

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas, P. Eng.
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: Removal of Holding Provisions (h, h-100, h-159)
Application By: Sifton Properties Limited
2835 Sheffield Place
Meeting on: July 22, 2019

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 2835 Sheffield Place, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on July 30, 2019 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 Special Provision (h•h-100•h-159•R6-2(11)) Zone **TO** a Residential R6 Special Provision (R6-2(11)) Zone to remove the h, h-100 and h-159 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

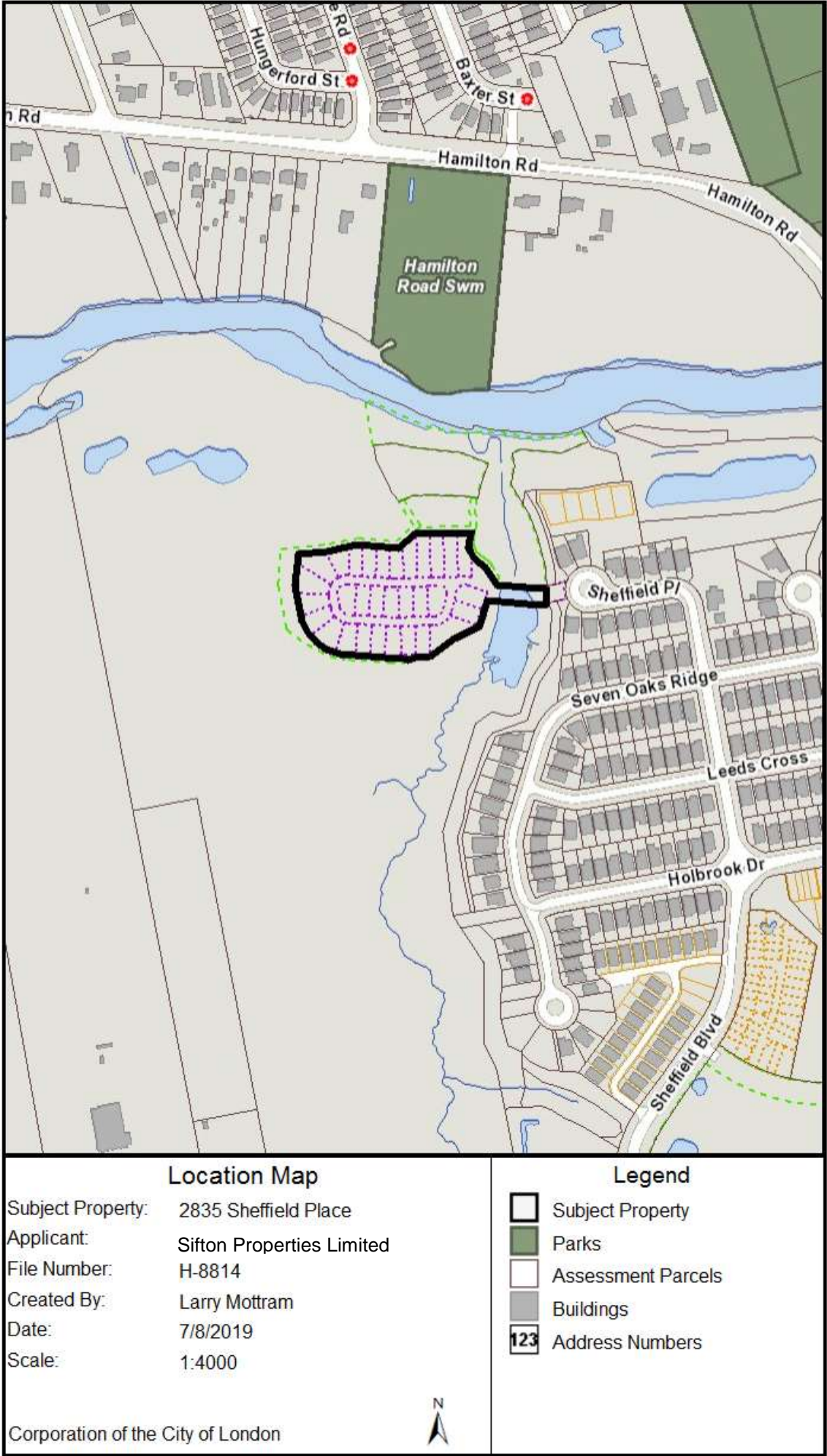
The purpose and effect of this zoning change is to remove the h, h-100 and h-159 holding symbols from the zone map to permit the development of 30 single detached cluster dwellings.

Rationale of Recommended Action

1. The conditions for removing the holding (h, h-100 & h-159) provisions have been met and the recommended amendment will allow development of a proposed 30 unit development in compliance with the Zoning By-law.
2. Performance security has been posted in accordance with City policy, and a Development Agreement has been executed by the applicant and the City.
3. A looped watermain system has been provided to ensure adequate water service, and provision of a temporary emergency access, to the satisfaction of the City.
4. An accepted Environmental Impact Study (EIS) for the access driveway has been provided to the satisfaction of the City and the UTRCA.

Analysis

1.1 Location Map





2.0 Description of Proposal

The purpose and effect of this zoning amendment is to remove the holding symbols to permit residential development consisting of 30 cluster single detached dwellings in the form of a vacant land condominium.

3.0 Revelant Background

3.1 Planning History

The lands which are the subject of this application represent a residential development block referred to as Block 153 within Sifton Properties Limited “Victoria on the River” (formerly Victoria Ridge) draft plan of subdivision, which was draft-approved in December of 2013.

On January 15, 2019, Municipal Council approved a rezoning of a small area (0.169 hectares) along the southerly portion of Block 153 to permit single detached cluster housing, and to rezone an equivalent area on the northerly portion of Block 153 to permit open space uses; together with minor adjustments to the block limits. This block is also the subject of applications for Draft Plan of Vacant Land Condominium and Site Plan Approval for 30 single detached cluster housing units.

Block 153 and the surrounding lands have been the subject of numerous planning and environmental studies, including the Victoria Ridge Plan of Subdivision Environmental Impact Study (AECOM 2009) and the Victoria Ridge Plan of Subdivision Environmental Impact Study Addendum (AECOM 2013). The recent zoning amendments and revisions to Block 153 were accompanied by two EIS reports. The first EIS report provided supporting documentation for the zoning by-law amendment and adjustments to the limits of the block. The second EIS report was prepared in conjunction with the Application for Site Plan Approval to address the proposed development and its access from Sheffield Place. The EIS for the access driveway works has been accepted, the site plan is currently being finalized, and a Development Agreement has recently been entered into.

4.0 Key Issues and Considerations

4.1 Have the conditions for removal of the holding (h, h-100 and h-159) provisions been met?

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

“Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.”

Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.

A Development Agreement was recently executed between Sifton Properties Limited and the City of London. Sifton Properties Limited have also posted security as required by City policy and the Development Agreement. Therefore, the condition has been met for removal of the “h” provision.

The purpose of the holding (“h-100”) provision in the Zoning By-law is as follows:

Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.

Permitted Interim Uses: A maximum of 80 residential units.

The subdivision servicing drawings have been reviewed and accepted by the City. Sifton Properties Limited have now completed installation of services in this phase of the subdivision, including watermains and water looping. The subject block will be serviced by the existing watermain on Sheffield Place. The watermain feed extending into Sheffield Place from Sheffield Boulevard serves fifteen (15) single detached lots, five (5) cluster housing units, plus thirty (30) cluster single detached dwellings proposed for development of Block 153.

The temporary emergency access and associated works on Sheffield Boulevard at Commissioners Road East have previously been established as part of Phases 1 and 2. The Subdivision Agreement includes a provision requiring the Owner to reconstruct Sheffield Boulevard to remove the temporary emergency access and pavement marking and restore the boulevard, pathway, trees, street lights, parking bay, and associated roadworks when a second public access is provided, at the direction and satisfaction of the City Engineer.

It should be noted that Sifton Properties Limited is working with Development Services staff on future public road and pedestrian pathway connections through the lands to the east, immediately adjacent the Victoria on the River subdivision (former Gooyers/Grenier lands at 1938 and 1964 Commissioners Road East, and 1645 Hamilton Road). An application for approval of draft plan of subdivision has been received by the City and is currently in process (File No. 39T-19501/Z-9015). Therefore, conditions for removing the holding “h-100” provision in this instance have been met.

The purpose of the holding (“h-159”) provision in the Zoning By-law is as follows:

Purpose: To ensure that development will not have negative impacts on abutting natural heritage features, an Environmental Impact Study (EIS) to address the potential impacts of the access laneway will be required to the satisfaction of the City and UTRCA, prior to the removal of the “h-159” symbol.

As noted above, these lands have been the subject of numerous planning and environmental studies which provided the basis for environmental protection and compensation measures for Block 153 and the adjacent natural heritage features. Sifton Properties Limited have begun implementing the recommended compensation measures in the form of restoration seeding and plantings of native species, creation of pits and mounds, and installation of snake hibernacula and stilted bat houses.

The following site-specific EIS Reports were also prepared and submitted in conjunction with the application for Zoning By-law Amendment and Site Plan Approval for Block 153:

- AECOM. May 24, 2017. Victoria by the River Block 153 Zoning By-law Amendment Environmental Impact Study. Prepared for Sifton Properties Limited
- AECOM. June 29, 2017. Victoria by the River Block 153 Site Plan Environmental Impact Study. Prepared for Sifton Properties Limited
- AECOM. November 9, 2018. Compensation and Restoration Plan Victoria by the River Block 153 Site Plan. Prepared for Sifton Properties Limited

The City and UTRCA have completed a comprehensive review by the EIS submissions, including impacts on abutting natural features, compensation and restoration plans, geotechnical studies and engineering design for the laneway crossing. Further detailed information has been requested and provided as part of the on-going review process. The

UTRCA indicated they are satisfied with the additional information provided, and have requested a final response table as part of their Section 28 permit process.

Special provisions are included in the Development Agreement which will ensure the recommendations of the EIS are implemented by the Owner, and that UTRCA (Section 28) approvals are obtained prior to issuance of building permits. Therefore, the condition has been met for removal of the “h-159” provision.

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding (“h”, “h-100” and “h-159”) symbols from the zoning applied to this site.

Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Planning
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official
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 Development Services.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilii, Manager, Development Services - Planning
Ismail Abushehada, Manager, Development Services - Engineering

July 15, 2019
GK/PY/LM/lm

Appendix A

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 remove holding provisions from the zoning for lands located at 2835 Sheffield Place.

WHEREAS Sifton Properties Limited have applied to remove the holding provisions from the zoning for the lands located at 2835 Sheffield Place, 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 the lands located at 2835 Sheffield Place, as shown on the attached map, to remove the h, h-100 and h-159 holding provisions so that the zoning of the lands as a Residential R6 Special Provision (R6-2(11)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

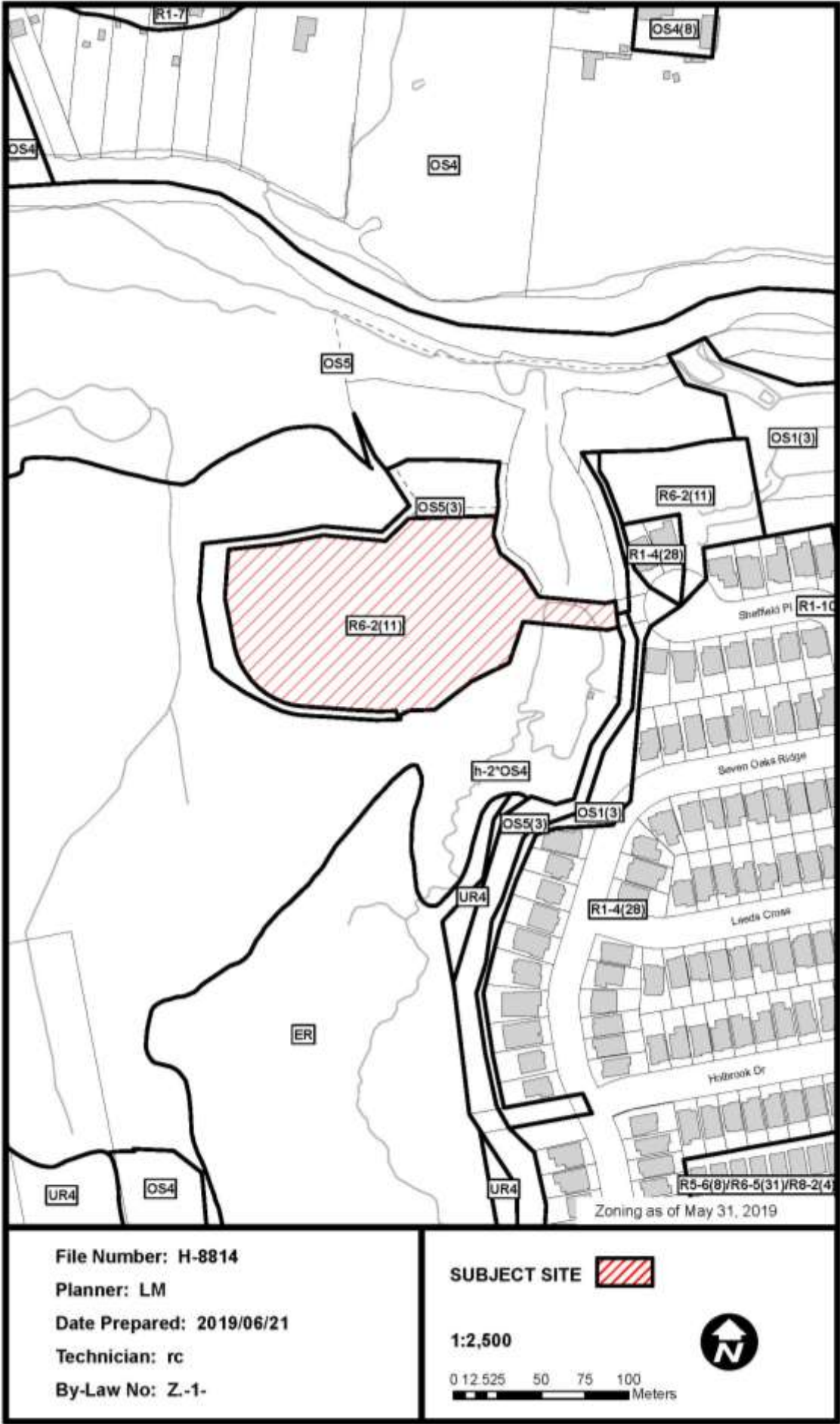
PASSED in Open Council on July 30, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 30, 2019
Second Reading – July 30, 2019
Third Reading – July 30, 2019

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



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 5, 2017.

0 replies were received

Nature of Liaison: 2835 Sheffield Place – also known as Block 153 within Victoria on the River Draft Plan of Subdivision (File 39T-09502) – City Council intends to consider removing the Holding (“h”, “h-100” & “h-159”) Provisions from the zoning of the subject lands. The purpose and effect is to allow development of the lands for residential uses permitted under the Residential R6 Special Provision (R6-2(11)) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The “h-100” symbol is intended to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer. Interim uses may be permitted up to 80 units maximum. The “h-159” symbol is intended to ensure that development will not have negative impacts on abutting natural heritage features, an Environmental Impact Study (EIS) to address the potential impacts of the access laneway will be required to the satisfaction of the City and UTRCA, prior to the removal of the “h-159” symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than October 17, 2017.

Agency/Departmental Comments:

Upper Thames River Conservation Authority (UTRCA)

- See attached correspondence.



"Inspiring a Healthy Environment"



June 6, 2019

City of London - Development Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Vanessa Santos (sent via e-mail)

Dear Ms. Santos:

Re: **Site Plan Application - File No. SPA17-062 – UTRCA Comments FINAL**
Applicant – Sifton Properties Limited
2835 Sheffield Place, London, Ontario

Further to our comments dated May 15, 2019, the Upper Thames River Conservation Authority (UTRCA) has reviewed ***Victoria on the River – Phase 5 Block 153 Response to UTRCA Comments – MNR*** prepared by AECOM dated May 20, 2019. We are satisfied with the provided information and request that the response table (p. 3 item 1 at top of page) be updated accordingly.

Engineering Comments pp 5-6 – Comment 2 – snow storage and the impact of salt - the UTRCA is satisfied with the email response provided by Development Engineering dated May 27, 2019 –

We are retaining (2) snow storage areas, most of the second area was already draining into the condo road, as such, we've updated the limits of the snow storage areas on the Site Plan to match the grading plan per your request. All of the runoff from the snow storage areas are directed to the condo roads which will drain into CB's and ultimately be conveyed to the SWMF.

Please revise the response table accordingly.

As a condition of site plan approval, please incorporate the UTRCA's comments (May 15, 2019) regarding the ***Species at Risk and Wildlife Observation Protocol Victoria on the River Block 153 Site Plan*** (AECOM, April, 2019) into the final version of the protocol.

A Section 28 permit has been submitted for the proposed development. The final response table can be submitted as part of our Section 28 permit process.

UTRCA Comments
File No. SPA17-062

OTHER

The email response from Development Engineering (May 27, 2019) included **Sheet No 3 – Site Grading Plan – 2835 Sheffield Place (SPA17-062)**, dated May 27, 2019.

The legend on the plan includes shading which pertains to the east side of the ravine and –

DENOTES EXISTING ASPHALT PATHWAY TO BE REMOVED, RE-GRADED AND REPLACED

There is also a note on the drawing that reads –

APPROXIMATE LIMITS OF PATHWAY REMOVAL, REGRADING AND REPLACEMENT

The proposed pathway works are within an area regulated by the UTRCA and require a Section 28 permit. We are seeking clarification as to who will be undertaking these works. Is it the developer or the City? Please advise so that we can follow up.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 293.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton
Land Use Planner
IS/TT/CC/cc

c.c. Sent via email -
Applicant - Sifton Properties Limited – Maureen Zunti
UTRCA - Brent Verscheure, Land Use Regulations Officer

Appendix C – Relevant Background

Existing Zoning Map

