

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application by: 1247987 Ontario Inc. (Artisan Homes Inc.)  
459 Hale Street  
Request for Extension of Draft Plan Approval (39CD-18503)

**Meeting on:** April 19, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application of 1247987 Ontario Inc. (Artisan Homes Inc.) relating to the property located at 459 Hale Street, the Approval Authority **BE REQUESTED** to approve a one (1) year extension to Draft Plan Approval for the residential vacant land plan of condominium File No. 39CD-18503, **SUBJECT TO** the revised conditions contained in the attached Schedule "B".

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to consider a one (1) year extension to Draft Approval for the residential vacant land plan of condominium File No. 39CD-18503.

### Rationale of Recommended Action

1. The requested one (1) year extension of Draft Plan Approval is reasonable, and should allow the applicant sufficient time to satisfy revised conditions of draft approval towards the registration of this plan.
2. The lotting pattern, servicing and access alignments in this condominium will allow for the efficient use of underutilised lands within a serviced area of London and supports the City's infill and intensification goals. Therefore, an extension should be supported provided the conditions of Draft Approval are updated to reflect current City Standards and regulatory requirements.

## Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

## Analysis

### 1.0 Background Information

#### 1.1 Property Description

The property is located on the west side of Hale Street, south of Brydges Street and north of Heather Crescent. The lot is currently occupied by an older single detached, one storey dwelling, detached garage, and a large rear yard.

## **1.2 Current Planning Information**

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Zoning – Residential R6 Special Provisions (R6-2(15))

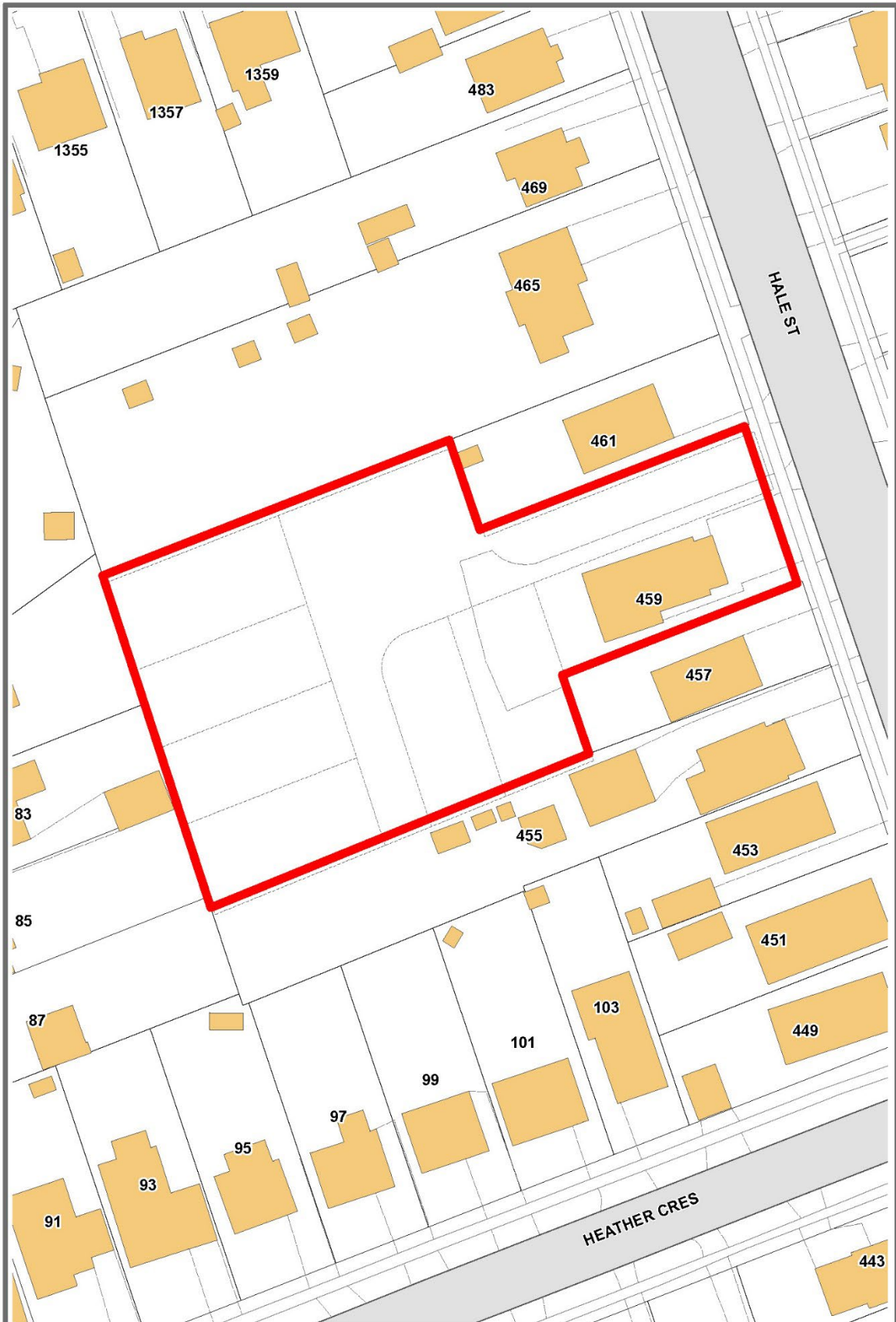
## **1.3 Site Characteristics**

- Current Land Use – residential single detached dwelling
- Frontage – 22.4 metres total
- Depth – approx. 90 metres
- Area – approx. 3200 square metres or 0.32 hectares total area
- (0.28 hectares vacant portion of property proposed to be developed)
- Shape – irregular

## **1.4 Surrounding Land Uses**

- North – residential single detached dwellings
- East – residential single detached dwellings
- South – residential single detached dwellings
- West – residential single detached dwellings

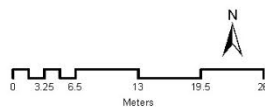
### 1.5 Location Map



#### LOCATION MAP

Address: 459 Hale Street  
File Number: 39CD-18503  
Planner: Michael Clark  
Date: 2022/03/21

Corporation of the City of London  
Prepared By: Planning and Development

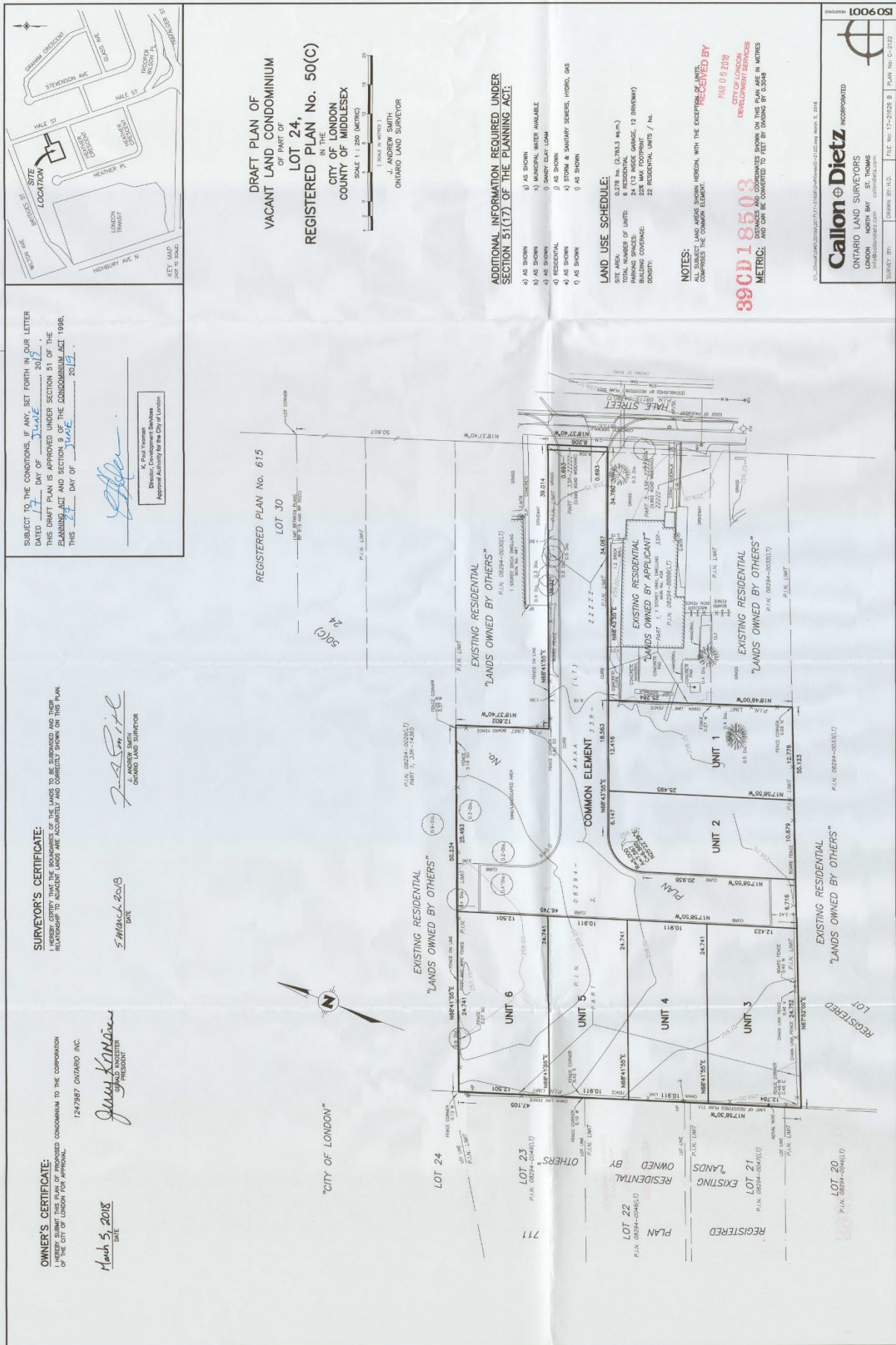


Scale 1:600

#### Legend

-  Subject Site
-  Buildings
-  Driveways/Parking Lots
-  Assessment Parcels

1.6 Draft Approved Plan of Condominium



SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN YOUR LETTER DATED 17 DAY OF June, 2017. THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 11 OF THE CONDOMINIUM ACT 1998, THIS 17 DAY OF June, 2017.

*[Signature]*  
K. Paul Keenan  
Director, Development Services  
Approval Authority for the City of London

**SURVEYOR'S CERTIFICATE:**  
HEREBY CERTIFY THAT THE INFORMATION ON THIS PLAN IS ACCURATE AND COMPLETE AND CORRECTLY SHOWS THE LANDS TO WHICH IT APPLIES AND THE INTERESTS THEREIN.  
5 March 2018  
DATE  
*[Signature]*  
J. ANDREW SMITH  
ONTARIO LAND SURVEYOR

**OWNER'S CERTIFICATE:**  
I HEREBY SUBMIT THIS PLAN OF PROPOSED CONDOMINIUM TO THE CORPORATION OF THE CITY OF LONDON FOR APPROVAL.  
March 5, 2018  
DATE  
*[Signature]*  
GREGG KANIGER  
PRESIDENT

DRAFT PLAN OF  
VACANT LAND CONDOMINIUM  
OF PART OF  
LOT 24,  
REGISTERED PLAN No. 50(C)  
IN THE  
CITY OF LONDON  
COUNTY OF MIDDLESEX

SCALE 1:200 (METRIC)  
(SCALE IN METERS)  
J. ANDREW SMITH  
ONTARIO LAND SURVEYOR

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(7) OF THE PLANNING ACT:**

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**LAND USE SCHEDULE:**

SITE AREA: 0.278 ha. (2,763.3 m<sup>2</sup>)  
TOTAL NUMBER OF UNITS: 6 RESIDENTIAL  
TOTAL NUMBER OF GARAGES: 12 BIKING  
TOTAL NUMBER OF STALLS: 22  
BUILDING COVERAGE: 22%  
DENSITY: 22 RESIDENTIAL UNITS / ha.

**NOTES:**  
ALL SUBJECT LAND AROUND SHOWN HEREON, WITH THE EXCEPTION OF UNITS 1 THROUGH 6, IS COMPRISED OF THE COMMON ELEMENT.  
**39CD18503**  
M.R. 0.8.2018  
CITY OF LONDON  
DEVELOPMENT SERVICES

10060501

**Callon Dietz**  
INCORPORATED  
ONTARIO LAND SURVEYORS  
LONDON NORTH BAY ST. THOMAS  
info@callondietz.com  
callondietz.com

SURVEY BY: DRAWN BY: FILE NO. 17-21028 B PLAN NO. C-2122

## **2.0 Discussion and Considerations**

### **2.1 Previous Reports Related to this Matter**

**September 2018** - Report to Planning Committee on Draft Plan and associated Zoning By-law amendment (39CD-18503/Z-8886)

### **2.2 Planning History**

This application for Draft Plan of Condominium Approval was accepted as a complete application on March 26, 2018. Notice of Application was circulated to the required agencies, municipal departments, and surrounding property owners on April 18, 2018, and the public meeting was held on September 10, 2018. Draft approval for the Plan of Condominium will lapse on June 28, 2022.

### **2.3 Requested Action**

This request is for a one (1) year extension of Draft Approval for the Draft Plan of Condominium 39CD-18503. The attached amendments to the conditions of draft approval are required to ensure that these lands are developed to today's standards and to address engineering issues. The amendments to the conditions of draft approval are shown as strikeouts (deletions) and bold italic lettering (additions) on the attached Appendix. If granted, the new draft approval lapse date would be June 28, 2023.

An extension of Draft Approval is required in order to have sufficient time to complete the final approval and registration process as the COVID-19 pandemic caused delayed with the satisfaction of the conditions of approval. The applicant has not proposed any changes to the lotting configuration or zoning that applies to these lands. A Draft Approval extension period of one (1) year is being recommended in accordance with standard City practice. If final approval has not been provided within the one (1) year period and the applicant requests an extension, there will be another opportunity to formally review the conditions and ensure that they are relevant to current planning policies, municipal servicing requirements, and the projects listed in the updated Growth Management Implementation Strategy (GMIS).

### **2.4 Community Engagement (See more detail in Appendix A)**

Notice was not circulated to the public regarding the request for extension of draft approval given that no significant changes are being proposed to the zoning, lotting pattern or roadway alignments in the Draft Approved Plan (39CD-18503). In accordance with Section 51(45) of the Planning Act notice will be provided to the applicant, as well as any persons or public bodies who are prescribed under the Act and anyone who previously requested notification.

Detailed departmental / agency comments can be found in Appendix "A".

### **2.5 Policy Context**

#### **The London Plan**

The subject site is located within the Neighbourhoods Place Type in the London Plan. The London Plan, through the vision articulated in the Our City policies, places an emphasis on growing "inward and upward" to achieve a compact form of development, as well as encouraging and supporting growth within the existing built-up area of the city. The Neighbourhoods Place Type policies, with respect to Residential Intensification in Neighbourhoods, expands on that vision and specifically states that:

*937\_ Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. However, such intensification must be undertaken well in order*

*to add value to neighbourhoods rather than undermine their character, quality, and sustainability...*

The City Structure Plan also recognizes that residential intensification will play a large role in achieving our goals for growing “inward and upward”, and supports various forms of intensification, including infill development of vacant and underutilized lots, subject to the policies of the Plan. This includes consideration of the policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools sections. The London Plan policies are intended to support infill and intensification, while ensuring that proposals are appropriate and a good fit within their receiving neighbourhoods.

### **(1989) Official Plan**

These lands are designated “Low Density Residential” on Schedule ‘A’ of the 1989 Official Plan. This land use designation permits single detached, semi-detached, and duplex dwellings as the primary permitted uses up to a maximum density of 30 units per hectare. The proposal to develop this parcel with six single detached dwelling units is permitted and will result in an overall density of 22 units per hectare which is within the density limits prescribed in the Low Density Residential policies.

The proposal also represents a form of residential infill of a vacant or underutilized site within an established neighbourhood which may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the Residential Intensification policies of the Official Plan. These policies require that a Statement of Neighbourhood Character and Compatibility be submitted by the proponent in accordance with Section 3.2.3 Residential Intensification and Section 3.7.3 Planning Impact Analysis.

A Neighbourhood Character and Compatibility Report was prepared and submitted by Artisan Homes Inc. including concept site plan, building floor plans and elevations, colour renderings, and 3D massing model showing the proposed development within the context of the neighbourhood. A Tree Assessment Report and Servicing Brief also accompanied the formal application submission. The Official Plan policies have been reviewed and consideration given to how the proposal contributes to achieving those policy objectives.

## **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**

### **Possible Noise and Vibration Impacts from CN Rail**

Following circulation of the notice of request for extension of draft approval, CN Rail requested that a noise impact study be undertaken as a condition of approval of the condominium, and that the recommendations of that study are implemented. CN Rail has also asked that warning conditions be applied to all lots within 300m of the railway (See Appendix ‘A’).

The subject lands are located over 350 metres from the CN Rail right of way, and there are over 60 dwellings, and other building located between the subject lands and the railway. In addition, no comments were received from CN Rail regarding these requirements during the circulation to the public and commenting agencies in 2018, nor following draft approval in 2019.

As all dwelling units are outside the range requiring a warning clause, and there are a significant number of buildings, trees and other objects which will mitigate noise from the railway, staff are satisfied that neither the preparation of a noise study nor any mitigation measures are required to extend draft approval of the condominium.

### **Draft Conditions (See Appendix B)**

The Draft Approval conditions have been re-circulated and reviewed with municipal departments and agencies to determine their relevance within the context of current regulatory requirements. As a result, there are minor wording modifications and revisions, as well as a number of new clauses added reflecting current municipal standards and requirements. The proposed modifications and new conditions are briefly highlighted below:

1. All conditions have been modified to reflect the recent reorganization and the new title for the 'Planning and Development' department.
2. Condition 4 is updated to reflect the new lapse date of June 28, 2023
3. A new condition has been added at the request of Stormwater Engineering that the development shall proceed in accordance with the final approved Site Plan conditions and drawings (File #SPA19-009).

### **Conclusion**

It is appropriate to approve a one (1) year extension to Draft-Approval for this Plan of Condominium, subject to the revised conditions as attached. The recommended extension is considered reasonable and appropriate to allow sufficient time for final approval and registration. The recommended conditions of Draft Approval are attached to this report as Schedule "B" – 39CD-18503.

**Prepared by:** Michael Clark, MA  
Planner, Planning and Development (Subdivisions)

**Reviewed by:** Bruce Page,  
Manager, Planning and Development (Subdivisions)

**Recommended by:** Gregg Barrett, RPP, PLE  
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Planning and Development (Subdivisions)  
cc: Bruce Page, Manager, Planning and Development (Subdivisions)  
cc: Matt Davenport, Manager, Development Engineering (Subdivisions)  
cc: Michael Pease, Manager, Planning and Development (Site Plan)

BP/mc

## Appendix A – Community Engagement

### Agency & Department Comments

Internal departments and external agencies were circulated for comment on February 4<sup>th</sup>, 2022 for a one (1) year extension of approval for a 6 unit draft plan of vacant land condominium. Comments received are identified below:

#### UTRCA – February 4, 2022

Please accept this email as confirmation that the UTRCA has no objections to this request for extension. Should you require anything further, please advise.

#### CN Rail – February 4, 2022

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is located within 1000m to CN's Rail Yard. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise safety isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a Noise study taking into consideration the CN development guidelines.



London Hydro – February 10, 2022

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Stormwater Engineering – March 8, 2022

Please include the following condition from SWED for the above noted application.

“The Owner acknowledges that the subject lands are part of a Site Plan application which is being reviewed or has been accepted under the Site Plan Approvals Process (File # SPA19-009) and that the Owner agrees that the development of this site under Approval of Draft Plan of Vacant Land Condominium shall comply with all final approved Site Plan conditions and approved engineering drawings for the current development application. Therefore, 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.”

**Schedule B – 39CD-18503**

The Corporation of the City of London’s conditions and amendments to final approval for the registration of this condominium, file number 39CD-18503 are as follows:

~~Deleted~~, **Revised**, or **New Condition #**

No.	Conditions
1)	That this approval applies to the draft plan submitted by Artisan Homes Inc. (1247987 Ontario Inc.) prepared by Callon Dietz Inc., certified by J. Andrew Smith, Ontario Land Surveyor, File No. 39CD-18503, Plan No. C-2122, dated March 5, 2018, which shows a 6 unit development located at 459 Hale Street.
2)	This draft approval is for a Vacant Land plan of condominium under Part XII of the Condominium Act, 1998.
3)	The development is to be registered as one Condominium Corporation.
4)	That this approval of the draft plan applies <del>for a period of three (3) years</del> <b>until June 28, 2023</b> , and if final approval is not given within that time, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
5)	Prior to final approval for the registration of any condominium corporation within the development by the Approval Authority, the City of London is to be advised in writing by the Site Plan Approval Officer and/or Landscape Planner, City of London that: <ol style="list-style-type: none"><li>the Applicant has entered into a Development Agreement for the site and has registered the agreement on title;</li><li>if site works in the common elements are substantially complete, the owner's consulting engineer has submitted a final grading certificate which has been accepted by the City;</li><li>the fire route and fire route signs have been installed to the satisfaction of the City; and</li><li>all obligations of the Owner, pursuant to the development agreement with the City shall be substantially complete.</li></ol>
6)	That the owner submit a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to the NAD83 UTM horizontal control network for the City of London mapping program.

- 7) That prior to final approval for the registration of any condominium corporation within this development, a plan showing the door point numbers to be displayed on the exterior of each unit in the entire development has been submitted to the satisfaction of the City.
- 8) Prior to final approval for the registration of the development as a condominium corporation by the Approval Authority, **Development Services Planning and Development** shall be advised in writing by the Finance Department, City of London that all taxes on the said lands have been paid in full.
- 9) That the description of the Common Elements in the Condominium Declaration include the water lines and appurtenances, sanitary sewer lines and appurtenances and storm sewers and appurtenances which are not solely related to the unit on which they are located, and all perimeter fencing and any other structure (ie. gazebo). These elements are to be operated, repaired and maintained by the Condominium Corporation.
- 10) That the Condominium Declaration contain appropriate provisions setting out the responsibility for maintaining, repairing, and replacing services which serve:
  - i) more than one unit, whether or not those services are within the common elements or within a unit;
  - ii) the owner's unit only, that are located within the owner's unit or another unit; and,
  - iii) the owner's unit only, that are located within the common elements.
- 11) That the Condominium Declaration shall contain provisions setting out responsibility for maintenance and monitoring of the on-site stormwater infiltration basin in accordance with the approved site servicing drawings and Development Agreement, to the satisfaction of the City.
- 12) The following warning clause shall be included in the Declaration for all Units within this development:
 

*"If it is determined by the Ministry of the Environment (MOE) that the water service for the site is a regulated drinking water system, then the Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O. Reg. 170/03."*
- 13) That prior to final approval, the owner's professional engineer is to provide certification to the Approval Authority that all buildings, structures, facilities and services (including landscaping and grading) shown in the declaration and description to be included in the common elements have been completed, installed and provided in accordance with the requirements of the Condominium Act, 1998.

Should all facilities and services (including landscaping and grading) not be installed and provided prior to final approval, the owner's engineer shall have his professional engineer provide a written, detailed estimate of 100% of the cost to install and provide the facilities and services shown in the declaration and description to be included in the common elements, to the City's satisfaction, and provide security in the accepted amount plus 25% for administration and contingencies in a form acceptable to the City Treasurer. Should security already being held by the City under the authority of Section 41 of the Planning Act be partially or fully sufficient in form and amount to meet this requirement, the Condominium security requirement may be reduced or waived by the City. The City will not hold security for amenities such as pools, tennis courts, or clubhouses.

Should security be provided, the owner shall enter into a condominium agreement with the City to be registered on title prior to final approval.

- 14) Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority, in writing, how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete

information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

- 15) That the approval of the draft plan applies to the development of single detached dwellings only.

**## *The Owner acknowledges that the subject lands are part of a Site Plan application which is being reviewed or has been accepted under the Site Plan Approvals Process (File # SPA19-009) and that the Owner agrees that the development of this site under Approval of Draft Plan of Vacant Land Condominium shall comply with all final approved Site Plan conditions and approved engineering drawings for the current development application. Therefore, 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.***