

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: February 03, 2020

CASE NO(S):

PL160046
PL170100

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Old Oak Properties Inc.
Subject:	Request to amend the Official Plan - Refusal of request by City of London
Existing Designation:	Low Density Residential
Proposed Designated:	Multi-family, High Density residential
Purpose:	To permit the development of high intensity residential uses
Property Address/Description:	2300 Richmond Street
Municipality:	City of London
Approval Authority File No.:	OZ-8501
OMB Case No.:	PL160046
OMB File No.:	PL160046
OMB Case Name:	Old Oak Properties Inc. v. London (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Old Oak Properties Inc.
Subject:	Application amend Zoning By-law - Refusal of Application by City of London
Existing Zoning:	Open Space (OS5) Zone, Urban Reserve (UR4) zone. and Holding Urban Reserve Special Provision (h-54*UR4(1)) Zone
Proposed Zoning:	Residential R8 Special Provision (R8-4(_)) Zone, Residential R9 Special Provision (R9-7(_)) zone, and Open Space Special Provision

Purpose: (OS5(_)) Zone
To permit the development of high intensity residential uses

Property Address/Description: 2300 Richmond Street

Municipality: City of London

Municipality File No.: OZ-8501

OMB Case No.: PL160046

OMB File No.: PL160047

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1390226 Ontario Inc.

Appellant: 1610341 Ontario Inc.

Appellant: 1705823 Ontario Ltd. (C/O York Developments)

Appellant: 1739626 Ontario Ltd. (c/o York Developments); and others

Subject: The London Plan

Municipality: City of London

OMB Case No.: PL170100

OMB File No.: PL170100

OMB Case Name: Lansink v. London (City)

Heard: January 21, 2020 by telephone conference call

APPEARANCES:

Parties

City of London

Old Oak Properties Inc.

Counsel

A. Anderson, S. Tatavarti

A. Baroudi

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON
JANUARY 21, 2020 AND ORDER OF THE TRIBUNAL**

[1] This hearing was convened to hear a settlement between the Parties pertaining to appeals by Old Oak Properties Inc. (“Appellant”) to the refusal of its applications for

Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) by the City of London (“City”). Joined with this file and heard together with the above appeals was the Appellant’s appeal to the City’s new 2016 London Plan which, when in full force and effect, will replace the City’s 1989 Official Plan. Thus, two OPAs and one ZBA result from this settlement.

[2] In addition to counsel listed above, also on the call were City Planners Barb Debbert and Michael Tomazincic, and the Appellant’s Planner, Greg Priamo. Counsel confirmed that during the course of several Pre-Hearing Conferences for these appeals, no other Parties or Participants were identified.

[3] After extensive discussions, further studies and substantially revised plans, the Parties agreed to OPAs and a ZBA to permit two 160-unit apartment buildings containing a total of 320 dwelling units on a developable area of 1.82 hectares (“ha”) at 2300 Richmond Street (“site”). The remainder of the 4.6 ha site will be designated and zoned to protect the natural features and functions of wetlands and woodlands on and adjacent to the site and to accommodate the north London trail system that is planned to cross this site.

[4] Barb Debbert, Senior Planner with the City, provided an affidavit in support of the settlement. The Tribunal qualified Ms. Debbert to provide opinion evidence in land use planning and marked her affidavit as Exhibit 1. Ms. Debbert summarized and confirmed her written opinion as follows.

[5] The proposed OPAs and ZBA respond to the site’s gateway location at the north entrance to the City along Richmond Street by retaining the knoll feature, providing building presence along the street, façade articulation and stepping down from 8 storeys to 6 storeys at the front. The site plan accounts for a proposed pedestrian bridge over Richmond Street and a trail along the edge of the natural features as part of the City’s trail system. Natural features and functions on and adjacent to the site are protected by corresponding zones, setbacks and buffers, and the wildlife corridor along the east side of the site will be rehabilitated with native plants.

[6] Ms. Debbert concludes that the OPAs and ZBA have regard for the provincial interests of s. 2 of the *Planning Act* (“Act”), are consistent with the Provincial Policy Statement, 2014 (“PPS”) and conform with both the 1989 Official Plan and the new London Plan.

[7] In support of her conclusions, Ms. Debbert notes that the development will provide housing at a density and scale for the efficient use of land and infrastructure within the urban boundary in support of transit and a nearby planned neighbourhood commercial centre. The site will provide views and access to natural areas and to active transportation via the planned trail system. The massing and scale of buildings and the site design take into account and are compatible with existing and planned land uses around the site. Natural features and functions of the site and area’s wetlands, woodlands and wildlife corridor are protected and enhanced.

[8] On the settlement of the Parties and Ms. Debbert’s uncontroverted planning evidence, the Tribunal found that the OPAs and ZBA satisfy the legislated tests as set out above and approved the instruments as set out in the Order below.

ORDER

[9] The appeals are allowed in part, and

- The OPA to the 1989 Official Plan is approved in the form of Exhibit 1, p. 36 – 39 as set out in Attachment 1;
- Zoning By-law No. Z.-1 is amended by the ZBA in the form of Exhibit 1, p. 40 – 42 as set out in Attachment 2; and
- The OPA to the London Plan is approved in the form of Exhibit 1, p. 49 – 52 as set out in Attachment 3.

“S. Tousaw”

S. TOUSAW
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE 'A'

File: OMB-OZ-8501

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the designation of the developable portion of the lands described herein from Low Density Residential to Multi-Family, Medium Density Residential on Schedule "A", Land Use to the Official Plan for the City of London to facilitate the development of the subject lands through specific policies contained in the Official Plan including site-specific bonus zoning policies for considering height and density increases. The Amendment will also change the designation of ecologically significant lands and their associated buffers from Low Density Residential, Open Space and Environmental Review on Schedule "A", Land Use to the Official Plan for the City of London to Open Space.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to 2300 Richmond Street in the City of London.

C. BASIS OF THE AMENDMENT

These lands are consistent with the locational criteria for the Multi-Family, Medium Density designation including close proximity to Shopping Areas, designated Open Space areas, and lands abutting Arterial Roads. The primary permitted uses in the Multi-Family, Medium Density Resignation includes low-rise apartment buildings, consistent with the proposed development. The Multi-Family, Medium Density Residential designation will allow for an appropriate level of residential intensification in keeping with its context.

The general Multi-Family, Medium Density Residential policies include policies related to the scale of development which limit height at four storeys and net density at 75 units per hectare. However the Multi-Family, Medium Density Residential (MFMDR) policies contemplate increases to the scale of development through bonus zoning in return for eligible facilities, service or matters which provide a public benefit and are identified in Section 19.4.4 of the Official Plan. Section 19.4.4 of the Official Plan provides broad criteria for considering height and density increases and the MFMDR designation policies provide a cap on height and density increases achieved through bonus zoning. The policies to be added by this Amendment to Section 3.5 of the Official Plan will include site-specific requirements for matters to be considered for bonus zoning and will allow for density increases above the standard maximum in the MFMDR designation.

The proposed form of development for the subject lands is consistent with the permitted uses of the MFMDR designation. Given the site specific provisions incorporated into the proposed development at this gateway location, the permitted scale of development facilitates, through bonus-zone provisions, public benefits and a form of development that complements the character of the surrounding area and natural heritage features.

Without compliance with the bonus zoning provisions, the permitted intensity of use on the lands would remain within the base maximum height of 4 storeys and the standard maximum density of 75 units per hectare as permitted by the MFMDR designation.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by changing the designation of these lands located at 2300 Richmond Street, as indicated on "Schedule 1" attached hereto, from Low Density Residential, Open Space and Environmental Review to Multi-Family, Medium Density Residential and Open Space.
2. Section 3.5 is amended by adding a new subsection as follows:

"3.5.____ 2300 Richmond Street.

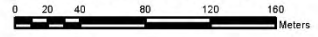
In the Multi-Family Medium Density designation located at 2300 Richmond Street, being a northern gateway location, the following additional policies shall apply, subject to a Bonus zone as provided for in Section 19.4.

Bonusing may be approved for a maximum height of 8 storeys and maximum of 320 dwelling units for the MFMDR designation based on the following criteria:

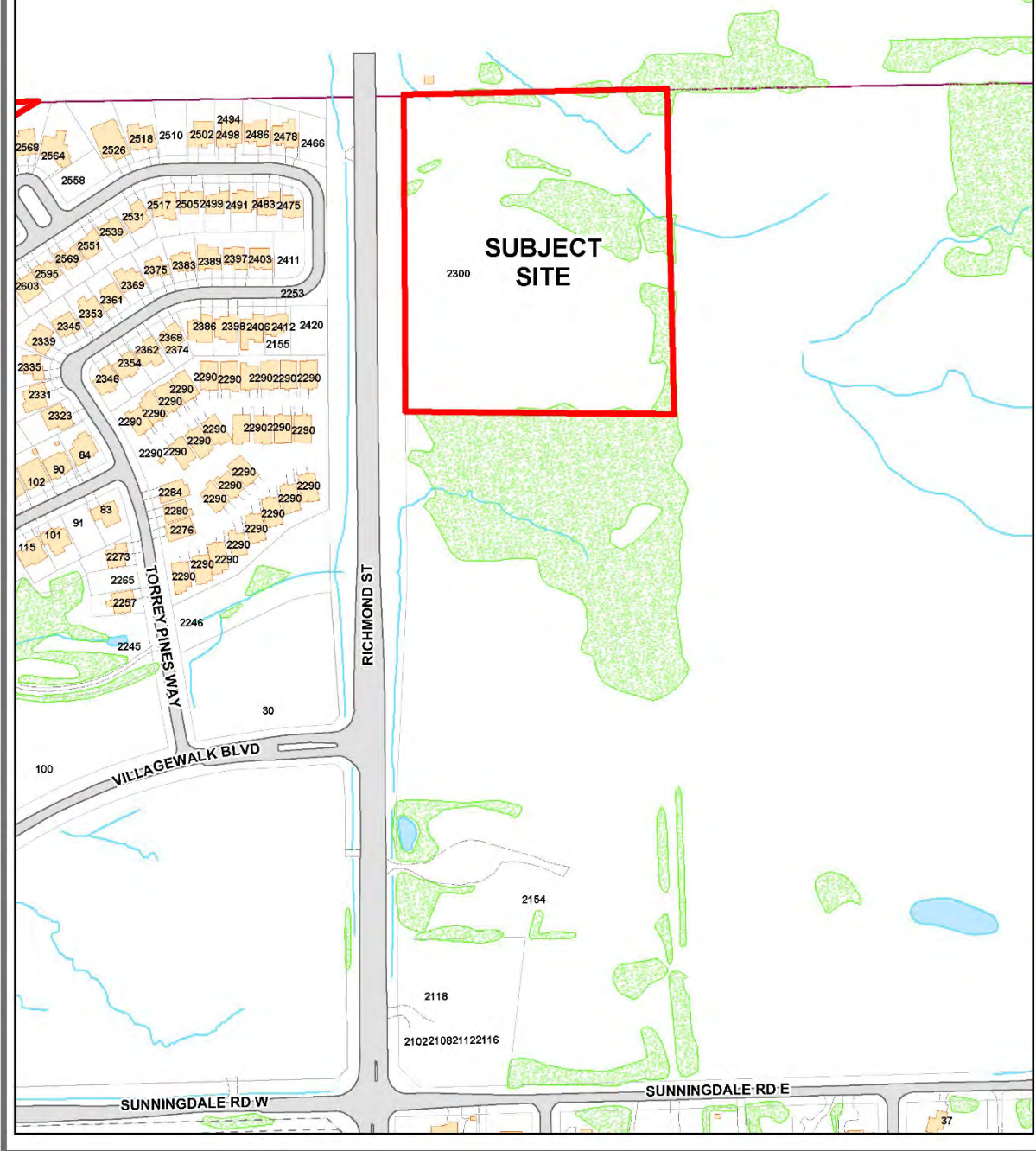
- i) Design of the site to appropriately accommodate the City's proposed pedestrian bridge crossing over Richmond Street;
- ii) Incorporation of urban design features into building elevations and overall site design to help create a gateway into the City;
- iii) Provision and naturalization of a corridor linkage along the easterly property line; and
- iv) A monetary contribution toward enhancements to the design and construction of the pedestrian bridge/gateway feature.

OFFICIAL PLAN AMENDMENT
No. ____

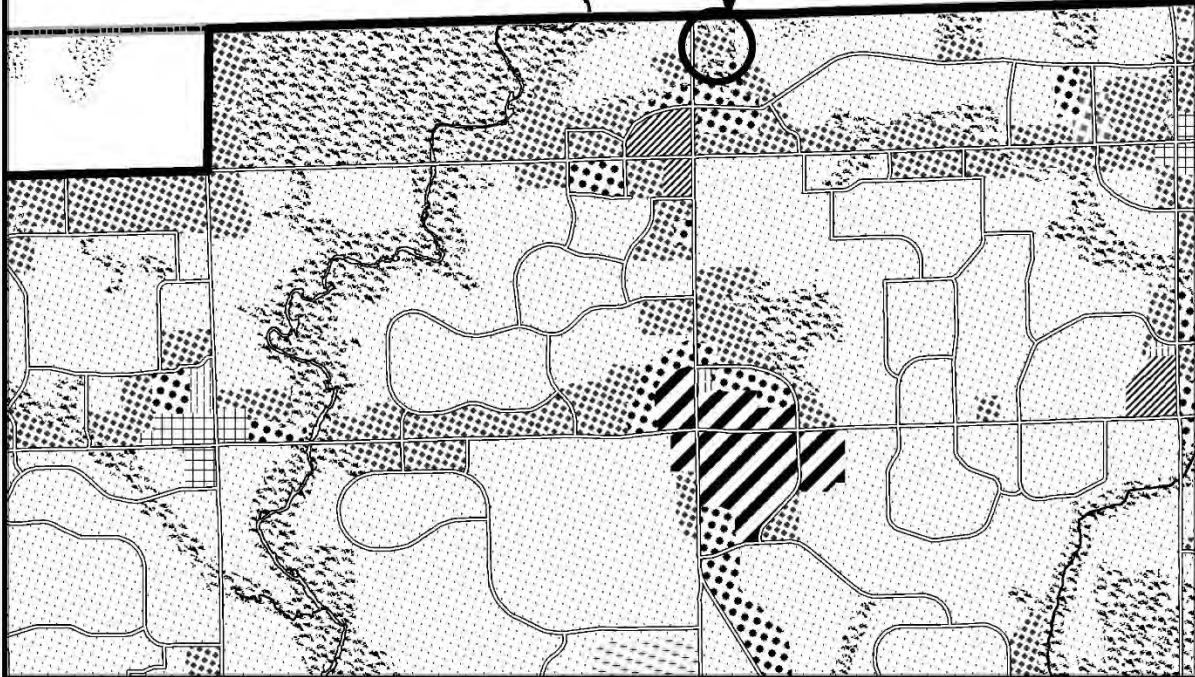
LOCATION MAP



Prepared on Nov 22 2019 by:
GIS Planning & Development Services
Corporation of the City of London
based on April 2018 Right info.
File: \planning\projects\OPA\locamap.mxd



From: Low Density Residential, Open Space, Environmental Review
 To: Multi-Family Medium Density Residential and Open Space



Legend

Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

**SCHEDULE 1
 TO
 OFFICIAL PLAN**

AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: OZ-8501

PLANNER: BD

TECHNICIAN: RC

DATE: 2019/11/22

SCHEDULE 'B'

File: OMB-OZ-8501

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2300 Richmond Street.

WHEREAS Old Oak Properties has applied to rezone an area of land located at 2300 Richmond Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Local Planning Appeal Tribunal orders as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2300 Richmond Street, as shown on the attached map comprising part of Key Map No. A102, from an Urban Reserve (UR4) Zone, a Holding Urban Reserve (UR4(1)) Zone, and an Open Space (OS5) Zone, to a Residential R8 Bonus (R8-4/B-()) Zone, an Open Space (OS1) Zone, an Open Space (OS5) Zone, and an Open Space Special Provision (OS5()) Zone.
- 2) Section Number 4.3 4) – Site Specific Bonus Provisions is amended by adding the following Bonus Provision:
 -) B-___ 2300 Richmond Street

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of two residential apartment buildings, with a maximum height of eight (8) storeys, and a maximum of 320 dwellings units, which substantively implements the Site Plan, Renderings and Elevations attached as Schedule "1" to the amending by-law, providing for:

- A site designed to appropriately accommodate the provision of the City proposed Pedestrian Bridge to cross over Richmond Street;
- The incorporation of urban design features into the building elevations and overall site design to help create a gateway into the City;
- The provision and naturalization of a corridor linkage along the easterly property line; and
- A monetary contribution toward enhancements to the design and construction of the Pedestrian Bridge/Gateway feature.

The development shall specifically incorporate the following key components:

- A building design which, with minor variations at the discretion of the Director of Development Services, matches the site plan, renderings and elevation drawings shown in Schedule "1";
- Buildings collectively forming a T-shaped configuration, located in staggered positions, perpendicular to the Richmond Street frontage and with at least 60 metres of building wall facing Richmond Street;
- Inclusion of underground parking, which may be partially exposed where grades necessitate, except in the southwesterly area where the underground parking requires plantings at grade level as part of a buffer function;
- A central drive aisle provided between the two apartment buildings, leading to a parking structure that provides underground parking integrated into the buildings;
- Provision for locating the City proposed pedestrian bridge crossing at Richmond Street;
- Site design that makes best efforts to maintain the existing "knoll" feature;
- A built form which includes a high standard of design, in accordance with the Urban Design policies (chapter 11) of the Official Plan, as well as the Placemaking Guidelines, as this site is located at a major entryway into the City;
- Include on the west, north and south facades articulation, generous amounts of glazing, and a variety of materials and colours to add interest to these facades;
- Building heights stepping down to 7 storeys at the rear of the buildings, and to 7 and

- then 6 storeys at the front of the buildings as per attached elevations;
- Design which breaks up the building horizontally by differentiating the top two or three floors of the building as per attached elevations;
- Design which breaks up the building vertically by articulating the façade as per attached elevations;
- Bird friendly design, snow removal control (no snow storage in the buffer or the ecological feature), lighting controls on parking lot and building lights so as to minimize shining into the natural area;
- A monitoring plan for the ecological buffers/features.

The following special regulations apply within the bonus zone upon the execution and registration of the required agreement(s);

i)	Front Yard Depth (minimum)	8.0 metres
ii)	Interior Side Yard Depths for Main Buildings (minimum)	2.0 metres
iii)	Interior Side Yard Depths (minimum) for Parking Structures (minimum)	0.0 metres
iv)	Rear Yard Depth for Parking Structures (minimum)	0.0 metres
v)	Number of dwelling units (maximum)	320
vi)	Building Height (maximum)	28.0 metres
vii)	Landscaped Open Space (minimum)	28 percent

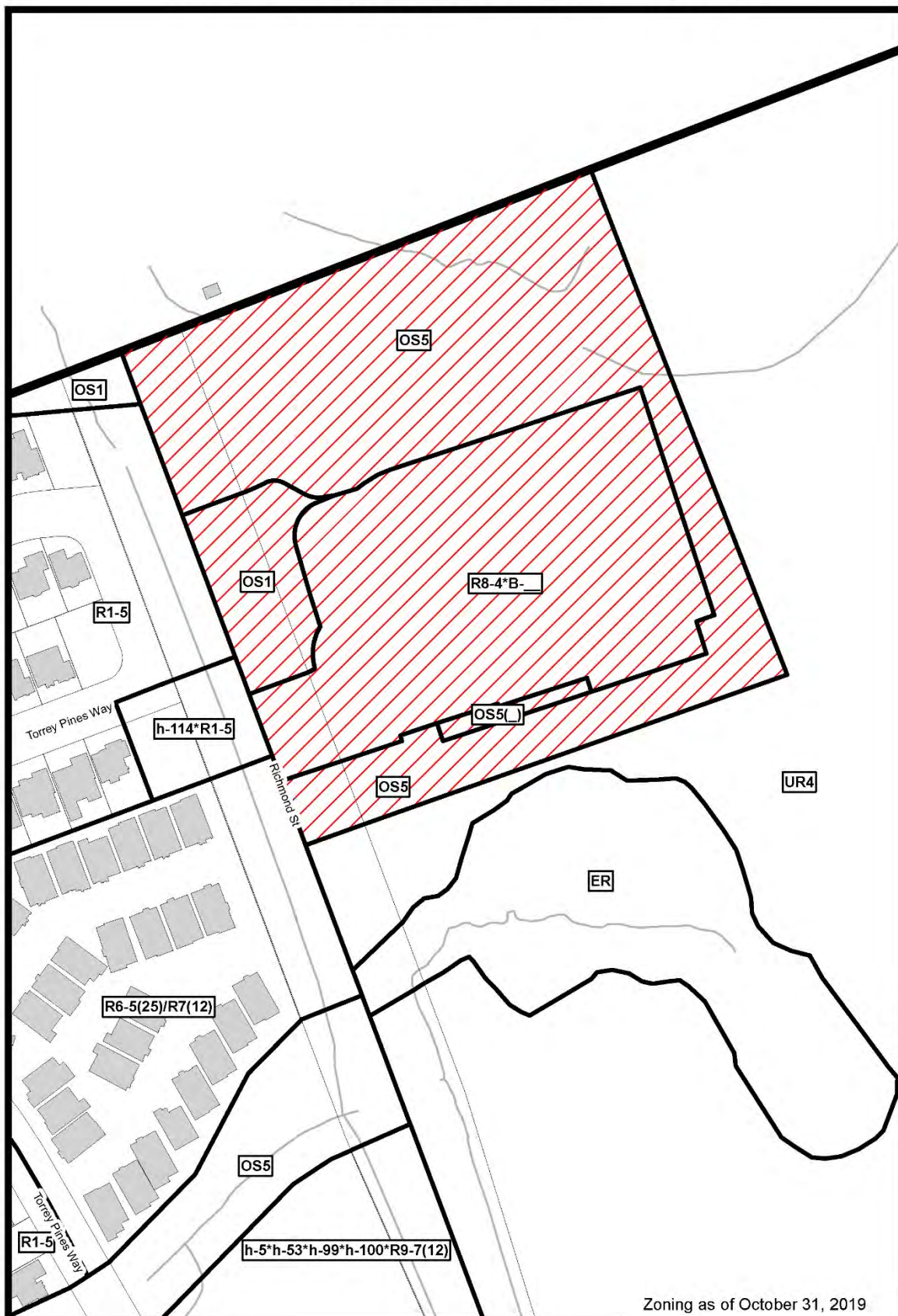
3) Section Number 36.4 of the Open Space (OS5) Zone is amended by adding the following Special Provision:

-) OS5() 2300 Richmond Street
 - a) Additional Permitted Uses
 - i) underground parking garage
 - b) Regulations
 - i) Frontage (minimum) 0.0 metres (0.0 feet)
 - ii) Lot Area (minimum) 460 square metres (4,951.4 square feet)
 - iii) Interior Side Yard Depth (minimum) 0.0 metres (0.0 feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

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



File Number: OZ-8501

Planner: BD


Date Prepared: 2019/11/22

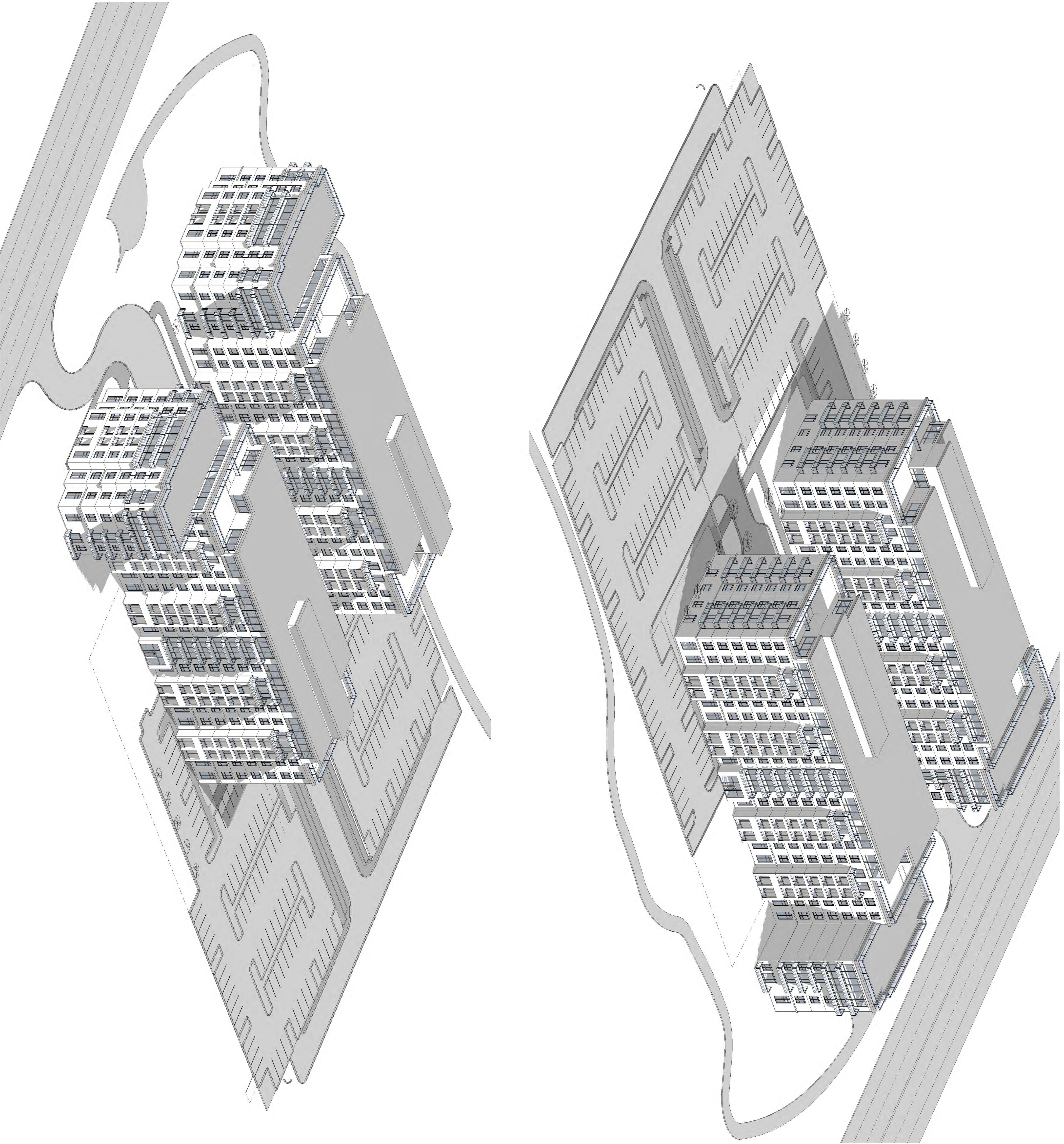
Technician: RC

By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters 



No.	Date	Revision
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Project No. 13061
Issue Date 2019-11-25
Drawn by CRZ
Checked by RPH
Print Date/Time 2019-11-25 1:06:58 PM



**2300 RICHMOND STREET
LONDON, ON**

3D VIEWS

Drawing Scale
Scale

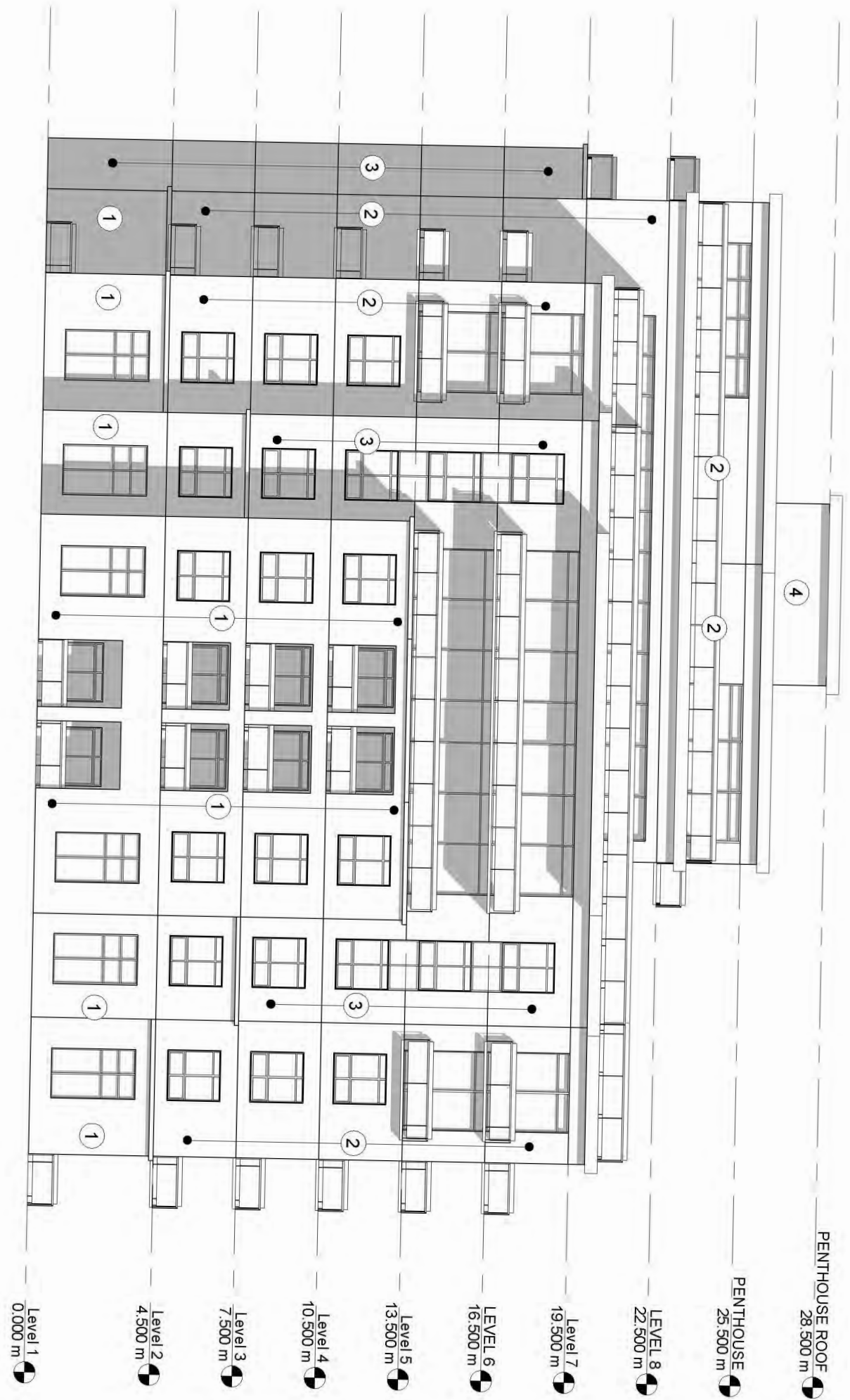
PRELIMINARY
Drawing No. _____
Revision No. _____
A3.2



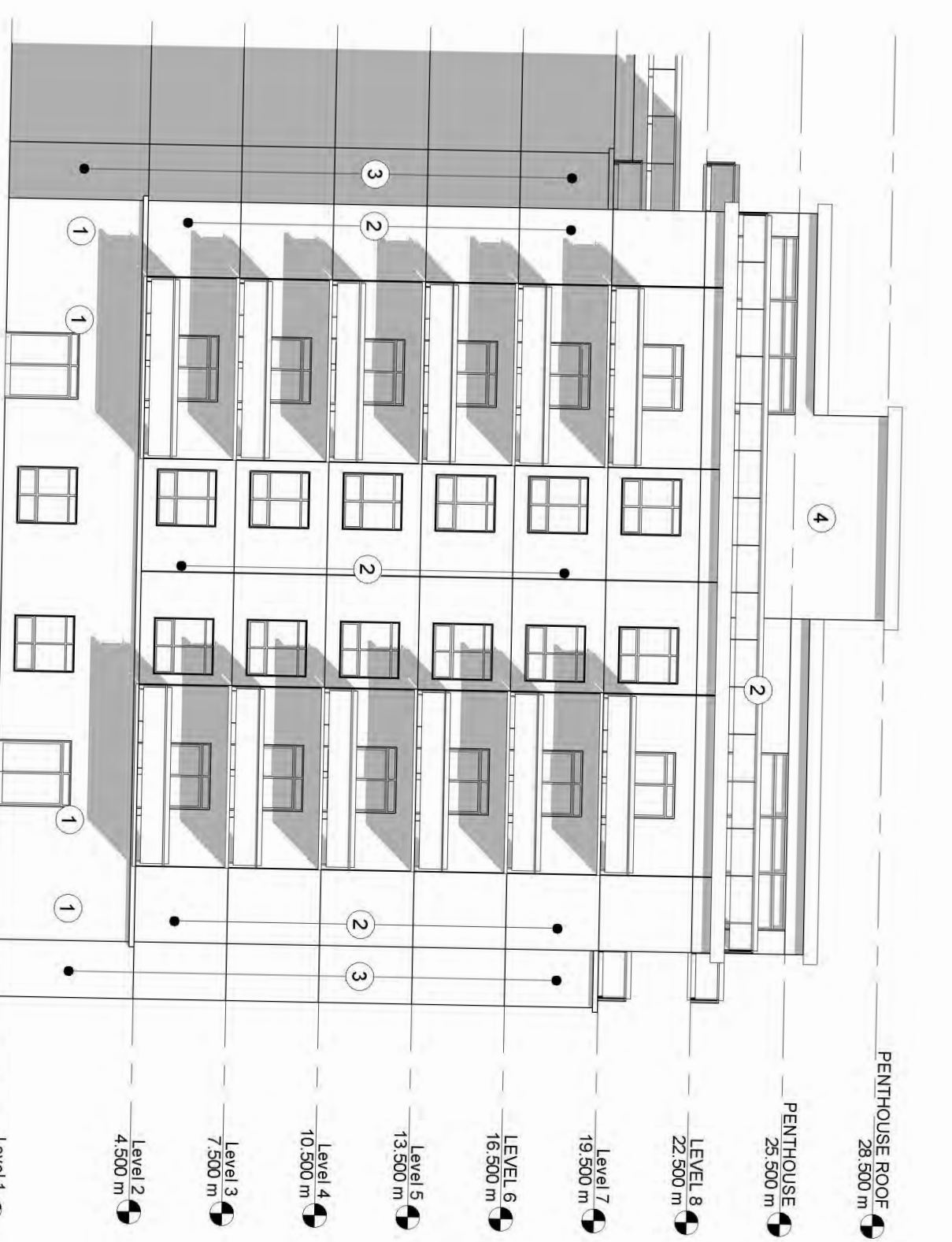
1 NORTH ELEVATION
1/16" = 1'-0"



2 SOUTH ELEVATION
1/16" = 1'-0"



4 WEST ELEVATION
1/16" = 1'-0"



3 EAST ELEVATION
1/16" = 1'-0"

- MATERIALS LEGEND**
- 1 TEXTURED FINISH (COLOUR A)
 - 2 TEXTURED FINISH (COLOUR B)
 - 3 TEXTURED FINISH (COLOUR C)
 - 4 METAL CLADDING

No.	Date	Revision

srmm
ARCHITECTS INC.

Project No: 13061
Issue Date: 2019-11-25
Drawn By: MES
Checked By: RPH
PLOT DATE / TIME: 2019-11-25 1:10:25 PM

2300 RICHMOND STREET, LONDON

ELEVATIONS

Drawing Scale: As Indicated
Status: **PRELIMINARY**

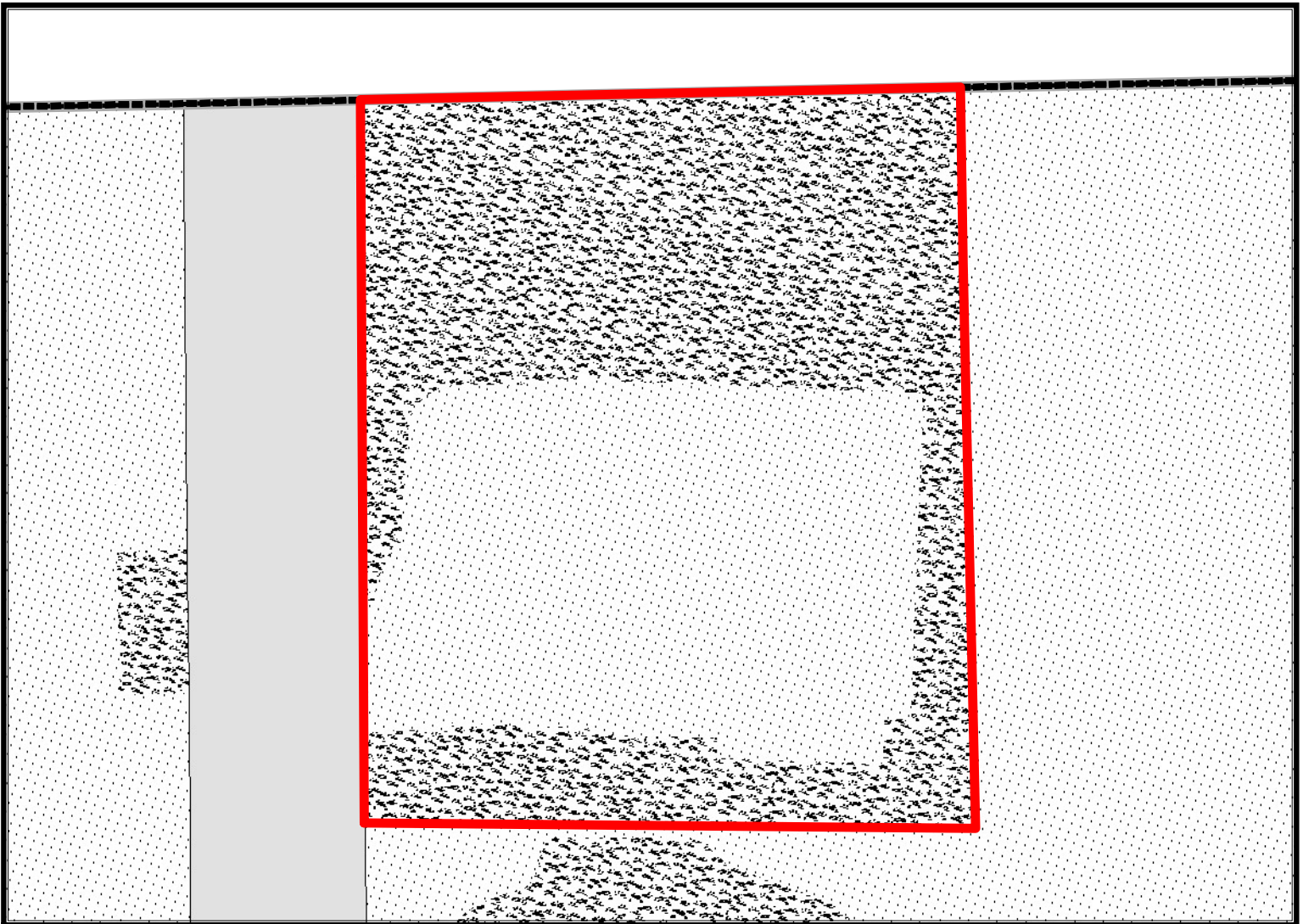
PRELIMINARY

Drawing No: **A3.1**
Revision No: **1**




















2300 RICHMOND STREET

1069A In the Neighbourhoods Place Type applied to the lands located at 2300 Richmond Street within the area bounded by Richmond Street to the west and the limit of Green Space Place Type to the north, east and south, bonus zoning may be permitted to allow for a maximum height of 8 storeys and 320 dwelling units, subject to the following conditions:

1. Design of the site to appropriately accommodate the City's proposed pedestrian bridge crossing over Richmond Street;
2. Incorporation of urban design features into building elevations and overall site design to help create a gateway into the City;
3. Provision and naturalization of a corridor linkage along the easterly property line; and
4. A monetary contribution toward enhancements to the design and construction of the pedestrian bridge/gateway feature.



Legend

 Downtown	 Future Community Growth	 Environmental Review
 Transit Village	 Heavy Industrial	 Farmland
 Shopping Area	 Light Industrial	 Rural Neighbourhood
 Rapid Transit Corridor	 Future Industrial Growth	 Waste Management Resource Recovery Area
 Urban Corridor	 Commercial Industrial	 Urban Growth Boundary
 Main Street	 Institutional	
 Neighbourhood	 Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

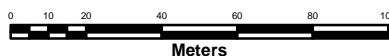
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

SCHEDULE #
TO
THE LONDON PLAN
AMENDMENT NO. _____

PREPARED BY: Planning Services



Scale 1:30,000



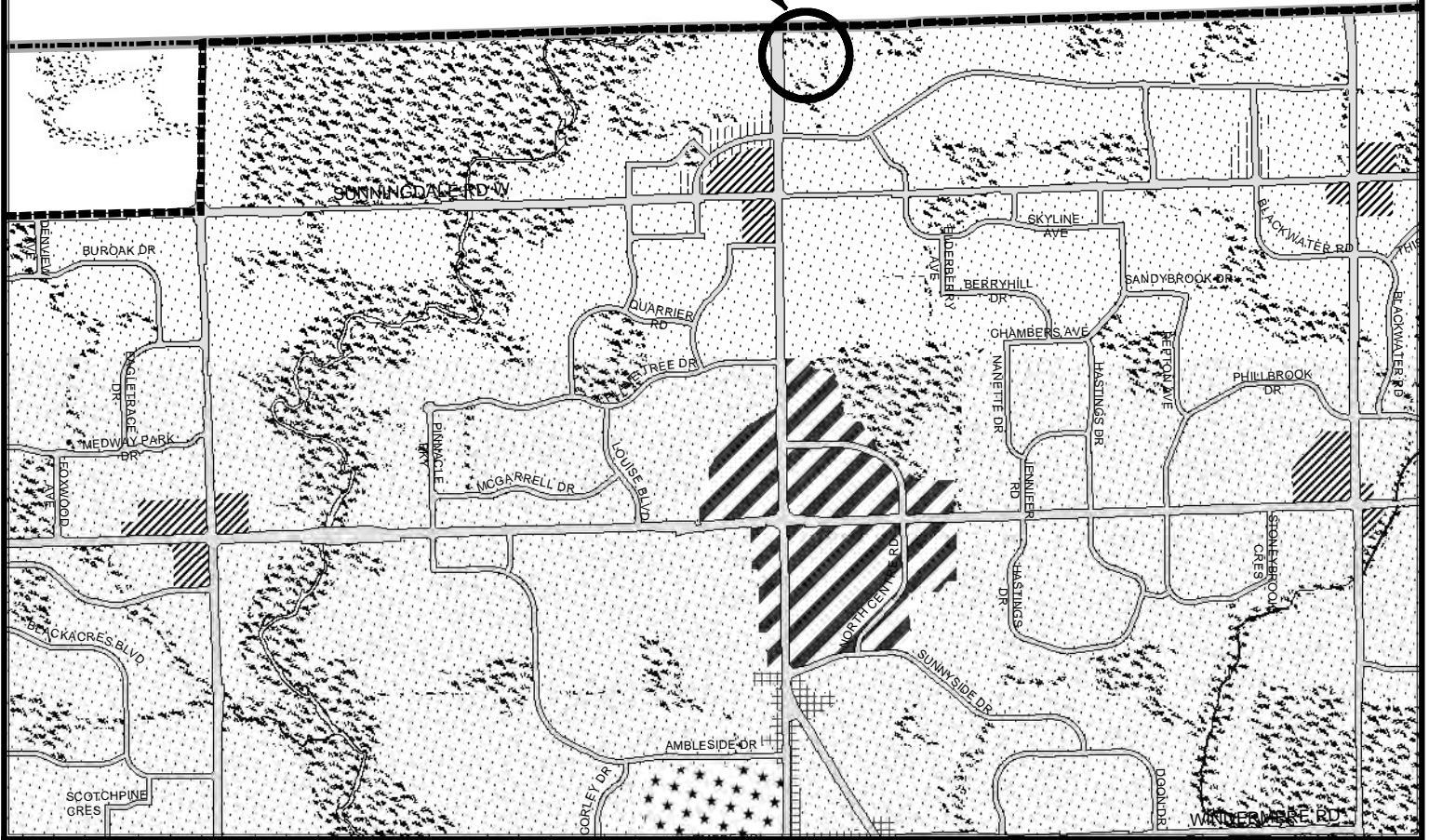
FILE NUMBER:

PLANNER:




















TECHNICIAN: RC

DATE: 1/9/2020

To Modify Neighbourhoods and Green Space boundaries



Legend

- | | | |
|--|--|--|
|  Downtown |  Future Community Growth |  Environmental Review |
|  Transit Village |  Heavy Industrial |  Farmland |
|  Shopping Area |  Light Industrial |  Rural Neighbourhood |
|  Rapid Transit Corridor |  Future Industrial Growth |  Waste Management Resource Recovery Area |
|  Urban Corridor |  Commercial Industrial |  Urban Growth Boundary |
|  Main Street |  Institutional | |
|  Neighbourhood |  Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

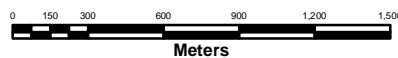
**SCHEDULE #
TO
THE LONDON PLAN**

AMENDMENT NO. _____

PREPARED BY: Planning Services



Scale 1:30,000

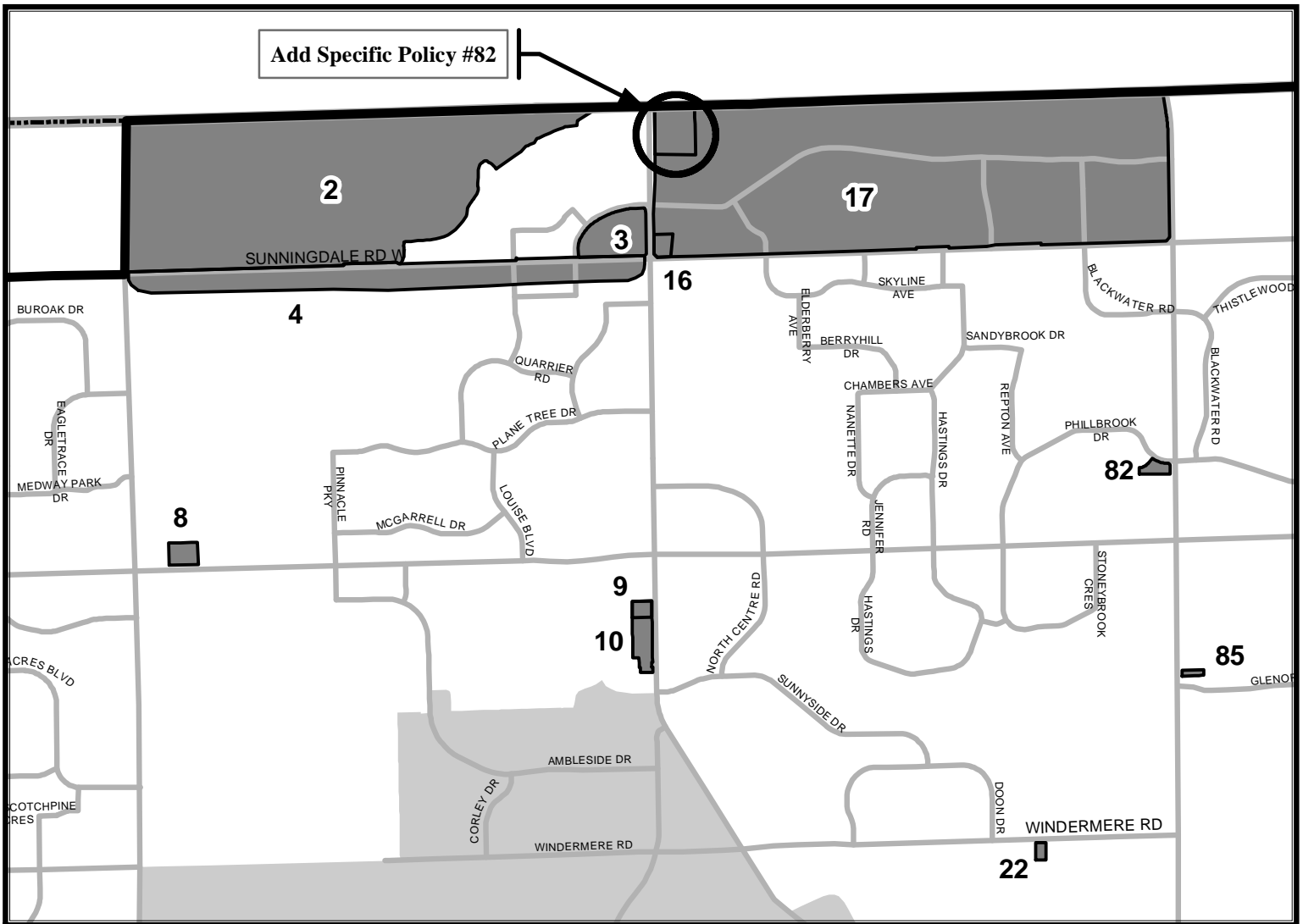


FILE NUMBER:





PLANNER:

TECHNICIAN: RC





DATE: 1/9/2020



LEGEND

-  Specific Policies
-  Rapid Transit and Urban Corridor Specific-Segment Policies
-  Near Campus Neighbourhood
-  Secondary Plans

BASE MAP FEATURES

-  Streets (See Map 3)
-  Railways
-  Urban Growth Boundary
-  Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

SCHEDULE #
TO
THE LONDON PLAN
AMENDMENT NO. _____

PREPARED BY: Planning Services



Scale 1:30,000



FILE NUMBER:

PLANNER:

TECHNICIAN: RC

DATE: 1/9/2020