

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: Application By: Thames Village Joint Venture Corporation
1742 Hamilton Road

Public Participation Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, with respect to the application of Thames Village Joint Venture Corporation relating to the property located at 1742 Hamilton Road, 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.

Executive Summary

Summary of Request

This is a request by Thames Village Joint Corp. to consider a proposed Draft Plan of Vacant Land Condominium. The Draft Plan of Condominium is being reviewed concurrently with a proposed Draft Plan of Subdivision and application for Zoning By-law Amendment. The proposed Vacant Land Condominium will occupy two blocks within the subdivision plan consisting of 29 single detached dwelling units, and common elements for internal driveway and services, with public road access from local streets that will be developed as part of the proposed plan to subdivision.

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.

Rationale of Recommended Action

Subject to the Subdivision Agreement being finalized, Site Plan Approval being granted and a Development Agreement being entered into, the proposed Vacant Land Condominium is considered appropriate and compatible with the surrounding land uses, and conforms to The London Plan, the City's Official Plan, and the Condominium Submission, Review and Approval Guidelines. The application has also been reviewed for consistency with the Provincial Policy Statement.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site is described as a pocket of tableland overlooking the Thames River and adjacent wooded ravine corridors. A residential dwelling exists at the back of the property accessed by a long gravel laneway approximately 690 metres in from Hamilton Road. The laneway branches off to the northeast and serves another home within the same area, but located on a separate parcel (municipal address 1746 Hamilton Road). Both residential properties share the private lane for access to and from Hamilton Road. The tableland on either side

of the lane consists of open agricultural fields, manicured lawns, coniferous tree plantations, and cultural woodlands. The lane crosses an existing culvert and watercourse which flows through the ravine corridor.

The lands are traversed by an untravelled road allowance lying east of Hamilton Road between Concession 1 and Broken Front Concession 'B' (known as the "Base Line" road allowance). The process of legally closing the road allowance as a public highway has been approved by Municipal Council. The bulk of the road allowance will be retained by the City for open space purposes, except for a small portion which is to be sold to the adjacent owner/developer and consolidated with lands on either side for development of the proposed vacant land condominium. These lands are also traversed by the Hydro One Networks Inc. (HONI) transmission corridor easement.

1.2 Current Planning Information

- Official Plan Designation – "Low Density Residential"
- The London Plan Place Types – "Neighbourhoods"
- Existing Zoning – holding Urban Reserve (h-2•UR4) and Environmental Review (ER)

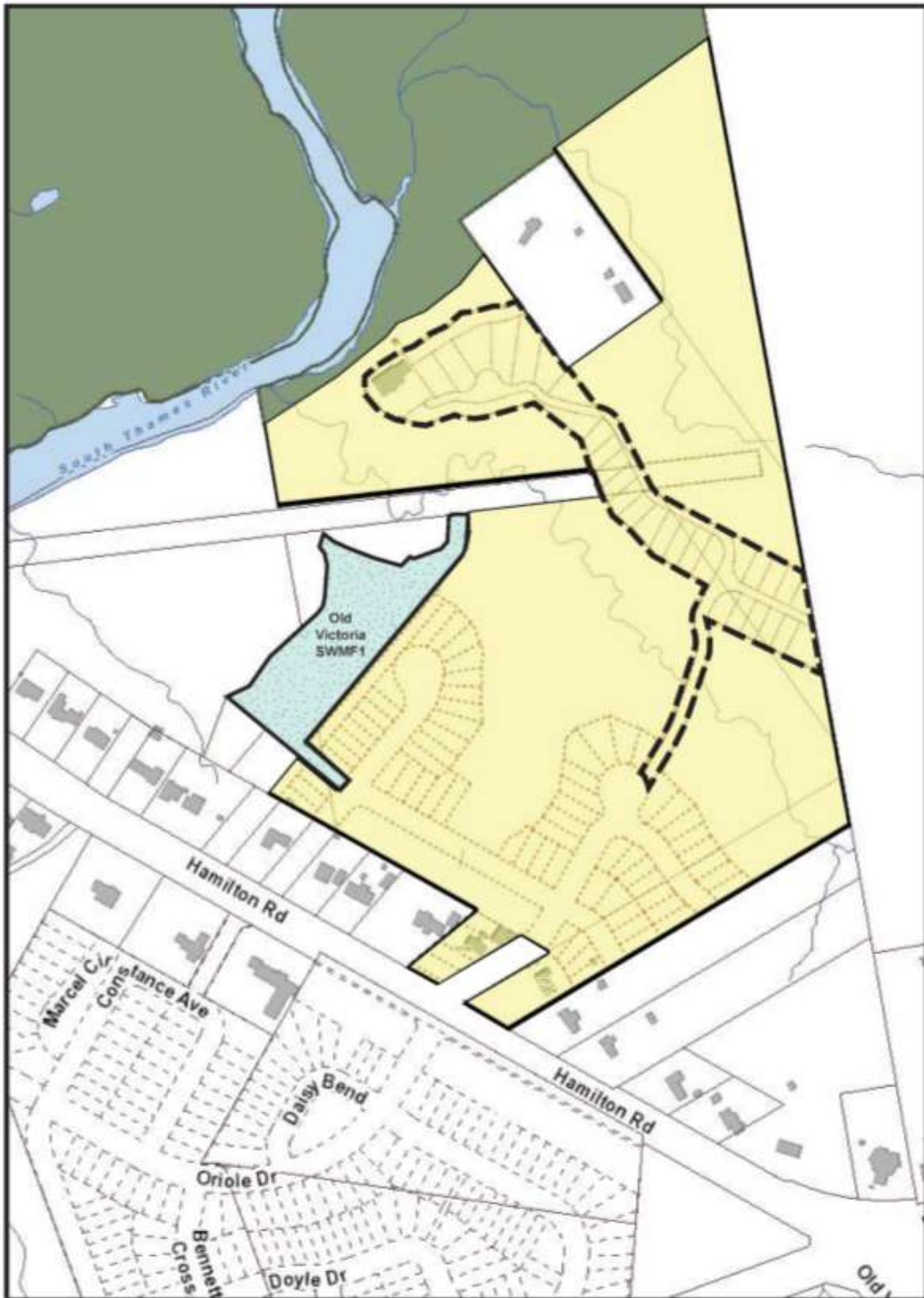
1.3 Site Characteristics

- Current Land Use – residential dwelling and vacant lands
- Frontage – no direct frontage on Hamilton Road
- Depth – variable
- Area – 2.4 hectares (6.0 acres)
- Shape – irregular

1.4 Surrounding Land Uses

- North – Thames River
- East – residential dwelling, open space, and agricultural fields
- South – open space
- West – open space, stormwater management facility, and future subdivision development lands

1.5 Location Map



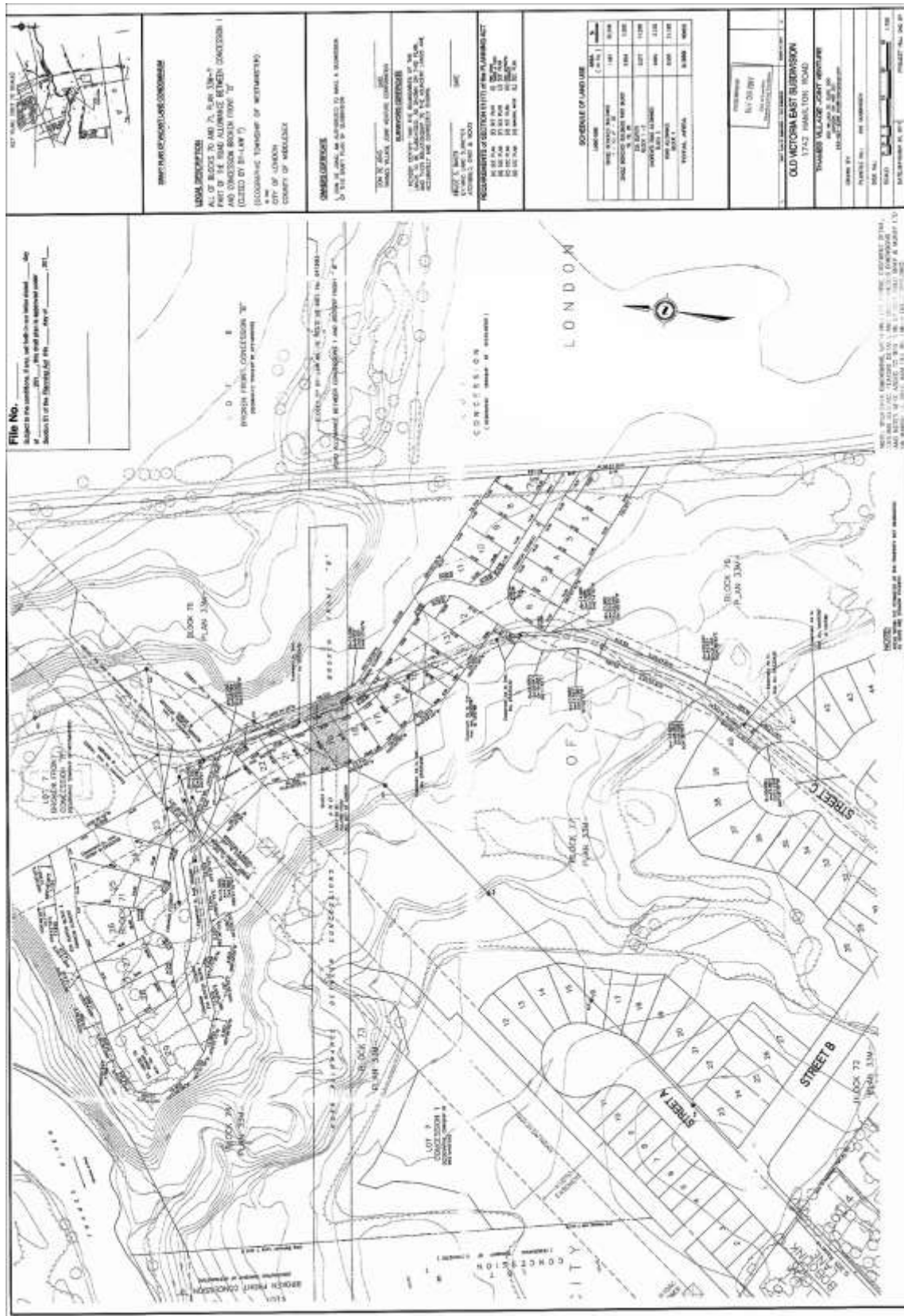
Location Map		Legend	
Subject Property:	1742 Hamilton Rd		Subject Property
Applicant:	Thames Village Joint Venture Corp.		Parks
File Number:	39CD-17501		Assessment Parcels
Created By:	Rob Carnegie		Buildings
Date:	5/25/2018		Address Numbers
Scale:	1:4000		Stormwater Management Facility
Corporation of the City of London			

2.0 Description of Proposal

2.1 Development Proposal

The development site is located within Blocks 70 and 71 of a proposed draft plan of subdivision submitted by Thames Village Joint Venture Corp. (File No. 39T-17502). The Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium have been processed and reviewed concurrently. The proposed vacant land condominium consists of 29 single detached residential units and common elements to be registered as one Condominium Corporation. The registration of a vacant land condominium means that each unit will be sold to a future homeowner either before or after the home is constructed on the unit.

2.2 Draft Plan of Vacant Land Condominium



3.0 Relevant Background

3.1 Planning History

After annexation from the Town of Westminster, the subject lands were included within the City's Urban Growth Boundary and designated Urban Reserve - Community Growth through the adoption of Official Plan Amendment No. 88 in 1996.

At its meeting on October 1, 2007, London City Council adopted the Old Victoria Area Plan as a guideline document for the review of planning applications, and the development of public facilities and services within the Old Victoria Community.

City Council also adopted Official Plan Amendment No. 427, which confirmed land use designations, road alignments and environmental features on Map Schedules "A", "B" and "C" of the Official Plan. In addition to mapping modifications, OPA 427 also included the adoption of area specific policies in Section 3.5.18 of the Official Plan to provide further guidance with respect to the form of development, public infrastructure and environmental protection measures to be supported within the planning area. These policies were carried over into The London Plan under Specific Policies for Neighbourhood Place Types (Policies 1000 to 1011).

3.2 Community Engagement (see more detail in Appendix A)

There were no concerns from the public in response to the Notice of Application and the Londoner Notice.

In response to the Departmental/Agency circulation of the Notice of Application, Hydro One Networks expressed concerns regarding encroachment into the hydro easement.

3.3 Policy Context (see more detail in Appendix B)

Old Victoria Area Plan

This Old Victoria Area Planning Study identified the subject lands for future low density residential uses with local road access incorporating an existing laneway and ravine crossing.

Official Plan

The lands are designated "Low Density Residential" on Land Use Schedule 'A' of the Official Plan. The policies in Section 3.5.18 of the Official Plan provide further guidance for implementing the Old Victoria Area Plan.

The London Plan

The Old Victoria Community Planning Area policies in the Official Plan have been incorporated into the "The London Plan" under Specific Policies for Neighbourhood Place Types (Policies 1000 to 1011). Map 1 identifies these lands within the "Neighbourhoods" Place Type. The City Building Policies, Environmental and Civic Infrastructure Policies and Objectives have also been considered in the review of this application.

Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies aimed at 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety. As further described in Appendix B, Staff is of the opinion that the condominium draft plan is consistent with the PPS.

Z.-1 Zoning By-law

An amendment to the zoning by-law is being reviewed concurrently with the application for draft plan of subdivision. The development blocks within the draft plan (Blocks 70 & 71) are proposed to be zoned Residential R6 Special Provision (h•h-100•R6-5()) which permits cluster housing in the form of single detached dwellings.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Encroachment into the hydro transmission corridor lands.

City staff have met with Hydro One Networks Inc. (HONI) officials regarding their concerns with the proposed Draft Plan of Vacant Land Condominium. The original draft plan submission showed portions of Units 22 and 23 encroaching into the hydro easement. A revised draft plan has since been submitted (November 2017) which has removed the unit boundaries and placed them outside the limits of the easement. The proposed driveway, lighting, site servicing and utilities within the common element which will cross the hydro corridor will be subject to HONI review and approval of the detailed design, and entering into an Encroachment Agreement. HONI also requires a right-of-way easement through the new vacant land condominium in order to access and maintain the easement corridor and transmission towers. HONI indicated that historically they had permission for access from the owners of the subject lands, as well as the owners of lands to the east. Provisions for granting a right-of-way agreement can be addressed through conditions of draft plan approval.

Provincial Policy Statement, 2014

Consideration has been given to the PPS Section 1.6.8 Transportation and Infrastructure corridors. Section 1.6.8.1 – *“Planning Authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.”* Section 1.6.8.3 – *“New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.”*

Official Plan

The review of this development application is consistent with the policies in the City’s Official Plan under Chapter 17 Services and Utilities, specifically with respect to the following policies:

17.1.1 General Servicing Objectives *“(iv) Co-operate with other agencies in planning for the multiple use of servicing and utility rights-of-way and corridors wherever possible.”*

17.9.4 Multiple Use of Corridors – *“Council will encourage the multiple use of major electric transmission and other utility corridors wherever appropriate. This may include open space and certain recreational uses in residential areas, and parking lots, outdoor storage areas and other similar uses in other areas.”*

The London Plan

This review has also considered The London Plan, City Building Policies and Civic Infrastructure Objectives including:

Planning of Civic Infrastructure 451–10. *“Collaborate and coordinate with other utility providers outside of the City’s direct responsibility.”* and 463 *“Where acceptable to the relevant utility, uses such as active and passive recreation, agriculture, community gardens, other utilities and accessory uses such as parking lots and outdoor storage may be permitted in utility corridors where compatible with surrounding land uses and where permitted in the applicable place type.”*

5.0 Conclusion

This application for approval of Draft Plan of Vacant Land Condominium was reviewed in conjunction with a proposed Draft Plan of Subdivision by Thames Village Joint Venture Corp. The Vacant Land Condominium is intended to occupy Blocks 70 and 71 of the proposed draft plan, and a small portion of an untraveled road which traverses the site. A Zoning By-law Amendment is also being recommended in conjunction with the draft plan of subdivision. The zoning will permit various forms of cluster housing. It is intended that cluster single detached dwellings be developed in the form of a vacant land condominium which conforms with the zoning proposed for the blocks.

Subject to the Subdivision Agreement being entered into, Site Plan Approval being granted and a Development Agreement being executed, the proposed Vacant Land Condominium is considered appropriate and compatible with the surrounding land uses, and conforms to The London Plan, the Official Plan and the Condominium Submission, Review and Approval Guidelines. The application has also been reviewed for consistency with the Provincial Policy Statement.

Recommended by:	Larry Mottram, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)
Concurred in 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	

June 11, 2018
GK/PY/MF/LP/LM/lm

Appendix A – Public Engagement

Community Engagement

Public liaison: On May 17, 2017, Notice of Application was sent to 26 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 1, 2017.

Nature of Liaison: Notice of an application for approval of a Draft Plan of Vacant Land Condominium consisting of 29 residential units. These lands are part of a related application for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments – Application File No. 39T-17502/OZ-8147 – Thames Village Joint Venture Corporation.

Responses: No replies were received

Agency/Departmental Comments:

1. Hydro One Network Inc. (HONI)

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com

Courier:
185 Clegg Road
Markham, Ontario L6G 1B7



VIA E-MAIL ONLY TO LMOTTRAM@LONDON.CA

June 29, 2017

City of London
Development Services
300 Dufferin Ave
London, ON N6A 4LP

Attention: Larry Mottram

Dear Mr. Mottram:

Re: Draft Plan of Vacant Land Condominium, Thames Village Joint Venture
1742 Hamilton Road
City of London
File: 39CD-17501

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan of the above noted condominium. As the proposed facility is abutting and/or encroaching onto a HONI high voltage transmission corridor (the "transmission corridor"), HONI **does not** approve of the proposed condominium at this time.

The comments detailed herein **do not** constitute an endorsement of any element of the condominium design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.

In order to provide its comments on the proposed subdivision, HONI requires the following:

1. The developer must contact **Joan Zhao**, HONI Senior Real Estate Coordinator at **(905) 946-6230** to discuss all aspects of the draft plan of condominium design, and ensure all of HONI's technical requirements are met to HONI's satisfaction.
2. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Two copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor.
3. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

4. At the developer's expense, temporary fencing must be placed along the easement corridor during construction, and permanent fencing must be erected where condominium lots directly abuts the transmission corridor.
5. The developer shall make arrangements satisfactory to HONI for any encroachments and/or any uses of the transmission corridor. Separate proposals including detailed lighting and site servicing plans shall be submitted in triplicate to HONI for future road crossings for review and approval. The developer must contact **Joan Zhao** to begin the process of acquiring Construction and Encroachment Agreements.
6. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this condominium will be borne by the developer.
7. HONI's easement rights are to be protected and maintained.

In addition, HONI requires the following be added as a Note to the Conditions of Draft Approval:

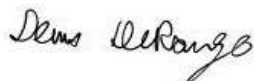
8. The transmission lines abutting this condominium operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands.

For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions please call me at the number below.

Yours truly,



Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.
905-946-6237

Cc: Joan Zhao – Hydro One Networks Inc.

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:

Old Victoria Area Plan

In 2007, City Council adopted the Old Victoria Area Plan as a guideline document for review of planning applications within the area bounded by the Thames River on the north, Commissioners Road East on the south, the Old Victoria Road alignment on the east and the lands that include the Victoria on the River subdivision on the west. The same area was the subject of Official Plan Amendment No. 427 which applied land use designations, environmental mapping delineations, transportation corridors and area specific policies in section 3.5.18 of the Plan. The proposed Draft Plan of Vacant Land Condominium has been reviewed within the context of these policies and is found to be in keeping with the Old Victoria Area Plan.

Official Plan

The subject lands are designated “Low Density Residential” on Schedule ‘A’ of the City’s Official Plan. This land use designation permits single detached, semi-detached, and duplex dwellings as well as other forms of low density residential uses at a maximum density of 30 units per hectare. The proposal to develop this parcel with 29 residential single detached dwellings will result in an overall density of approximately 12 units per hectare which is within the density limits in the Low Density Residential designation.

The proposed Draft Plan of Vacant Land Condominium represents a cluster housing form of development consisting of single detached dwellings. The use is compatible with the scale and type of housing existing in the immediate area, and with the form of housing proposed within the draft plan of subdivision. Based on Staff’s review, the proposed use, form and intensity conform to the City’s Official Plan policies.

London Plan

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, and townhouse dwellings, and small-scale community facilities. The proposed Draft Plan of Vacant Land Condominium in the form of cluster single detached dwellings conforms with the Place Types and policies of The London Plan.

The City Building Policies and Environmental Policies of the London Plan have been reviewed, and consideration given to the how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

357_ *“Cycling routes and pedestrian pathways will provide linkages between open space areas, neighbourhoods, centres, corridors, employment areas and the public transit services and will enhance the convenience, safety and enjoyment of walking and cycling.”*

In conjunction with the Focused Design Studies for the Draft Plan of Subdivision, Staff will work with the Developer on a conceptual plan for the Thames Valley Parkway (TVP) multi-use pathway. Options for the alignment of the pathway include a possible pathway crossing at the entrance to the private driveway to the Vacant Land Condominium. This may involve taking an easement over private lands for public access, similar to what was done in another nearby subdivision involving a pathway alignment at the entrance to a private block (Victoria on the River – Plan 33M-672).

1308–2 - *“Provide for the identification, protection, rehabilitation, and management of natural heritage features and areas and their ecological functions.”*

1412_ *"Ecological buffers are required to protect natural heritage features and areas, and their ecological functions and processes, to maintain the ecological integrity of the Natural Heritage System."*

The limits of Draft Plan of Condominium were established by the development setback lines identified in the Environmental Impact Study undertaken as part of the Draft Plan of Subdivision application. The proposed private condominium road north of the hydro corridor was confirmed through the EIS to be located entirely outside of the 10 metre ESA buffer. South of the hydro corridor the private road remains outside of the buffer until it aligns with the existing access road which will ultimately connect with the bulb of Street 'C' in the proposed Draft Plan of Subdivision.

Detailed designs for the private condominium road improvements and services, and the road crossing structure over the tributary will be reviewed for acceptance by the City and the UTRCA as part of the subdivision engineering drawing review and Site Plan Approval processes. This review must take into consideration the potential environmental impacts and recommended mitigation measures outlined in the Natural Resource Solution Inc. (NRSI) Environmental Impact Study and EIS Addendum reports, and associated hydrogeological and stormwater management studies.

One recommendation as a condition of draft approval is a provision be included in the Condominium Declaration that purchasers of units within this development be provided with an education package prepared by the Owner, and approved by the City and UTRCA, explaining the stewardship of natural areas, how homeowners can be good stewards of the adjacent natural features, and importance of ensuring that the features are protected from human disturbance.

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 Official Plan, The London Plan, and the Old Victoria Area Plan.
- Sewer and water services will be provided in accordance a Subdivision Agreement 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.
- The proposed development meets the intent of the Placemaking policies.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster housing. Building elevation plans will be reviewed at the site plan stage. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties, including the hydro easement corridor. All grading and drainage issues will be addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, Subdivision Agreement and Site Plan Approval process.

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 elements 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.);
- Approval from Hydro One Networks Inc. has been given and provision made for right of access to the hydro transmission corridor;
- 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.
- 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 structures in the common elements.

Z.-1 Zoning By-law

An amendment to the zoning by-law is being reviewed concurrently with the application for Draft Plan of Subdivision. The development blocks within the draft plan (Blocks 70 & 71) are proposed to be zoned Residential R6 Special Provision (h•h-100•R6-5()) which permits cluster housing including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse, and apartment buildings up to a maximum density of 35 units per hectare and maximum height of 12 metres; together with a special provision for minimum interior side and rear yard depth of 5.0 metres (in place of 6.0 metres when the wall of a unit contains windows to habitable rooms), and to permit open or covered but unenclosed decks or porches not exceeding one storey in height to project into the required yard no closer than 2.0 metres (in place of 3.0 metres) to a lot line adjacent an Open Space (OS5) Zone.

Provincial Policy Statement, 2014

The proposed use achieves objectives for efficient 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 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, and maintains appropriate levels of public health and safety. The subject lands are within a proposed draft plan of subdivision and are designated and intended over the long term for low density residential uses. Natural Heritage and Environmental Impact Studies were prepared and reviewed as part of the draft plan of subdivision process. The review of the EIS and Hydrogeological Assessment by the Conservation Authority with respect to groundwater impacts on natural heritage features and functions has progressed to a point that Draft Plan Approval can proceed, and that the outstanding concerns can be addressed at the detailed subdivision design stage, and through conditions of Draft Plan Approval. Provincial concerns for archaeological resource assessment and cultural heritage are also addressed through the recommended draft plan conditions. The proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

Appendix C – Relevant Background

Additional Reports

Civic Works Committee Meeting on March 3, 2015 – Report from the Director of Roads and Transportation recommending closing of the untraveled road allowance between Concession 1 and Broken Front Concession 'B' in the geographic Township of Westminster lying east of Hamilton Road, commonly referred to as the "Base Line" road allowance, in order to incorporate the road allowance into a future residential subdivision development.