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File No. Z.-1-122125
Planner: Amanda-Brea Watson

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	REPORT ON ONTARIO MUNICIPAL BOARD HEARING FOR NEAR-CAMPUS NEIGHBOURHOODS POLICY MEETING ON JUNE 20, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, relating to the adjournment of the appeal of Adamas Group Inc. of Policy 3.5.19.8 of OPA 535 and the appeal of Zoning By-law No. Z.-1-122125 solely as the said policy and provisions of the zoning by-law apply to the lands at 1461-1465 Oxford Street East and 613-629 First Street, the Ontario Municipal Board **BE ADVISED** that Municipal Council consents to an order that permits the appeals of Adamas Group Inc. in part on the basis that Figure 4.36 of Schedule A to Zoning By-law No. Z.-1-122125 be amended to exclude these lands from Zoning By-law No. Z.-1-122125 as shown in Appendix 1, attached.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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December 2007 – Report to Town and Gown Committee – Town and Gown Initiatives. This report identified efforts that have already been made in London by the University, Colleges, Student Councils, Neighbourhood Groups, London Police, London Fire, By-law Enforcement, and Planning and Development to address Town and Gown issues.

February 2008 – Report to Planning Committee – Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges – This report to Planning Committee proposed 10 strategic initiatives designed to collectively achieve the common vision for the Near-Campus Neighbourhoods.

November 2008 – Report to Planning Committee – Great Near-Campus Neighbourhoods Strategy Implementation Plan – This report to Planning Committee re-branded the “Closing the Gap” initiative to “Great Near-Campus Neighbourhoods Strategy” and recommended that the proposed Plan to implement the Great Near-Campus Neighbourhoods Strategy be adopted.

September 2009 – Report to Planning Committee –Near-Campus Neighbourhoods Planning Amendments – This report to Planning Committee recommended that the draft Official Plan and Zoning By-law amendments be circulated for public and agency review and that public meetings be held with local stakeholders to review the draft amendments. Based on the feedback, Planning Staff forward a report to Planning Committee for further consideration and approval.

June 2012 – Report to Planning and Environment Committee –Near-Campus Neighbourhoods Planning Amendments – This report to the Planning and Environment Committee recommended that the proposed Official Plan and Zoning By-law amendments that were modified based on public feedback from the September 2009 circulation be adopted.

November 2012 – Report to Planning and Environment Committee – Near-Campus Neighbourhoods Notice of Appeal to the Ontario Municipal Board – This report to the Planning and Environment Committee recommended that in response to the letters of appeal to the Ontario Municipal Board, relating to applications for amendments to the Official Plan and Zoning By-law No. Z.-1 which were passed by Municipal Council advised the Ontario Municipal Board that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

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PURPOSE AND EFFECT OF RECOMMENDED ACTION

The proposed action would advise the Ontario Municipal Board that Municipal Council consents to the removal of the Adamas Group Inc. lands from Figure 4.36 of the Zoning By-law which shows the Near Campus Neighbourhood Area.

BACKGROUND

Near Campus Neighbourhood Policies and Zoning Regulations

There is a long history of planning initiatives for Near-Campus Neighbourhoods in London. On June 26, 2012 Municipal Council approved Official Plan Amendment No. 535 and Zoning By-law No. Z.-1-122125.

In general, the Official Plan amendment establishes policies that:

- Define the near campus neighbourhood area (NCNA)
- Establish a vision for the NCNA
- Establish goals for the NCNA
- Define appropriate intensification
- Direct preferred forms of intensification to appropriate locations – establishing what these mean
- Define intensity (which relates to an increased usability of a dwelling unit)
- Establish tools for planning in NCNA
- Provide policies for applications proposing intensification and increased intensity in MDR & HDR areas
- Provide policies for applications proposing intensification and increased intensity in LDR areas
- Deal with consent applications in NCNA
- Deal with applications for minor variances in NCNA
- Address heritage preservation

The zoning by-law:

- Establishes Figure 4.36 which defines, by map, the near campus neighbourhood area
- Establishes new definitions for duplex, triplex, fourplex, semi-detached, townhouse, stacked townhouse, street townhouse and apartment units that limit the number of bedrooms per unit to a maximum of 3 within near campus neighbourhoods
- Establishes new definition for the calculation of PARKING AREA to include all areas used for access driveways, aisles, driveways and parking spaces
- Changes the required minimum interior side yard depth associated with a variety of zones
- Changes the required landscaped open space in a variety of zones
- Changes to the maximum parking area coverage
- Changes to the required parking area set-back

On August 21, 2012 and August 24, 2012 appeals were submitted by Barry Card (on behalf of Arnon Kaplansky), Brian Toth, Jon Leahy (Escalade Property Corp), and Twee Brown (Adamas Group).

An Ontario Municipal Board hearing was held on June 10, 2013. On a motion by the City, the Board ordered that the appellants, Escalade Property Corp. and Brian Toth, had no standing to file appeals, and made the following order to bring the Near Campus Neighbourhood OPA and ZBA into full force and effect:

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“This Board orders that the appeals by Adamas Group Inc. are defined as an appeal from Policy 3.5.19.8 of OPA 535 and an appeal of Zoning By-law No. Z.-1-122125 solely as the said policy and provisions of the zoning by-law apply to the lands owned by the Appellant municipally identified as 1461-1465 Oxford Street East and 613-629 First Street, London (the “Adamas Appeal”). The Adamas Appeal is adjourned to permit Municipal Council to consider other material information and make written submissions to the Board under sec. 17(44.5) and section 34(24.5) of the *Planning Act*.

Save and except for the Adamas Appeal, all other appeals being dismissed or withdrawn, this Board orders that the decision of Council in respect of OPA 535 is final on June 10, 2013 pursuant to section 22 (13) of the *Planning Act* and Zoning By-law No. Z.-1-122125 is in full force and effect in accordance with the provisions of 34(30) of the *Planning Act*.”

Planning Applications for Adamas Proposal

Applications for an Official Plan Amendment, Zoning By-law Amendment and Site Plan respecting 1461-1465 Oxford Street East and 613-629 First Street have been in process since 2007. The following provides a chronology of application activities:

November 19, 2007	OZ-7390	<ul style="list-style-type: none"> - OP Amendment (from Low Density Residential to Multi-Family, High Density Residential) - Zoning By-law Amendment (from a Residential R1-6 Zone to a Residential R10 Zone (R10-1*H40) - apartments at a maximum height of 40.0 metres and a maximum density of 175 units per hectare) - Staff directed to bring site plan to a public meeting of Planning Committee
February 11, 2008	OZ-7390	<ul style="list-style-type: none"> - Report to Planning Committee recommending that Municipal Council not alter its decision in response to an appeal to the amending by-law by a neighbouring property owner
August 11, 2008	H-755/ SP07-031176	<ul style="list-style-type: none"> - Report to Planning Committee and Public Meeting for a Site Plan Public Meeting for a 14 storey apartment building with 129 units on the subject lands.
January 8, 2013	SP12-031032	<ul style="list-style-type: none"> - Report to the PEC and Public Meeting on the subject site plan application to permit 15 storey apartment building with 126 three, four and five bedroom units
January 15, 2013	SP12-031032	<ul style="list-style-type: none"> a) The Approval Authority BE ADVISED that at the public participation meeting of the Planning and Environment Committee held with respect to this matter, issues were raised with respect to the blank wall on the west side of the building and the potential for the students to drink alcoholic beverages on the patio; b) The Approval Authority BE ADVISED that the Municipal Council supports the site plan application for a 15 storey apartment building with 126 three, four and five bedroom units, with the following amendments: <ul style="list-style-type: none"> i) Request the developer install a 2.4 metre (8 foot) fence on the west side of the building; and, ii) Request the developer install windows along the

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west side of the building;

- c) The Civic Administration BE REQUESTED to look at the installation of an advanced green left hand turn signal on First Street, at the intersection of Oxford Street;

it being pointed out that at the public participation meeting associated with this matter, individuals made oral submissions.

ANALYSIS

Adjournment

The City advised the Ontario Municipal Board that an adjournment was sought because there was an issue regarding a Council resolution passed in January 2013 relating to the Adamas development that may be inconsistent with the Zoning By-law. Under section 34(26) of the Planning Act, the Board may amend Zoning By-law No. Z.-1-122125 so as to exempt the Adamas' property from Schedule "A" to the By-law. The adjournment has protected the appeal rights of Adamas.

Positive Form of Development

As noted above, the proposal for the lands at 1461-1465 Oxford Street East and 613-629 First Street has been reviewed by Municipal Council on a number of occasions. In each case, Council has supported the proposal – the Official Plan amendment, the Zoning By-law amendment, the site plan (recommendation from Council to the Site Plan Approval Authority to approve the site plan) and the lifting of the associated holding provision.

It has been made clear in both the site plan application and the removal of the holding provision that 3,4 and 5 bedroom units were proposed for this development. Given the proposal's somewhat unique location directly across the street from Fanshawe College's main campus, the project was seen as providing an opportunity for purpose-built student housing in a high rise form that allows for on-site management and controls that would mitigate near-campus neighbourhood concerns. Development at this location was seen as a positive way to reduce pressure for purpose-built student housing within the interior of the nearby neighbourhood that was already experiencing significant near campus neighbourhood pressures.

Proposal Relative to Near Campus Neighbourhood Policies and Regulations

The proposal fits well within the context of the Near Campus Neighbourhood policies and zoning regulations that were approved by Council and are now in effect, outside of these lands.

Policy 3.5.19.7 of the Official Plan defines "residential intensity", referring to the increase in the usability of an existing dwelling, building, or site to accommodate additional occupancy including, but not limited to, building construction or additions, increasing the number of bedrooms, and expanding parking areas."

The proposal at 1461-1465 Oxford Street East and 613-629 First Street, is for 3,4 and 5 bedrooms in apartment units which is greater than the 3 bedrooms per unit limit as defined for apartment units in near campus neighbourhoods. Thus, this proposal is for a higher intensity than the new By-law would otherwise allow.

The following explains how the proposal relates to the new Near Campus Neighbourhood policies, when considering matters of intensification and intensity:

The proposed development is consistent with section 3.5.19.4 of the new policies in that it:

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- i. Represents appropriate intensification
- iv. Is a higher density form of housing
- v. Is located on a significant transportation...corridor and away from the interior of low density residential neighbourhoods
- vi. Is appropriate in scale, mass, density and intensity (a detailed urban design analysis has been completed through the site plan process)
- viii. Represents a strategic location where residential intensification is appropriate – close to significant transit services and across the street from Fanshawe College.

The proposed development represents appropriate intensification that is consistent with Section 3.5.19.5 of the new policies, in that it:

- Is not located in a low density residential area
- The lot is adequately sized to accommodate the use
- Adequate parking will be created to accommodate the expected level of intensity
- Built form has been assessed through the Urban Design Peer Review Panel and Urban Design Staff and, through a public site plan process, has been determined to be appropriate by Council; as noted above, the zoning and site plan process contemplated a proposal for 4 and 5 bedrooms per unit
- Is located within an area designated and intended for high density residential uses.

Consistent with Section 3.5.19.9 of the new policies, the subject site is located on an arterial road and within a Multi-family, High Density Residential designation – where greater intensity may be permitted - and is not located within the interior of a low density residential area.

Given the above, Planning Staff believe that the Adamas proposal is appropriate and represents sound planning. Staff recommend that the Ontario Municipal Board be advised that Municipal Council consents to excluding the lands at 1461-1465 Oxford Street East and 613-629 First Street from the Near Campus Neighbourhood Area identified in the new Figure 4.36, so that the Adamas project can proceed as planned to date.

PREPARED BY:	SUBMITTED BY:
AMANDA-BREA WATSON, MCIP, RPP PLANNER II, COMMUNITY PLANNING AND DESIGN	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

June 14, 2013

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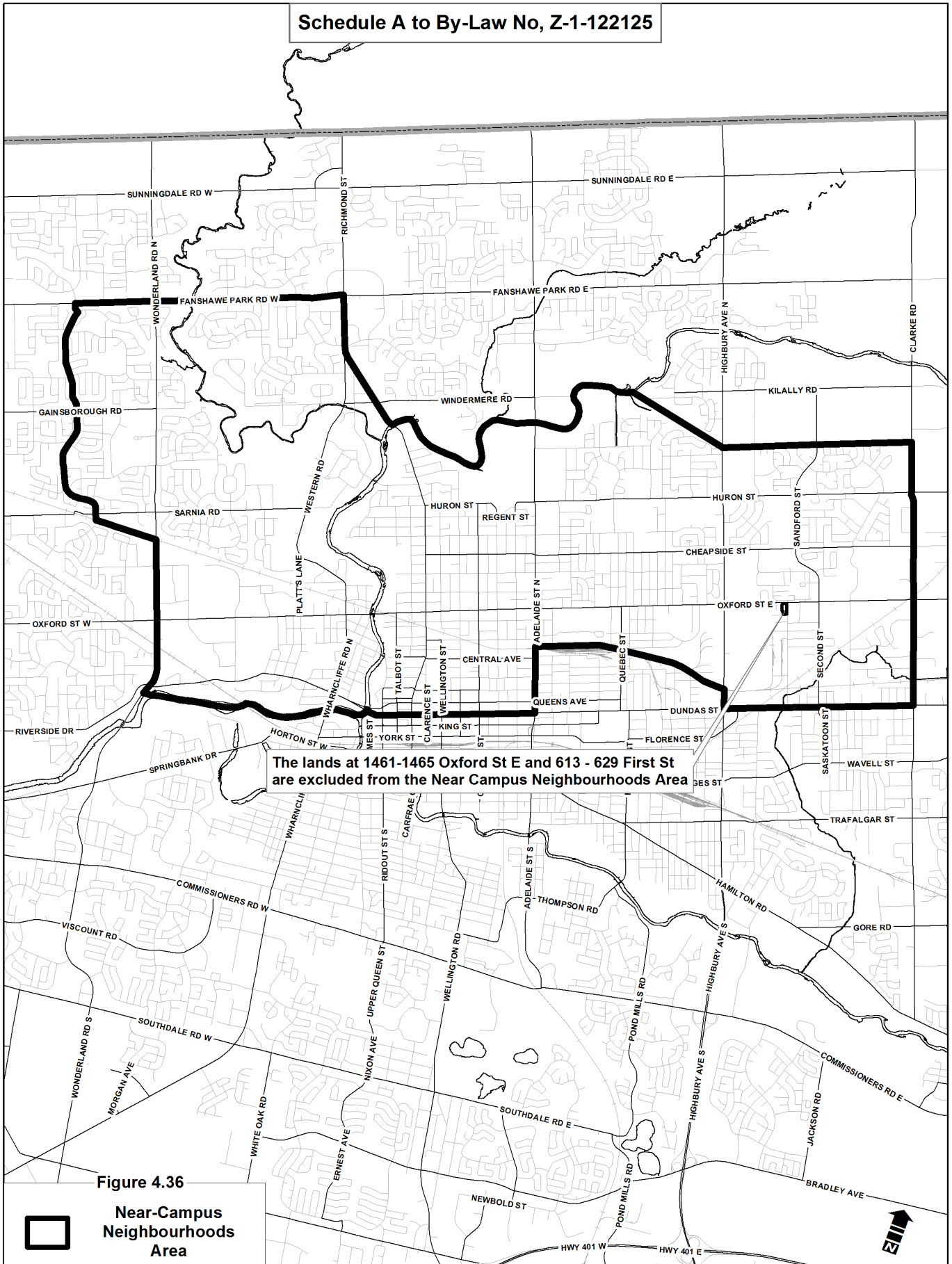
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APPENDIX 1

Schedule "A" to By-law No. Z-1-122125

Figure 4.36
Near-Campus Neighbourhoods Areas

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APPENDIX 2

Subject Lands

Located at

1461-1465 Oxford Street East and
613-629 First Street, London Ontario

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