Report to Planning and Economic Committee

To: Chair and Members

Planning & Environment Committee

From: George Kotsifas, P. Eng.

Deputy City Manager, Planning and Economic

Development

Subject: Draft Plan of Vacant Land Condominium on the Submission by

Sifton Properties Limited for 915 Upperpoint Avenue

Public Participation Meeting

Date: July 26, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 915 Upperpoint Avenue:

- (a) the Planning and Environment Committee **ADVISE** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for the Draft Plan of Vacant Land Condominium relating to a property located at 915 Upperpoint Avenue;
- (b) the Planning and Environment Committee **ADVISE** 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 355 Middleton Avenue.

Executive Summary

Summary of Request

This is a request by Sifton Properties Limited, to consider a proposed Draft Plan of Vacant Land Condominium, which is being reviewed concurrently with Site Plan Approval. The plan consists of 63 dwelling units, within multiple townhouses with a new private road providing access from Upperpoint Gate. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommendation Action

The purpose and effect are 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 or the Site Plan Approval application.

Rationale of Recommended Action

- The proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, which directs new development to designated growth areas and areas adjacent to existing development;
- ii) The proposed Vacant Land Condominium conforms to the in-force policies of The London Plan including but not limited to Our Tools, Key Directions, and the Neighbourhoods Place Type policies;
- iii) The proposed Vacant Land Condominium conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density Residential Designation and will implement an appropriate form of residential development for the site.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London's growth and development are well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

November 14, 2016 – Report and Public Participation Meeting to Planning and Environment Committee to advise the Approval Authority of any issues raised at the public meeting with regards to the Draft Plan of Subdivision and Zoning By-law Amendments (39T-16502/Z-8621).

July 16, 2018 – Report to Planning and Environment Committee on Special Provisions for Riverbend South Phase 2 Subdivision Agreement (39T-16502).

September 9, 2019 – Report to Planning and Environment Committee to recommend approval for Zoning By-law Amendment (Z-9057).

1.2 Planning History

On October 24, 2018, the City of London approval authority granted final approval and the subdivision was registered as Plan 33M-754 on November 2, 2018. The final plan consisted of 128 single detached residential lots, four (4) medium density residential blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, two (2) secondary collector roads and seven (7) local streets.

On September 17, 2019, Municipal Council passed a Zoning By-law amendment to add the Residential R4 Special Provision (R4-6(11)) Zone, which permits street townhouse dwellings along with special provisions: for lot frontage; front yard setbacks for the main dwellings and garages; and building height. This amendment was brought forward to facilitate the development of street townhouses along the west portions of Upperpoint Avenue.

Applications for Site Approval and Holding Provisions were submitted on April 6, 2021, and May 26, 2021, respectively, to accommodate the proposed cluster townhouse development. The requested Site Plan and Removal of Holding Provisions applications are being processed concurrently with the Vacant Land Condominium application (39CD-21508) which was accepted on June 23, 2021.

1.3 Property Description

The subject property is located off Upperpoint Avenue, which is generally located southeast of Oxford Street and Westdel Borne. The site has future residential to the north, existing estate residential to the west, open space and residential to the south, and low density residential to the east. The proposal consists of one medium density residential block within two separate draft plans of subdivision (Block 135, Plan 33M-754 and Block 41, 39T-20503). Each draft plan of subdivision is under separate ownerships. Once draft plan 39T-20503 is registered, Block 41 is to be conveyed to Sifton Properties to complete the Vacant Land Condominium. Registration of the plan of subdivision is anticipated within the third quarter of 2021.

The site is currently vacant and approximately 1.8 ha (4.45 ac) in size. The site has full access to municipal services and is in an area which is planned for future growth.

1.4 **Current Planning Information**

- The London Plan Place Type Neighbourhoods
- (1989) Official Plan Designation Multi-Family, Medium Density Residential
- Existing Zone Holding Residential R4/R5/R6/R8 Special Provision (h*h-54*h-209*R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)

1.5 **Site Characteristics**

- Current Land Use Vacant
- Frontage 143 metersDepth Varies
- Area 1.8 hectares
- Shape Rectangular

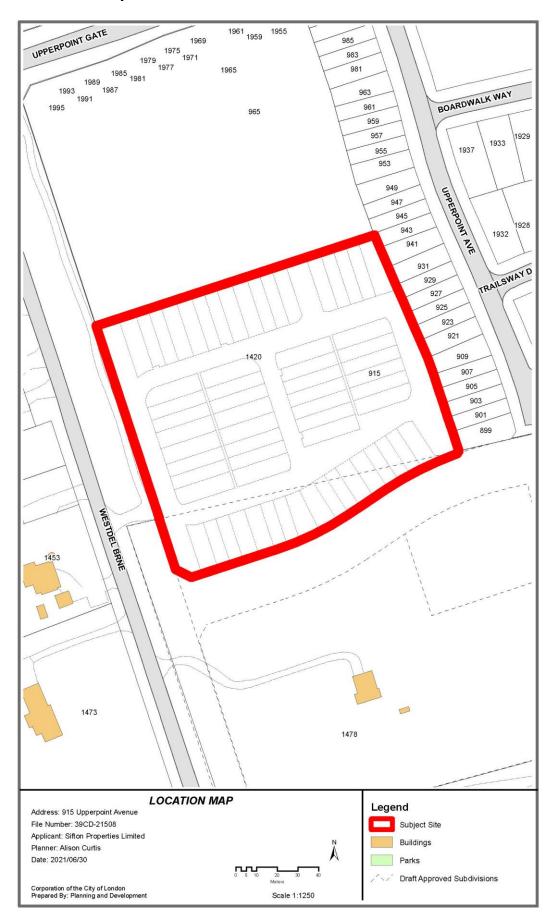
1.6 **Surrounding Land Uses**

- North Future multiple-attached dwellings
- East Future single detached dwellings, neighbourhood park, and school site
- South Open space and future residential
- West Rural estate dwellings

1.7 Intensification (63 units)

The 63-unit, cluster townhome development is located outside the Built-Area Boundary and Primary Transit Area.

1.8 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

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The effect of the application request is to create 63- Vacant Land Condominium units to be developed in the form of cluster townhouse dwellings. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by one Condominium Corporation.

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Orange panel

Figure 1: Proposed Vacant Land Condominium

An application for Site Plan Approval (SPA21-026) has also been submitted in conjunction with the application for Draft Plan of Vacant Land Condominium. The site plan submission, including servicing grading, landscaping and building elevation plans are under review and will be informed by any comments received through the Vacant Land Condominium Public Participation Meeting. An additional application for the Removal of Holding Provisions (H-9362) applied to this site is also under review and will be brought forward for consideration at a future meeting of the Planning and Environment Committee.

Figure 2: Proposed conceptual Elevations

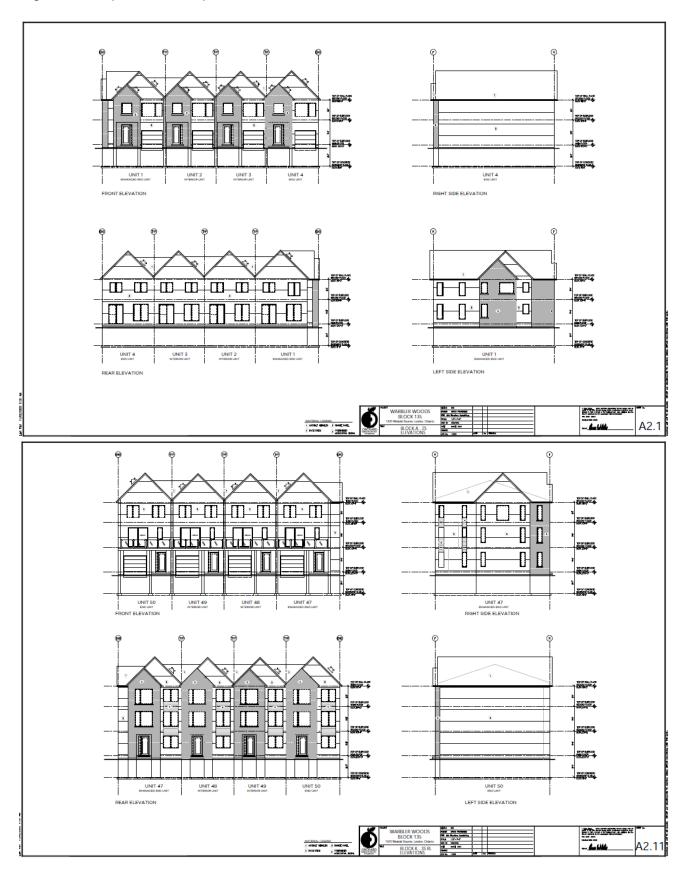
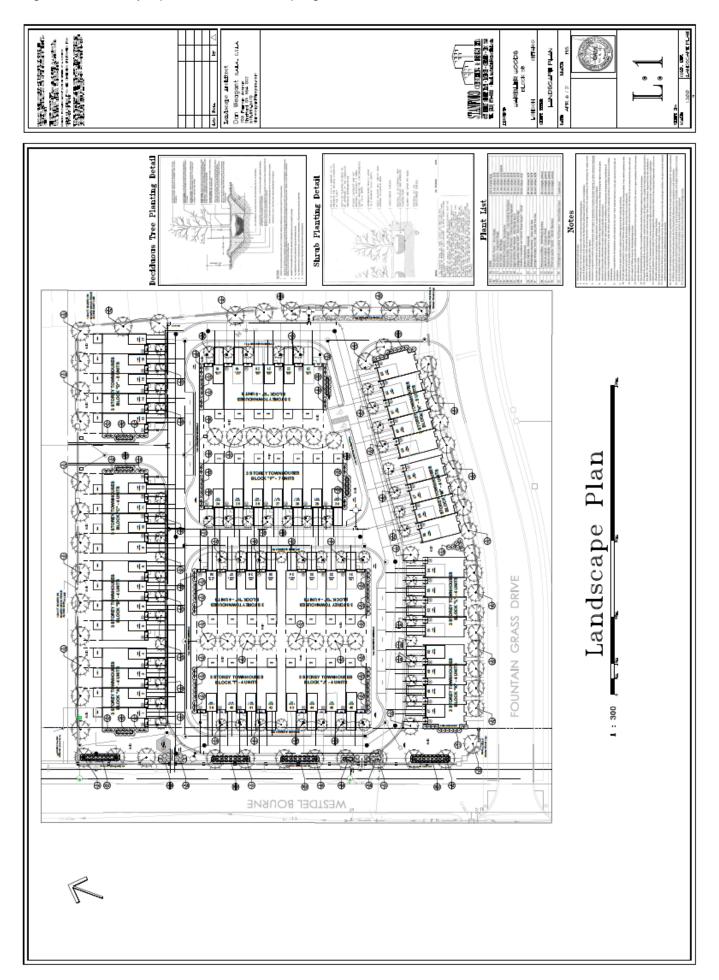


Figure 3: Amenity Space and Landscaping



2.2 Consultation

Information regarding the Draft Vacant Land Condominium application and opportunities to provide comments were provided to the public as follows:

- Notice of the Public Participation Meeting was sent to property owners within 120 meters of the subject property on <u>July 8th</u>, 2021.
- Notice of Application and Public Participation were published in the Public Notices and Bidding Opportunities section of The Londoner on <u>July 8th, 2021.</u>
- Information about the Application was posted on the website on July 8th, 2021.

There were no comments received from the public.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1. Policy Considerations

Provincial Policy Statement (PPS), 2020

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest as identified in Section 2 of the *Planning Act*. In accordance with Section 3 of the *Planning Act*, all planning decision shall be consistent with the *PPS* and the land use planning policies: Building Strong Healthy Communities; Wise Use and Management of Resources; and, Protecting Public Health and Safety. The *PPS* is to be read in its entirety.

The subject site is in the settlement area, and the proposal is to create 63 Vacant Land Condominium units. There is a mix of residential, open space and agricultural uses adjacent to the property. This Draft Plan of Vacant Land Condominium is consistent with several *PPS* policies, which are outlined below.

Policy Sections 1.1.1, 1.1.3 and 1.6 requires land use within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. This contributes to resilient development and the creation of healthy, livable, and safe communities. This proposal will develop a vacant site within the settlement area that has full access to municipal services, as well as providing a range of housing in compact form for current and future residents (Section 1.4). The subject lands are designated and intended, over the long term, to be used for multiple-dwelling, low to medium density residential uses.

The compact form, mix of uses, and density of the proposal result in efficient and resilient development, and this will encourage the use of public and active transportation options. This will help to support energy conservation and help to improve air quality, which is consistent with Section 1.8 of the *PPS*. An archaeological study was completed for the subject site and determined there would be no impacts to archaeological or cultural resources, which is consistent with Section 2.6 of the *PPS*. The site is also located outside of any natural or man-made hazards, which helps to protect public health and safety as prioritized in Section 3.0 of the *PPS*.

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 PL170700) and not in force and effect are indicated with an asterisk (*)

throughout this report).

Neighbourhood Place Type

The subject lands are located within the "Neighbourhoods" Place Type along a neighbourhood connector, which permits a range of lower density residential uses at a maximum height of 2.5-storeys. The proposal is generally in keeping with what is permitted.

The vision for the Neighbourhood Place Type is to ensure that neighbourhoods are vibrant and exciting places that contribute to community well-being and quality of life. This vision is supported by key elements, some of which include: strong neighbourhood character; diverse housing choices; well-connected neighbourhoods; alternatives for mobility; and, parks and recreational opportunities. The proposal is generally in keeping with the vision for the Neighbourhood Place Type and its key elements. There is strong neighbourhood character and sense of identity, and a diverse choice of housing is available. The site is also close to a neighbourhood park and multi-use pathways as part of the subdivision approval process, which contributes to a connected and strengthened community that offers convenient alternatives for mobility and accessing services.

City Building

The proposal is generally supportive of the policies laid out in the City Building section of the *London Plan*, which seeks to set a framework for the shape, form and character of the City. The layout of the proposed development contributes to neighbourhood character and identity by orienting buildings to the street and not using blank walls along the street edge, which contributes to an active street front (202*, 229, 259*, 291*). This layout also helps to create a safe pedestrian environment and promotes connectivity, within the development and the surrounding neighbourhoods, which offers opportunities for active mobility (*255, *259, *285, *291).

Our Tools

Policy 1709 of the *London Plan* outlines the applicable policies when considering vacant land condominium application. Part 1 of this policy outlines that draft plans of vacant land condominiums shall be evaluated by the same requirements and considerations as draft plans of subdivision, which has been done. The proposal conforms with the *1989 Official Plan* and the *London Plan* policies, and has access to municipal services. The access and residential uses proposed are appropriate for the site, and there are no natural features or hazards associated with the site. There are existing and future commercial uses proposed in proximity to the site, as well as Hickory Woods Park and Warbler Woods ESA. The size and style of the townhouses provide a mix of housing choices in the community. Building elevation, 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, future Development Agreement and Site Plan Approval process.

The proposal is also in keeping with Parts 2 to 6 of Policy 1709 because: it is being considered concurrently with an active Site Plan Application; the proposed units do not result in unit boundaries above or below other units; there is only one townhouse per unit; a Development Agreement is required before hand, which will prevent structures from crossing unit boundaries; and, the proposed cluster townhouse development is to be registered as one condominium corporation.

(1989) Official Plan

The subject lands are designated as Multi-Family, Medium Density Residential (MFMDR) in the 1989 Official Plan. The permitted uses in this residential designation include: row houses or cluster houses; low-rise apartment buildings; rooming and boarding house; emergency care facilities; converted dwellings; and, small-scale

nursing homes, rest homes, and homes for the aged (3.3.1 Permitted Uses). The proposed vacant land condominium is in keeping with these permitted uses.

One of the preferred locations for the MFMDR designation is abutting arterial, primary collector or secondary collector streets (3.3.2 Location). Development within this designation shall be low-rise in form with a density and site-coverage that serve as a transition between low density residential areas and more intensive forms, such as commercial, industrial, or high density residential (3.3.3 Scale of Development). This proposal is in keeping with these policies as it is located along an arterial and secondary collector, as well as serving as a transition between single detached dwellings to the west and commercial uses to the east and south. The proposal also provides a density of 35 units per hectare, which is less than the 75 units per hectare permitted in the MFMDR designation (3.3.3 Scale of Development).

Riverbend South Secondary Plan

This site forms part of the Riverbend South Secondary Plan and is subject to the development vision and detailed policies of the Secondary Plan. Additionally, the site forms part of the 'Riverbend Residential Neighbourhood' within the greater area plan.

Development in Riverbend South will reflect the existing neighbourhood character, and will contribute to a highly connected network of pedestrian and cycling routes throughout the community to encourage a range of active transportation opportunities. Buildings are encouraged to be close and oriented to the street to provide a strong street edge with a sense of enclosure. Reduced setbacks for main buildings and garages set back or flush with the main building's façade will also contribute to a more intimate streetscape. Riverbend South will accommodate a full range of housing, including single family and cluster townhouses, which will be accommodated in the Low Density and Multi-Family Medium Density Residential designations.

The subject lands are identified as Medium Density Residential in the Riverbend South Secondary Plan and defer to the permitted uses and densities of the MFMDR designation in the 1989 Official Plan, as identified in the previous section of the Policy Context. The proposed cluster townhouse development is considered a permitted and appropriate land use, and the density of 35 units per hectare is in keeping with the permitted densities for the designation. This proposal also helps to achieve the vision of the Riverbend South Secondary Plan by providing a variety of housing designs and alternatives in the neighbourhood.

Z.-1 Zoning By-law

The existing zoning is a Holding Residential R4/R5/R6/R8 Special Provision (h*h-54*h-205*R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5) Zone. This Zone permits a range of detached and attached dwelling types, including cluster single detached dwellings, townhouses, stacked town houses and low-rise apartment buildings. The proposed vacant land condominium and proposed site plan are consistent with the Zoning By-law.

The holding provisions that currently form part of the zone are to ensure the following: orderly development and adequate provision of municipal services through approved Development Agreement (h); there is no land use conflict between arterial roads and the proposed residential uses (h-54); and, the orientation of buildings towards public streets and public spaces, a site plan shall be approved which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan (h-209). An application to remove the holding provisions will be brought forward in a separate report under the application H-9362.

Vacant Land Condo Application

The City of London Condominium Guidelines have been considered for the proposed Vacant Land Condominium which is comprised of various units and common elements. 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 may be required as 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:
- · Confirmation of addressing information and door point numbers;
- 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.);
- The maintenance of any stormwater servicing works including on-site works;
- 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; and.
- 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

4.2 Issues and Considerations #1 Site Design – Relation to Adjacent Streets

Riverbend South Secondary Plan encourages buildings to be located close to the street with front doors oriented towards the street to create a stronger street edge and sense of enclosure. The proposed condominium development consists of 63 townhouse dwellings arranged in clusters of units attached side-by-side. The site plan demonstrates front facades of dwelling units with strong street-orientation to the abutting streets (Fountain Grass Drive and Westdel Bourne Road). As part of the site plan review process, the plans and building elevations were also reviewed for compliance with the City's Placemaking Guidelines and with the Riverbend South Secondary Plan, and have been accepted as part of that review. More information and detail is available in Appendix A and B of this report.

Conclusion

The proposed Vacant Land Condominium is consistent with the *Provincial Policy Statement*, and in conformity with the *London Plan*, (1989) Official Plan, and the *Riverbend South Secondary Plan*. The proposed townhouse use is appropriate for the site and permitted under the existing zoning. Applications for Site Plan Approval and Removal of Holding Provisions have also been submitted, and are being reviewed in conjunction with this application.

Prepared by: Alison Curtis

Planner 1, Subdivisions Planning

Reviewed by: Bruce Page, MCIP, RPP

Manager, Subdivision Planning

Recommended by: Gregg Barrett, AICP

Director, Planning and Development

Submitted by: George Kotsifas, P.Eng.

Deputy City Manager, Planning and Economic

Development

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, Subdivisions and Condominiums Bruce Page, Manager, Subdivision Planning Michael Pease, Manager, Site Plans

Appendix A: Community Consultation

Public liaison: On July 8, 2021, Notice of Application was sent to 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 8, 2021.

Nature of Liaison: The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 14 townhouse buildings at 2-storeys in height with a total of 63 dwelling units. Common elements will be provided for private access driveway and services to be registered as one Condominium Corporation. Application has also been made for approval for Site Plan Approval, file SPA21-026.

Londoner Notice: 915 Upperpoint Avenue; located on the west side of Upperpoint Ave, south of Upperpoint Gate; approximately 1.8 hectares – The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 63 units. Consideration of a proposed draft plan consisting of 63 multiple attached townhouse dwelling units and common elements to be registered as one Condominium Corporation. A public meeting will be held no sooner than July 26th, 2021 and will not be heard before 4:00 p.m. *For the lands under consideration, a separate application for Site Plan Approval – Application File No. SPA21-026 – and Removal of Holding Provisions – Application File No. H-9362 - has been submitted by Sifton Properties Limited.

Appendix B: Policy Context

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

Provincial Policy Statement, 2020

Section 1.0 Building Strong Healthy Communities

- 1.1.1 of Managing and directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.3 Settlement Areas
- 1.4 Housing
- 1.6 Infrastructure and Public Service Facilities
- 1.8 Energy Conservation, Air Quality and Climate Change

Section 2.0 Wise Use and Management of Resources

- 2.2 Water
- 2.6 Cultural Heritage and Archaeology

Section 3.0 Protecting Public Health and Safety

The London Plan

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.

City Building

- *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, rearlotting will not be permitted onto public streets and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.
- *255_ Site layout will promote connectivity and safe movement between, and within, sites for pedestrians, cyclists, and motorists.
- *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.
- *285_ To support pedestrian activity and safety, blank walls will not be permitted along the street edge.
- *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

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.

1898 Official Plan

Chapter 3: Residential Land Use Designations

- 3.3 Multi-Family, Medium Density Residential
- 3.3.1 Permitted Uses
- 3.3.2 Location
- 3.3.3 Scale of Development

Riverbend South Secondary Plan

20.6.1 – Introduction

20.6.2 - Community Structure Plan

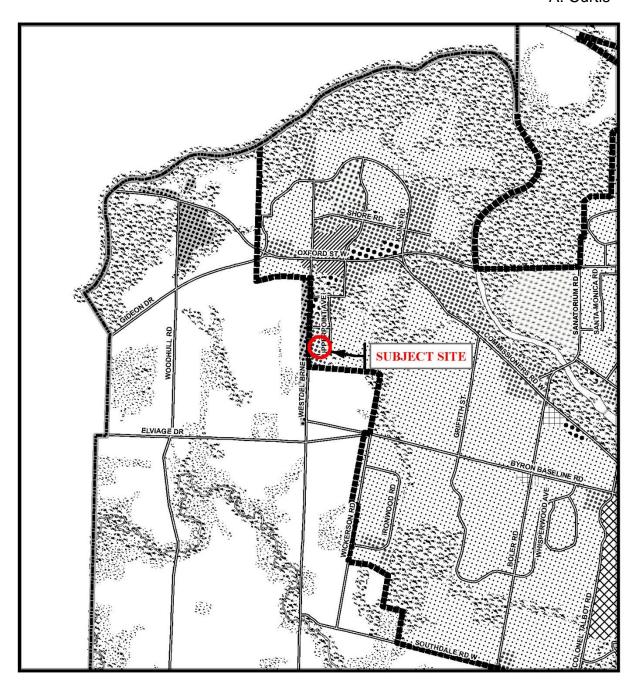
30.6.3.1 - Residential Land Use Designation

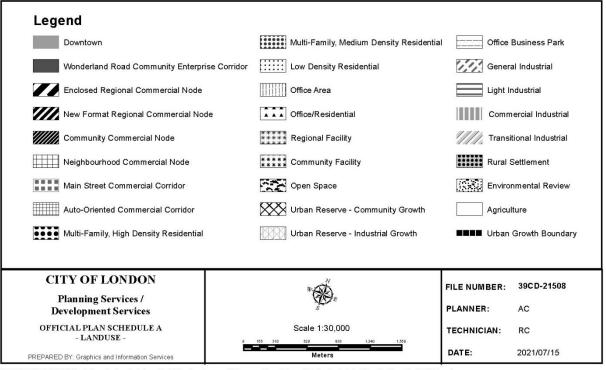
Z.-1 Zoning By-law

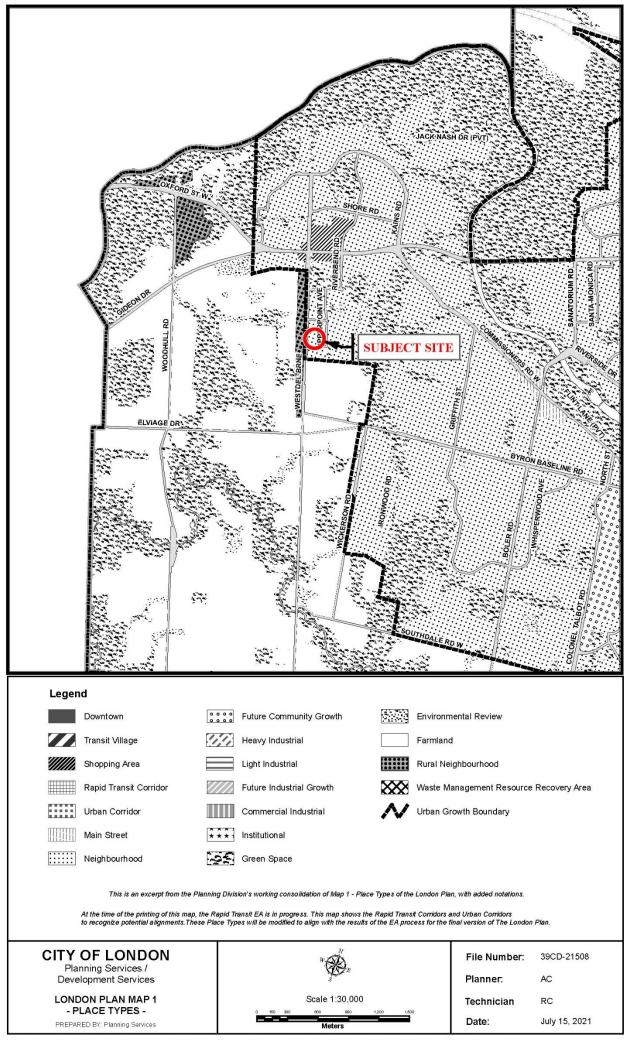
Section 3: Zones and Symbols Section 8: Residential R4 Zone Section 9: Residential R5 Zone Section 10: Residential R6 Zone Section 12: Residential R8 Zone

Appendix C: Relevant Background

Additional Maps







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