

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: G. Kotsifas, P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Sifton Properties Limited
3635 Southbridge Avenue
Draft Plan of Vacant Land Condominium

Public Participation Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 3635 Southbridge Avenue:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 3635 Southbridge Avenue; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 3635 Southbridge Avenue.

Executive Summary

Summary of Request

This is a request by Sifton Properties Ltd. to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 57 dwelling units, within multiple-attached townhouses with access from Southbridge Avenue. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium and application for Site Plan Approval.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site consists of a multi-family development block within a registered plan of subdivision (Block 127, Registered Plan No. 33M-785). The development will be fully serviced with frontage and access on public roads.

1.2 Current Planning Information (see more detail in Appendix B)

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-family, Medium Density Residential
- Zoning – Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50))

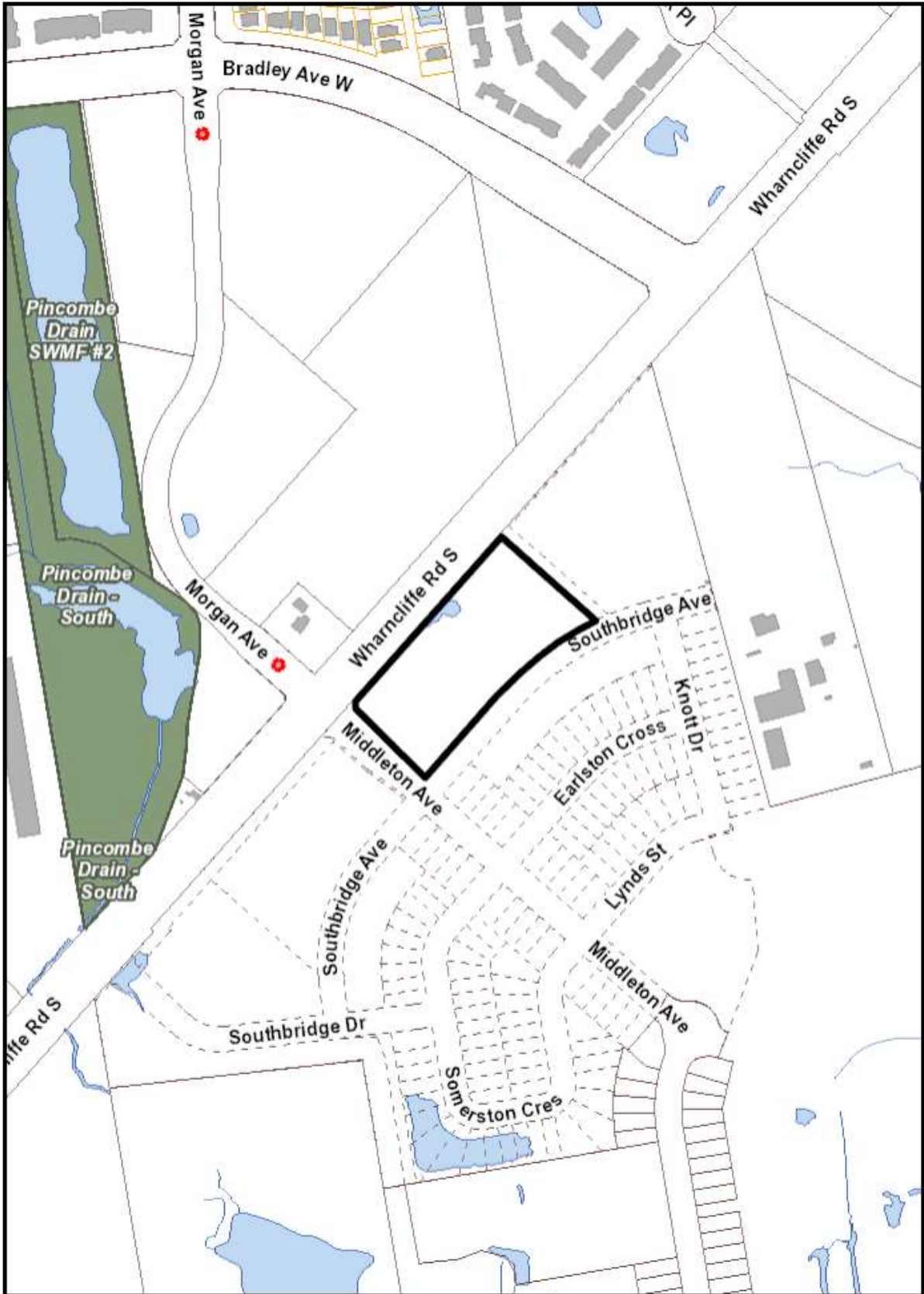
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – approx. 80 metres
- Depth – approx. 180 metres
- Area – 1.56 hectares
- Shape – irregular

1.4 Surrounding Land Uses

- North – residential dwelling and vacant lands for future development
- East – vacant lands for future development
- South – vacant lands for future development
- West – vacant lands for future development



1.5 Location Map



Location Map

Subject Property: 3635 Southbridge Avenue
 Applicant: SIFTON PROPERTIES LIMITED
 File Number: H-9236
 Created By: Larry Mottram
 Date: 7/6/2020
 Scale: 1:4000

Legend

-  Subject Property
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



2.0 Description of Proposal

2.1 Development Proposal

Proposed 57 unit vacant land condominium development consisting of 2-storey, cluster townhouse dwellings.

2.2 Proposed Draft Plan of Vacant Land Condominium



2.3 Site Plan



2.4 Building Elevations – Units 1-5



3.0 Relevant Background

3.1 Planning History

On June 2, 2020 the Approval Authority for the City of London granted Final Approval for the second phase of the Richardson Subdivision lands located at 132, 146 and 184 Exeter Road. Phase 2 consists of 123 single detached lots, two (2) street townhouse blocks, four (4) medium density blocks, one (1) park block, one (1) open space block, three (3) multi-use pathway blocks, one (1) servicing/multi-use pathway block, and several road widening and 0.3 metre reserves, all served by the extension of Middleton Avenue and five (5) new local roads/neighbourhood streets. The plan was subsequently registered on June 8, 2020 as Plan 33M-785. The subject site represents one of the medium density blocks (Block 127) which is also the subject of an application for Site Plan Approval by Sifton Properties Limited (File No. SPA20-012).

3.2 Community Engagement (see more detail in Appendix A)

There were no comments/concerns received from the community.

3.3 Policy Context (See more detail in Appendix B)

Provincial Policy Statement, 2020

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

The London Plan

The site is located within the Neighbourhoods Place Type in The London Plan. The policies of this Place Type, as well as the Our Strategy, City Building and Design, and Our Tools policies, have been applied in the review of this application.

1989 Official Plan

The site is designated Multi-family, Medium Density Residential on Land Use Schedule A of the Official Plan.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan (SWAP) designates the site as Medium Density Residential within the Central Longwoods Residential Neighbourhood.

As further described in Appendix B – Policy Context, Staff are of the opinion that the condominium draft plan is generally consistent with the PPS, The London Plan, 1989 Official Plan, and the Southwest Area Secondary Plan.

Z.-1 Zoning By-law

The zoning is Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50)) which permits various forms of cluster housing including single detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, and apartment buildings; with a special provision for a minimum density of 30 units per hectare and maximum density of 75 units per hectare.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Site design and orientation in relation to the adjacent streets.

The proposed condominium development consists of 57, 2-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side. Three access driveways are provided from Southbridge Avenue. The development block's interface with Wharncliffe Road South features a window street, a 1.5 metre wrought iron fence with decorative store pillars, two pedestrian gate access points, and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Wharncliffe Road South. End dwelling units feature wrap-a-around covered porches to enhance the relationship and orientation of dwelling units to Wharncliffe Road South and Southbridge Avenue.

The plans and building elevations have been reviewed for compliance with the City's Placemaking Guidelines, Southwest Area Secondary Plan, and the Richardson Subdivision Urban Design Guidelines. Through the site plan review process, staff have been working with the proponent on improving the building orientation adjacent Middleton Avenue in recognition that this is a key entry point and gateway to the neighbourhood. The site plan does show covered porches and walkway connections from individual units to the public sidewalk. However, further design modifications to the units along Middleton Avenue should be considered in order to achieve true orientation to the public street and avoid rear-lotting. This includes such modifications as providing front doors on the Middleton Avenue facing elevation for Units 1-10, and relocating the wrap-around porches on Units 1 & 10 to the Middleton Street facing side of the units.

More information and detail is available in Appendix A and B of this report.

5.0 Conclusion

The application for Approval of Vacant Land Condominium is considered appropriate, consistent with the Provincial Policy Statement, and conforms to The London Plan, 1989 Official Plan, and the Southwest Area Secondary Plan. The proposed vacant land condominium in the form of cluster townhouses also complies with the City's Z.-1 Zoning By-law.

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 Pompili, Manager, Development –Planning
Ted Koza, Manager, Development Engineering

July 30, 2020
GK/PY/LM/lm

Appendix A – Public Engagement

Community Engagement

Public liaison: On July 7, 2020, Notice of Application was sent to 5 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 16, 2020. A “Planning Application” sign was also posted on the site.

Responses: No replies were received.

Nature of Liaison: Consideration of a Draft Plan of Vacant Land Condominium consisting of 57 multiple-attached townhouse dwelling units and common element for internal driveway, services, and common amenity areas to be registered as one Condominium Corporation.

Agency/Departmental Comments:

No significant comments were received.

Appendix B – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this proposal. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2020

The proposed development achieves objectives for efficient and resilient development and land use patterns. It represents new development taking place within the City’s urban growth area, and within an area of the City that is currently building out. It also achieves objectives for promoting compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, supports energy conservation and efficiency, and avoids land use and development patterns which may cause environmental or public health and safety concerns.

The subject lands are within a registered plan of subdivision and are designated and intended for medium density residential uses to accommodate an appropriate affordable, market-based range and mix of residential types to meet long term needs. There are no natural heritage features or natural hazards present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. Based on our review, the proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk* throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, fourplex, townhouse and stacked townhouse dwellings, and low-rise apartment

buildings, as the main uses. The proposed Draft Plan of Vacant Land Condominium in the form of cluster townhouse dwellings conforms with the Place Type policies.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 - Build a Mixed-Use Compact City

- 5. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.*
- 7. Build quality public spaces and pedestrian environments that support walking.*

Key Direction #6 – Place a new emphasis on creating attractive mobility choices.

- 1. Create active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities.*

Key Direction #7 - Building strong, healthy and attractive neighbourhoods for everyone

- 3. Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.*

This proposed vacant land condominium contributes to a mix of housing types and tenure. The development will promote a pedestrian-friendly environment that offers opportunities for active mobility choices including walking, cycling and future public transit; contributes to a safe, healthy and connected community; and evokes a sense of neighbourhood character and sense of place.

City Building and Design Policies

*202_ * Buildings and public spaces at key entry points into neighbourhoods will be designed to help establish a neighbourhood’s character and identity.*

229_ Except in exceptional circumstances, rear-lotting will not be permitted onto public streets and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

*259_ * Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.*

*291_ * Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

The proposed condominium development consists of 57, 2-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side. Three access driveways are provided from Southbridge Avenue. The development block interface with Wharnccliffe Road South features a window street, a 1.5 metre wrought iron fence with decorative store pillars, two pedestrian gate access points, and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Wharnccliffe Road South. End dwelling units feature wrap-a-around covered porches to enhance the relationship and orientation of dwelling units to Wharnccliffe Road South and Southbridge Avenue.

The plans and building elevations have been reviewed for compliance with the City's Placemaking Guidelines, Southwest Area Secondary Plan, and the Richardson Subdivision Urban Design Guidelines. Through the site plan review process, staff have been working with the proponent on improving the building orientation adjacent Middleton Avenue in recognition that this is a key entry point and gateway to the neighbourhood. The site plan does show covered porches and walkway connections from individual units to the public sidewalk. However, further design modifications to the units along Middleton Avenue should be considered in order to achieve true orientation to the public street and avoid rear-lotting. This includes such modifications as providing front doors on the Middleton Avenue facing elevation for Units 1-10, and relocating the wrap-around porches on Units 1 & 10 to the Middleton Street facing side of the units.

Neighbourhood Place Type

Vision for the Neighbourhoods Place Type

*916_ * In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:*

- 1. A strong neighbourhood character, sense of place and identity.*
- 2. Attractive streetscapes, buildings, and public spaces.*
- 3. A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*
- 4. Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*
- 5. Lots of safe, comfortable, convenient, and attractive alternatives for mobility.*
- 6. Easy access to daily goods and services within walking distance.*
- 7. Employment opportunities close to where we live.*
- 8. Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identify, neighbourhood connectedness, diversity of housing choices and affordability, safe and convenient alternatives for mobility, close to neighbourhood parks and multi-use pathways planned as part of the subdivision approval process, and also within easy access to goods, services and employment opportunities.

Our Tools

1709_ The following policies will apply to consideration of an application for a vacant land condominium:

- 1. The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium.*
- 2. The applicant may be required to provide site development concepts and meet design requirements consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium.*
- 3. Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported.*
- 4. Only one dwelling will be permitted per unit.*
- 5. At the time of registration, structures cannot cross unit boundaries.*
- 6. The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation will be adequate to allow for the reasonable, independent operation of the condominium corporation.*

1989 Official Plan

The subject lands are designated Multi-family, Medium Density Residential on Schedule A of the City's Official Plan. The primary permitted uses include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. The proposal to develop this parcel with 57 residential townhouse dwellings will result in an overall density of approximately 37 units per hectare which is within the density limits in the Multi-family, Medium Density Residential designation. The proposed vacant land condominium represents a cluster housing form of development in compliance with the policies for use, form and scale as contemplated by the Official Plan.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan (SWAP) designates the site as Medium Density Residential within the Central Longwoods Residential Neighbourhood. The following provides excerpts from the secondary plan highlighting a number of relevant policies to the subject development proposal:

20.5.10 i) Function and Purpose

....The focus for new development is to be on a mix of low to mid-rise housing forms, ranging from single detached dwellings to low rise apartment buildings within individual subdivisions and throughout the neighbourhood.

20.5.10.1 ii) Permitted Uses

The primary permitted uses in the Multi-family, Medium Density Residential designation will be permitted in the Low and Medium Density Residential designations, including low density forms such as single detached, semi-detached and duplex dwellings, triplexes and fourplexes....

20.5.10.1 iii) Built Form and Intensity

b) Within the Medium Density Residential Designation, residential development shall have a minimum density of 30 units per hectare and a maximum density of 75 units per hectare.

e) The Urban Design policies of Section 20.5.3.9 of this Plan shall apply.

20.5.3.9 ii) Public Realm

e) Rear lotting is not permitted along the arterial roads in the Southwest Area Plan. In instances where the City is satisfied that there is no other alternative due to topographic or other site constraints, a range of alternatives such as lanes, service roads, and "window" streets will be used to ensure a high quality of streetscape design. If there is no alternative to rear lotting, landscaping, as well as site and building design, will be used to mitigate the impact on the streetscape.

f) Properties subject to noise impacts shall be buffered through mechanisms such as restrictions on the type of use, building design and location, siting of outdoor living areas and through the provision of landscaping including street trees. Buffering such as noise walls or fences, berms and rear lotting, which restrict visual and physical access to the street, shall be prohibited.

The subject development block is within a new subdivision comprising part of the westerly half of the Central Longwoods Residential Neighbourhood that has been planned and zoned for a mix of low to mid-rise housing forms including single detached

dwellings, street townhouses, and various forms of cluster housing (single detached, semi-detached, duplex, triplex, fourplex, townhouses, stacked townhouses, and low rise apartment buildings). The proposed density is within the range of minimum and maximum densities for the Medium Density Residential Designation. As previously mentioned above, a window street is provided along the Wharnccliffe Road frontage to avoid rear lotting of the proposed townhouse units on the arterial road. Also, as mentioned above only localized sound barriers are to be erected adjacent several of the end units in order to mitigate exposure to noise impacts from Wharnccliffe Road South. However, there will not be a continuous noise wall or berm which restricts visual and physical access to the street.

Urban Design Guidelines

Residential design guidelines were prepared as part of the Richardson Subdivision application review. Site planning and design considerations for the desired built form along residential streetscapes include the following objectives and guidelines:

1.1 Residential Streetscapes

Design Objectives

- a) To support an “eyes on the street” approach, such that the collective design shall provide an aesthetically pleasing and safe pedestrian environment;*

- b) To have individual and collective design of housing that encourage a connection between the dwelling unit and the street by using front porches and bay windows;*

1.2 Building Placement and Orientation shall:

- e) Buildings should be oriented such that the fronts of the buildings shall face the major street by the use of front doors and abundant vision glass to animate the street and provide a sense of security through public surveillance.*

2.1 Building Massing shall:

- a) Encourage built form to be located along public street edges to produce active frontages;*
- c) Have a natural recognizable front entrance contributing to “way-finding”;*

2.2 Façade Design shall:

- e) Give additional consideration to corner lot situations such that the front and exposed flank support the eye-on-the street approach mentioned above.*

The site plan and building elevations have been revised to incorporate a similar level of architectural detail on the front and rear elevations flanking public streets and walkways. Along the Middleton Avenue street frontage the proponents have also incorporated porches and pedestrian connections to the street for each individual dwelling unit to promote an active frontage. While some changes have been made, site planning staff are continuing to work with the applicant on improving the site design and building orientation to meet the urban design objectives and guidelines, as noted above.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan, 1989 Official Plan, and Southwest Area Secondary Plan.
- Sewer and water services will be provided in accordance with the subdivision servicing drawings accepted by the City, and the approved Site Plan and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- A traffic noise impact assessment has been completed and mitigation measures will be incorporated through site design and warning clauses in the Development Agreement, and in the Condominium Declaration and Description.

- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster townhouses. Building elevation plans have been reviewed as part of the site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- The development of the site under Draft Plan of Vacant Land Condominium shall comply with all final approved site plan conditions and approved engineering drawings. Any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

Z.-1 Zoning By-law

The zoning of this block is Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50)) which permits various forms of cluster housing including single detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, and apartment buildings; with a special provision for a minimum density of 30 units per hectare and maximum density of 75 units per hectare. An application to remove the holding provisions from the zoning has been submitted and is currently in process (File No. H-9236). Application to the Committee of Adjustment has also been submitted and is currently in process requesting minor variances to construct cluster townhouses with reduced front and exterior side yard building setbacks and porch encroachments (File No. A.043/20). Subject to Municipal Council's passing of a by-law to remove the holding provisions and required minor variances coming into force and effect, the proposed vacant land condominium will comply with the Zoning By-law regulations.