

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Removal of Holding Provisions on the Submission by Vision SoHo Alliance c/o Indwell for 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street

Date: February 28, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of SoHo Vision Alliance relating to the property located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 22, 2022, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London, to change the zoning of the subject property **FROM** a Holding Residential R4 Special Provision and R8 Special Provision (h*h-5*R4-6(13)/R8-4(59), h*h-5*R8-4(56), h*h-5*R8-4(57), h*h-5*R8-4(58)) Zone, **TO** a Residential R4 Special Provision and R8 Special Provision (R4-6(13)/R8-4(59), R8-4(56), R8-4(57), and R8-4(58)) Zone to remove the "h" and "h-5" holding provisions.

Executive Summary

Purpose and Effect of the Recommended Action

The purpose and effect of this zoning change is to remove the "h" and "h-5" holding provisions so that the development of a Vacant Land Condominium comprised of six (6) units, each containing one (1) low-rise or mid-rise apartment building, to proceed in accordance with the approved zoning.

Rationale of the Recommended Action

1. The conditions for removing the "h" and "h-5" have been met and the recommended amendment will allow development of a Vacant Land Condominium in compliance with the Zoning By-law.
2. A Development Agreement has been entered into and securities have been provided.

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

June 13, 2011 – Report to Built and Natural Environment Committee regarding SoHo Community Improvement Project Area and SoHo Community Improvement Plan.

September 25, 2012 – Report to Investment and Economic Prosperity Committee regarding redevelopment of the South Street Campus Lands.

June 9, 2014 – Report to Investment and Economic Prosperity Committee to initiate Request for Proposal for the Old Victoria Hospital Lands.

June 17, 2014 – Report to Planning and Environment Committee regarding Old Victoria Hospital Secondary Plan and Associated Official Plan Amendments and Zoning.

October 7, 2014 – Report to Planning and Environment Committee and Public Participation Meeting regarding Zoning By-law Amendments to implement the Old Victoria Hospital Secondary Plan (Z-8344).

September 21, 2020 – Report to Planning and Environment Committee regarding area-wide amendments to the Old Victoria Hospital Lands Secondary Plan (O-9223 and Z-9224).

November 22, 2021 – Report to Planning and Environment Committee on proposed Official Plan and Zoning By-law Amendments relating to vacant land condominium application (OZ-9418).

November 22, 2021 – Report to Planning and Environment Committee and Public Participation Meeting on proposed Site Plan relating to vacant land condominium application (SPA21-081).

1.2 Planning History

When the South Street (Old Victoria Hospital) closed in 2013, the buildings were owned by London Health Sciences Center (LHSC), but the majority of the lands were owned by the City of London. An arrangement was made between the City and LHSC in which LHSC contributed costs for the demolition and remediation of the site. The lands were transferred back to the City in stages. Phase one included the lands south of South Street and the Colborne Building. This allowed for the current development of a tower on these lands. The second phase included the lands subject to this application and the lands at 124 Colborne Street.

The Old Victoria Hospital Secondary Plan was adopted in June of 2014 to guide redevelopment of the former hospital complex. Official Plan and Zoning By-law Amendments (O-9223 and Z-9224) were applied for by the City in June of 2020 to address bonusing provisions, which could not be implemented due to Provincial changes, and to establish zoning for the subject lands. These amendments were passed by Council on September 29, 2020.

An application for Official Plan and Zoning By-law Amendments were submitted by the SoHo vision Alliance to help facilitate this proposed development. They included: amendments to the *1989 Official Plan* and *The London Plan* to allow for a Draft Plan of Vacant Land Condominium to proceed as multiple apartment buildings above a shared underground parking garage; amendments to the Old Victoria Hospital Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street, re-designated the lands to Mid-Rise Residential and policy changes to The Four Corners designation; and, zoning amendments to allow for the technical details of the proposed design to proceed.

Applications for Site Plan Approval (SPA21-081), Official Plan and Zoning By-law Amendments, and Removal of Holding Provisions has been submitted to facilitate this proposed development. These applications are being processed concurrently with the Draft Plan of Vacant Land Condominium, which was accepted as a complete application on November 22, 2021.

1.3 Property Description

The subject property is located north of South Street and West of Colborne Street and was previously the site of the Old Victoria Hospital. The site has low density residential to the north; offices and low density residential to the west; future high-density residential the south; and, proposed residential and existing neighbourhood facilities to the east. The proposal consists of one high density residential block, described as: Lots 21 to 25 and 36 to 40 on Plan 172; Lots 6 to 8 on Plan NIL HSE and SSE; and, Parts 1 and 2 on RP 33RI17942.

The site is approximately 2.033 hectares, and two buildings remain on site, the Victoria Health Services Building and the War Memorial Children's Hospital. Designation under Part IV of the *Ontario Heritage Act* is proposed for the remaining buildings, and they are to be conserved, repurposed, and integrated into the proposed development. 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, High Density Residential
- Old Victoria Hospital Secondary Plan: Four Corners and Mid-Rise Residential
- Existing Zone – Holding Residential R4/R8 Special Provision (h*h-5*R4-6(13)/R8-4(59)), Holding Residential R8 Special Provision (h*h-5*R8-4(56)), Holding Residential R8 Special Provision (h*h-5*R8-4(57)), and Holding Residential R8 Special Provision (h*h-5*R8-4(58))

1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 203 meters on Hill Street
- Depth – Varies
- Area – 2.033 hectares
- Shape – Irregular, Rectangular

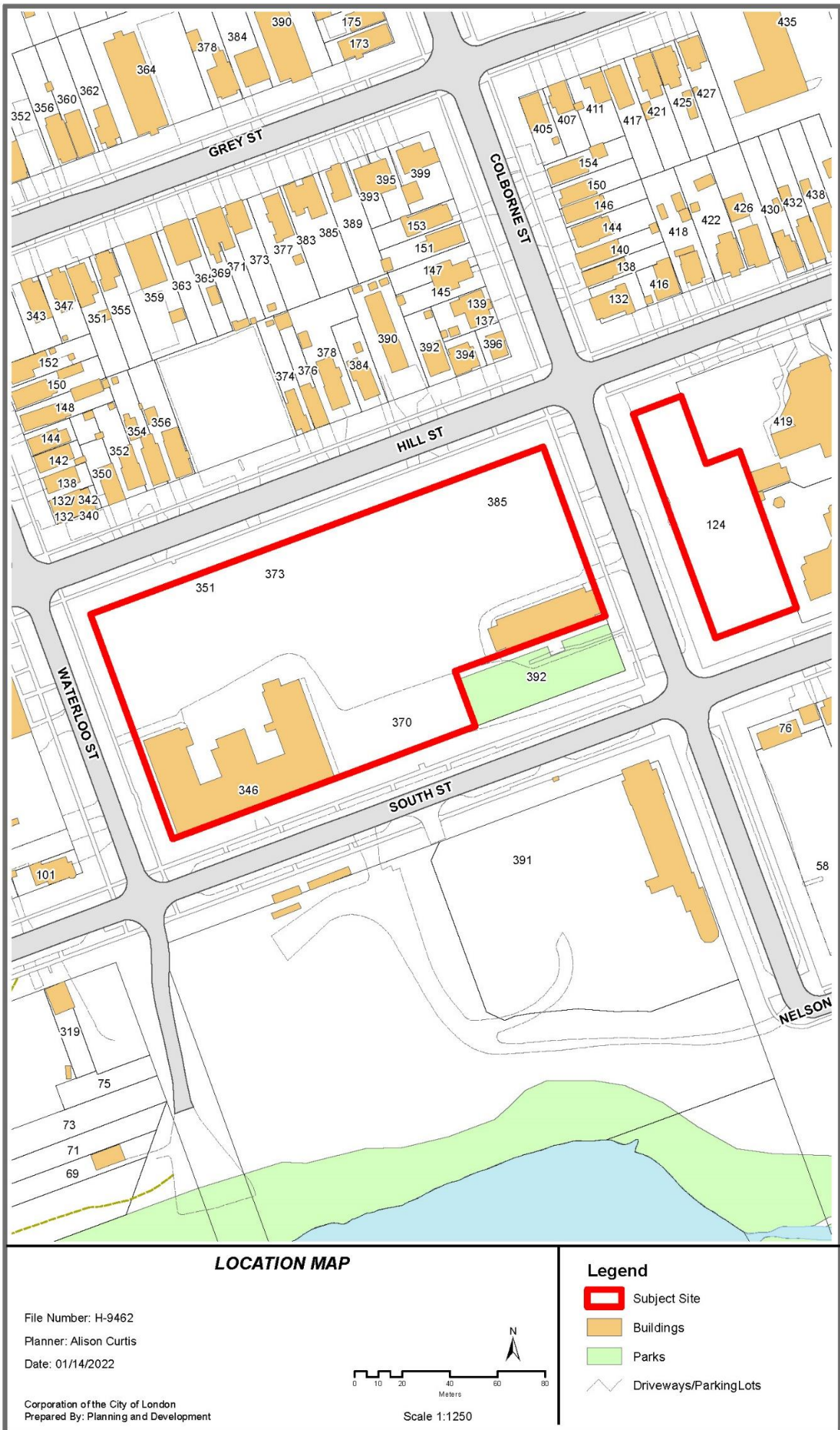
1.6 Surrounding Land Uses

- North – Low density residential
- East – Future residential and existing neighbourhood facilities
- South – future high-density residential development
- West – Office space and low density residential

1.7 Intensification

- The 6 Vacant Land Condominium units will contain 494 residential apartment units, which is approximately 243 units per hectare. The development is located within the Built-Area Boundary and Primary Transit Area.

1.8 Location Map



2.0 Discussion and Considerations

The purpose of this application is to remove the “h” and “h-5” holding provisions from the subject lands. The h holding provision requires the orderly development of the lands and the adequate provision of municipal services through the execution of a subdivision or development agreement. Holding provision h-5 requires a public site plan review and development agreement to ensure that the development takes a form that is compatible with adjacent land uses.

2.1 Consultation (see more detail in Appendix B)

Information regarding the application to remove Holding Provisions was provided to the public as follows:

- Notice of Intent to Remove Holding Provisions was published in the Public Notices and Bidding Opportunities section of the *Londoner* on January 20, 2022.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on January 20, 2022.

There was no response from the public.

2.2 Policy Context (see more detail in Appendix C)

Section 36 of the *Planning Act* permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use (Section 36(2) of the *Planning Act*), a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 90 days to remove the holding provision(s).

The *London Plan* and the *1989 Official Plan* contain policies with respect to holding provisions, the process, notification and removal procedures.

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1. Why is it appropriate to remove this holding provision?

h Holding Provision

The h Holding Provision states that:

“h 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.

The applicant has provided the necessary securities to the City of London and the Development Agreements have been executed by the parties involved. This satisfies the requirements for the removal of the “h” holding provision.

h-5 Holding Provision

The h-5 Holding Provision states that:

To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. Permitted Interim Uses: Existing uses. (Z.-1-94236)

A public site plan review was held on November 22, 2021, to identify concerns relating to the development agreement and a Council Resolution (2021-12-08 Resolet 3.5-17-PEC) was issued on December 8, 2021. The Resolution advised the Approval Authority that there were no concerns expressed by the public and indicated that Council supported the Site Plan Application. This satisfied the requirements for the removal of the "h-5" holding provision.

Conclusion

It is appropriate to remove the "h" and "h-5" holding provisions from the subject lands at this time as: the necessary securities have been received; the Development Agreement has been executed; and, a Public Site Plan Review has been held and received a Council Resolution.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Planning and Development

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng.
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Michael Pease, Manager, Development Planning (Site Plan)

Appendix A

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

2022

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street.

WHEREAS the SoHo Vision Alliance have applied to remove the holding provision from the zoning for the lands located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street, as shown on the attached map, to remove the h and h-5 holding provision so that the zoning of the lands as a Residential R4 Special Provision and R8 Special Provision (R4-6(13)/R8-4(59), R8-4(56), R8-4(57), R8-4(58) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

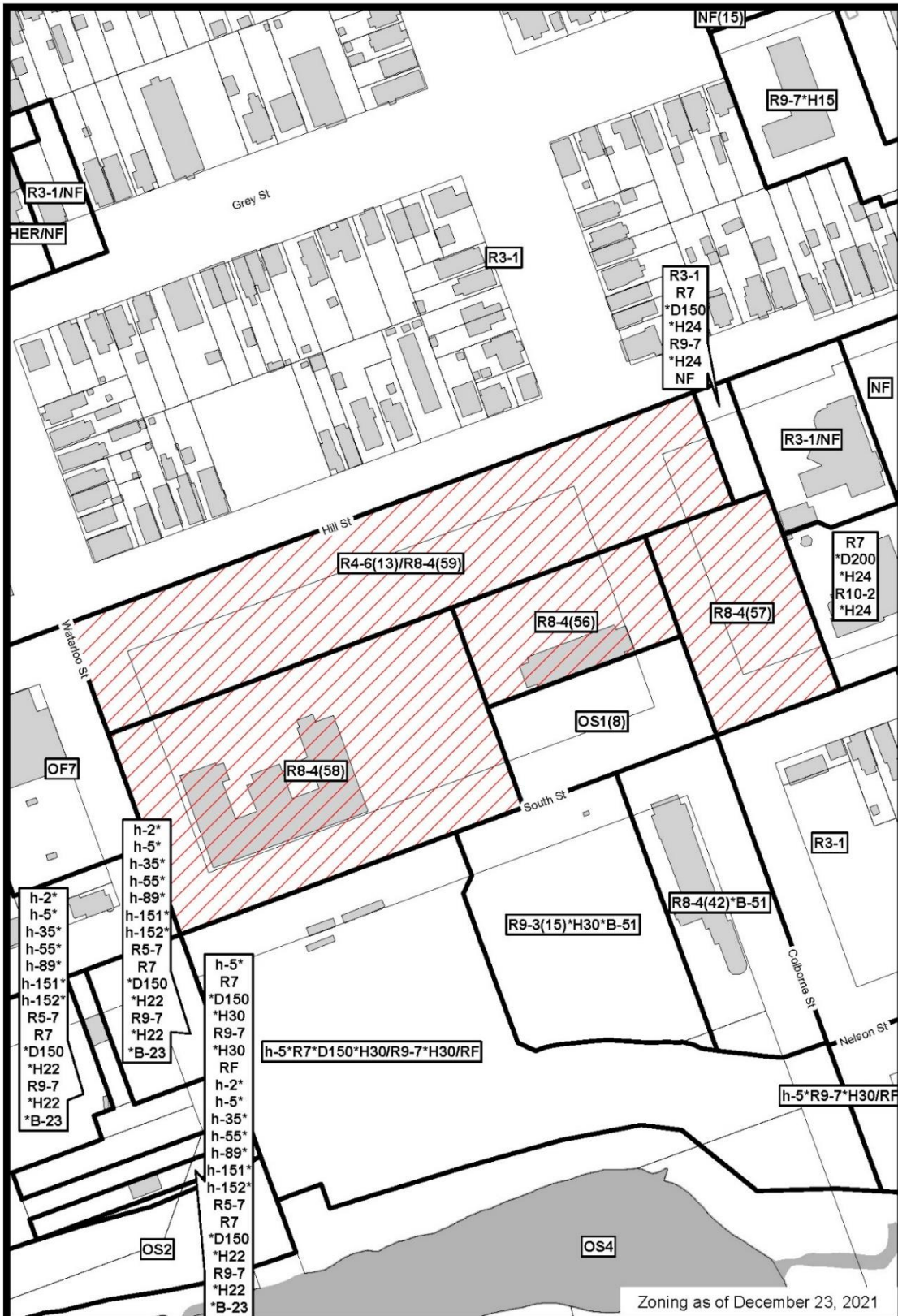
PASSED in Open Council on March 22, 2022

Ed Holder
Mayor


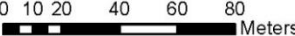

Michael Schulthess
City Clerk

First Reading - March 22, 2022
Second Reading – March 22, 2022
Third Reading - March 22, 2022

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



Zoning as of December 23, 2021

<p>File Number: H-9462 Planner: AC Date Prepared: 2022/01/14 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters </p> <p></p>
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Appendix B – Consultation

Community Engagement

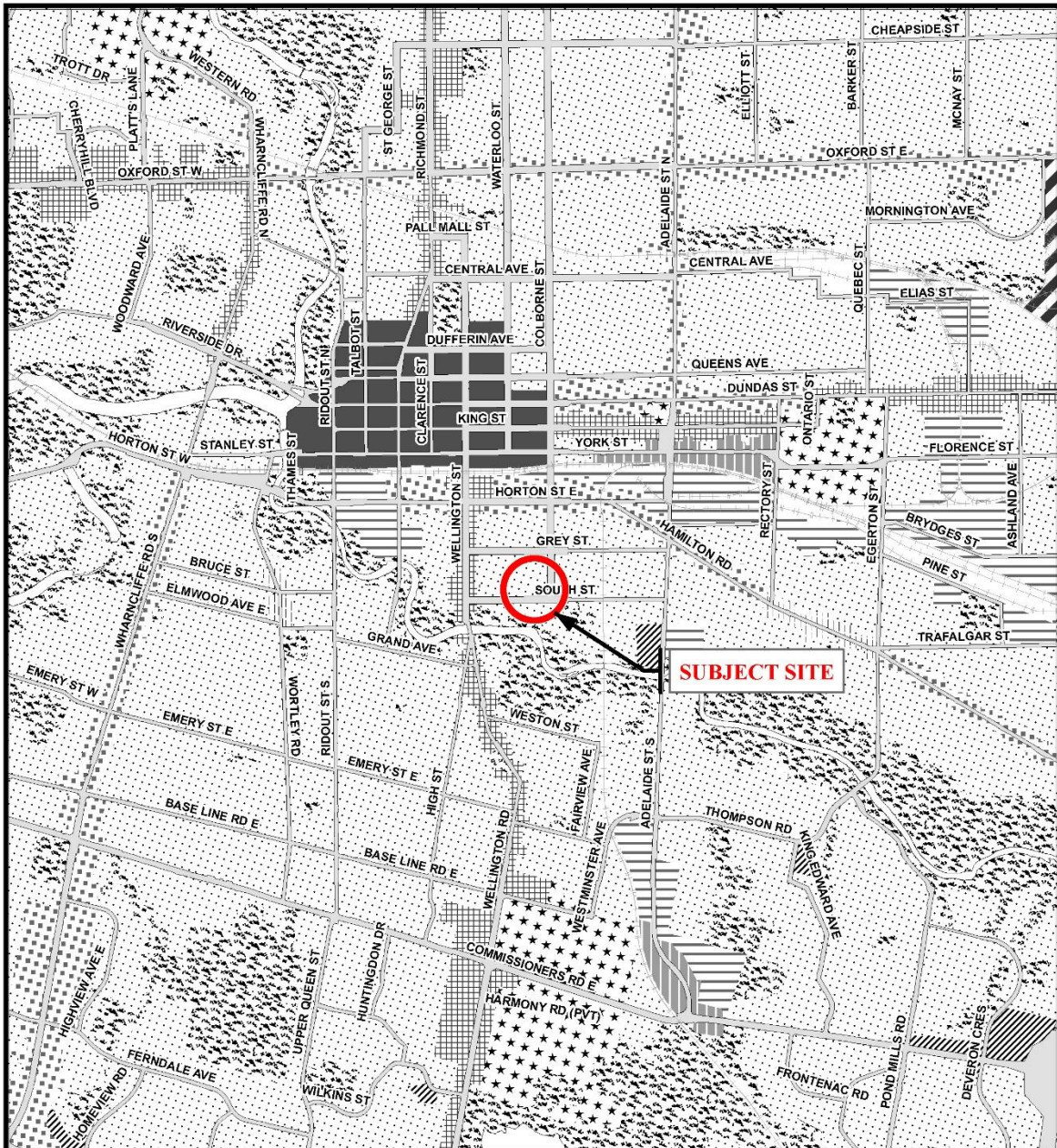
Public Liaison: Notice of the Intent to Remove Holding Provisions was published in the *Londoner* on January 20, 2022, and notice of the application were circulated to the relevant internal and external agencies.

No replies were received.

Londoner Notice: City Council intends to consider removing the h, h-5 holding provisions from the subject lands to allow for the development of a Draft Plan of Vacant Land Condominium consisting of 6 units, each unit containing one (1) low rise or one (1) mid-rise residential apartment building, to be registered as one Condominium Corporation, as well as a 11-storey apartment building at 124 Colborne Street. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a subdivision agreement has been entered into for the subject lands. The purpose of the “h-5” provision is to ensure the proposed development is compatible with the surrounding land uses. Agreements shall be entered into following a site plan review prior to the removal of the symbol. Council will consider removing the holding provision as they apply to these lands no earlier than February 7, 2022. **For the lands under consideration, the following applications have also been submitted: Site Plan Approval – Application File No. SPA21-081; Draft Plan of Vacant Land Condominium – 39CD-21522; Official Plan and Zoning By-law Amendments – Application File No. OZ-9418 and Z-9224.*
File: H-9462 Planner A. Curtis x.4497

Appendix C: Policy Context

The London Plan Excerpt



Legend

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

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

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

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1

- PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000

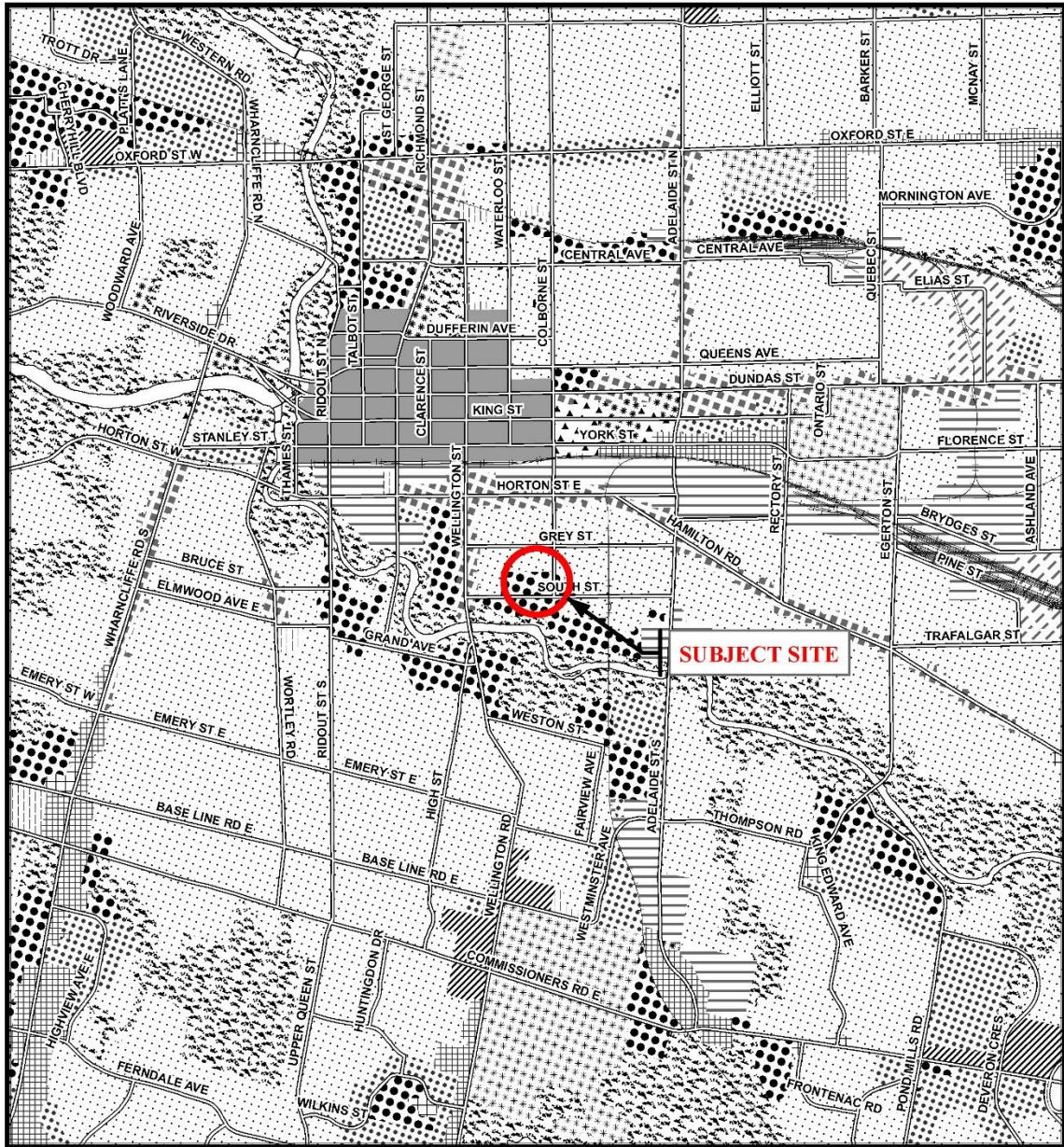


File Number: H-9462

Planner: AC

Technician: RC

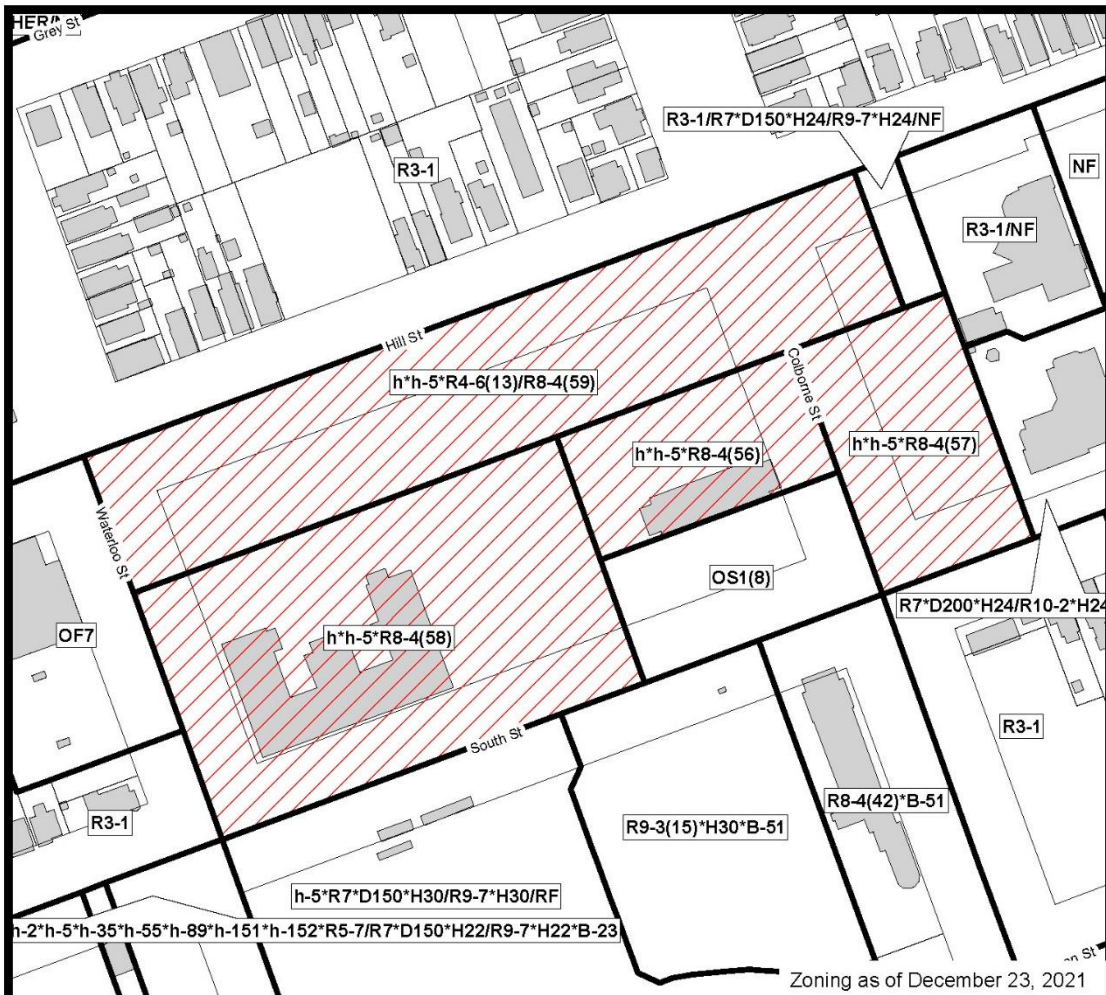
Date: January 14, 2022



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

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 450 600 750 900 1050</p> <p>Meters</p>	FILE NUMBER: H-9462
		PLANNER: AC
		TECHNICIAN: RC
		DATE: 2022/01/14

Zoning Excerpt



Zoning as of December 23, 2021



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
H-9462 CP

MAP PREPARED:
YYYY/MM/DD CK

