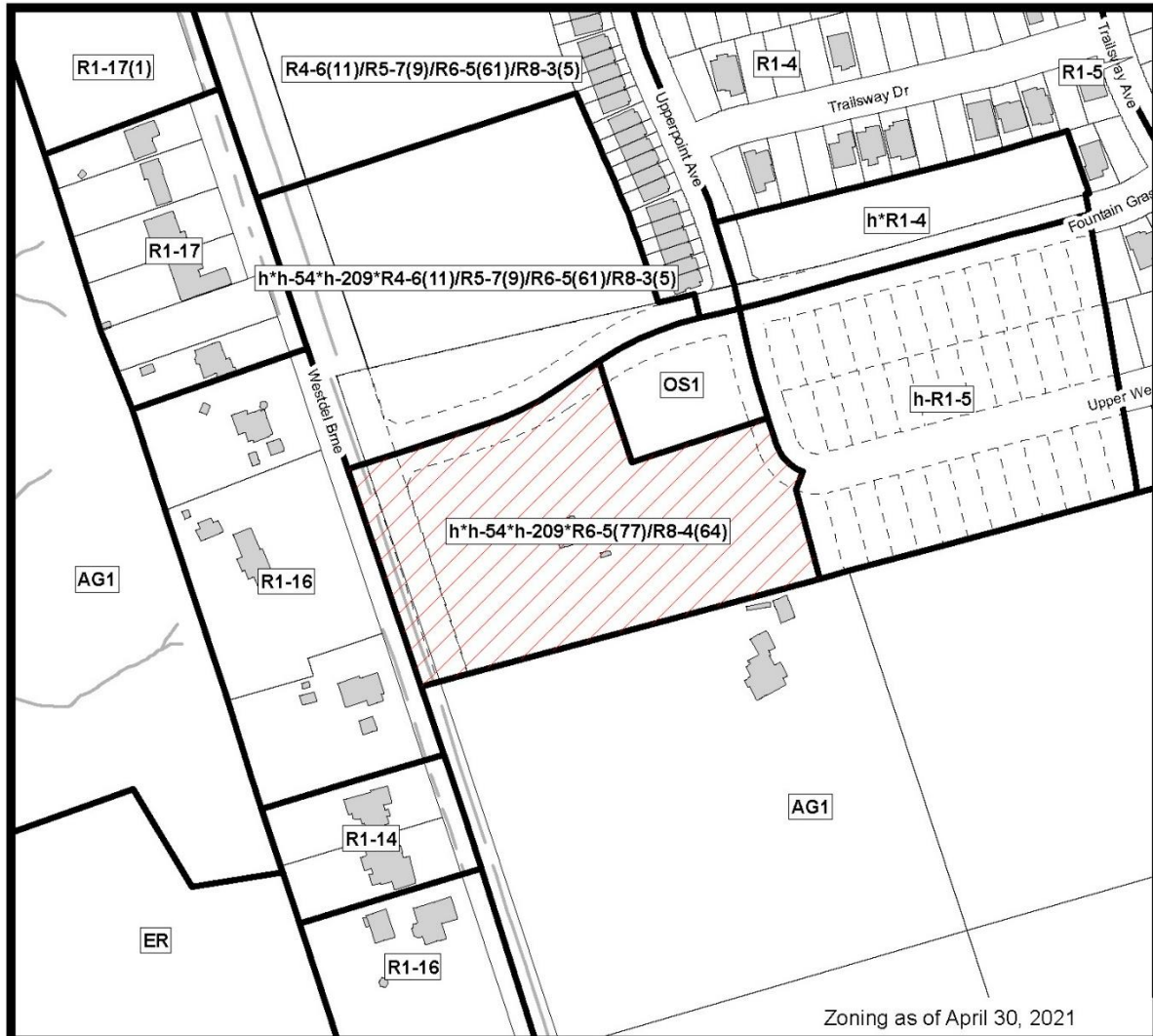
Written:
None

Significant Agency/Departmental Comments:

None

Appendix C – Relevant Background

Existing Zoning Map



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 | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| 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



FILE NO:

H-9411

LM

MAP PREPARED:

2021/10/26

rc

1:3,000

0 15 30 60 90 120 Meters

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