

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: Revised Draft Plan of Vacant Land Condominium on the
Submission by Vision SoHo Alliance c/o Indwell for 346, 370
and 392 South Street and 351, 373 and 385 Hill Street
Public Participation Meeting

Date: May 9, 2022

Recommendation

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

- (a) the Planning and Environment Committee **ADVISE** the Approval Authority of the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to a property located at 346, 370 and 392 South Street and 351, 373 and 385 Hill Street; and,
- (b) the Planning and Environment Committee **ADVISE** the Approval Authority of the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 346, 370 and 392 South Street and 351, 373 and 385 Hill Street.

Executive Summary

Summary of Request

This is a request by the Vision SoHo Alliance, to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with applications for Site Plan Approval, Removal of Holding Provisions, Official Plan Amendments and Zoning By-law Amendments. The plan consists of six (6) vacant land condominium units, each unit contains one (1) low rise apartment building or one (1) mid-rise apartment building with underground parking facilities. There is access on Waterloo Street and Colborne Street, and the common elements include: driveways, above-ground shared parking, and at-grade outdoor amenity area. The applicant's intent is to register the development as one condominium corporation.

Purpose and Effect of the Recommended 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 Process.

Rationale for the Recommended Action

- i) 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, High 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

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).

February 7, 2022 – Report to Planning and Environment Committee and Public Participation Meeting on proposed vacant land condominium relating to this application (39CD-21522).

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 development of a residential tower on these lands, which is currently underway. 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 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 have 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 Previous Report

This application was presented previously at the fourth (4th) meeting of the Planning and Environment Committee on February 7th, 2022. The request was for consideration of a Stratified Vacant Land Condominium with the driveways, above-ground shared parking areas, underground parking facilities and at-grade outdoor amenity areas as common elements. Amendments had been made, as part of a separate application, to the *1989 Official Plan* and *The London Plan* exempting the subject lands from Parts 3 to 5 of Policy 1790 of *The London Plan* and sections iii) to v) of the *1989 Official Plan* in order to permit the Vacant Land Condominium in a stratified form. These exemptions allowed for: units to be above or below one another, more than one dwelling per unit; and, structures to cross unit boundaries upon registration. No issues were identified at the public participation meeting regarding the Vacant Land Condominium Application, and a Council Resolution was issued on February 16, 2022, recommending the Approval Authority be advised that no issues were raised at the public meeting and that the Municipal Council has no issues with respect to the Site Plan.

Following the issuance of the Council Resolution, a Draft Approval Report and Draft Conditions were prepared. It is required as a condition of draft approval that a detailed estimate of 100 per cent of the cost to install and provide the facilities and services shown in the condominium declaration and description to be included in the common elements be calculated and the associated securities be provided to the City, should all facilities and services not be installed and provided prior to final approval. This would allow the City to complete construction of these facilities should the Applicants be unable. The underground parking garage to be included in the common elements required a substantial amount of security to be provided to the City. The Applicant advised that this condition would be difficult to satisfy, and as such, the Applicants have amended their application so that the unit boundaries include the underground parking structure. A description of the underground parking structure and how it will operate is provided in the second section of this report.

1.4 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 1.89 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.

1.5 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 – Residential R4/R8 Special Provision (R4-6(13)/R8-4(59)), Residential R8 Special Provision (R8-4(56)), and Residential R8 Special Provision (R8-4(58))

1.6 Site Characteristics

- Current Land Use – Vacant
- Frontage – 203 meters on Hill Street
- Depth – Varies
- Area – 1.89 hectares
- Shape – Irregular, Rectangular

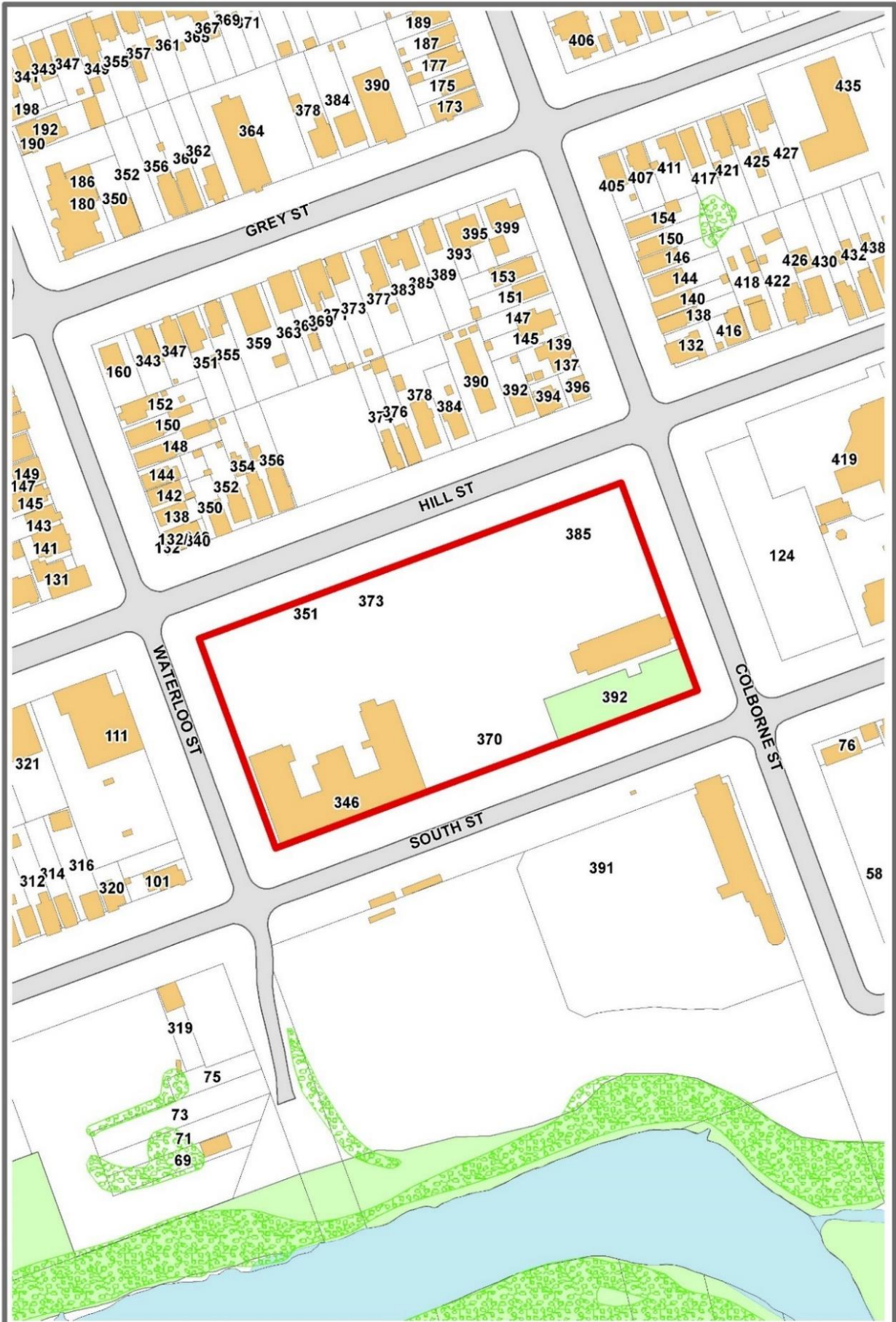
1.7 Surrounding Land Uses

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

1.8 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.

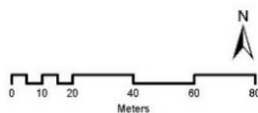
1.9 Location Map



LOCATION MAP

Subject Site: SoHo VLC
 File Number: 39CD-21522
 Planner: Alison Curtis
 Date: 2021/17/02

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



Scale 1:2000

Legend

- Subject Site
- Assessment Parcels
- Buildings
- Vegetation

2.0 Discussion and Considerations

2.1 Development Proposal

The effect of this application request consideration of vacant land condominium comprised of six (6) units, each containing one low- or mid-rise apartment building. These six (6) units will be owned by the individual members of the Vision SoHo Alliance (Indwell Community Homes, Zerin Development Corporation, Homes Unlimited (London) Incorporated, London Affordable Housing Foundation; and Chelsea Green Home Society, but the proposal will be registered as one condominium corporation. Common elements will include: driveways, above-ground shared parking areas, and at-grade outdoor amenity areas.

Two of the proposed units will follow the boundaries of the Victoria Health Services Building and the War Memorial Children's Hospital. These buildings will be conserved, repurposed, and integrated into the proposed development as two (2) of the six (6) units. Four (4) additional apartment buildings are proposed, and all six (6) buildings are outlined below. The unit boundaries for the new buildings will include the underground parking facilities. A total of 494 residential units are proposed, which is 243 units per hectare, and the proposal provides for a range of affordable rental options in the SoHo community.

The vacant land condominium approach was chosen by the applicants for the following reasons:

- It is a simpler and more efficient process from an operational perspective as it would only require one single condominium corporation that can move forward through one consolidated process;
- It allows for flexibility in unit boundaries, allowing the boundaries to parallel those of the buildings, meaning the unit is comprised only of the bricks and mortar; and,
- It provides a clear statutory framework on which the parties can rely on to obtain compliance and maintain a consistent community standard for common elements and the units.

2.2 Shared Underground Parking Garage

As previously noted, this Application has been revised as it relates to the underground parking garage, and it is now considered in four sections under separate ownership. Under the Condominium Declaration, the Shared Parking Garage is defined as follows:

“means the underground parking garage to be constructed on the Property, which together shall make up one parking structure, but which shall comprise four sections, each of which are an underground level of Units 1,2,3 and 5 and which have the same unit boundaries as the Unit under which each section is located.”

The Owners of Units 1,2,3 and 5 are the owners of their respective sections of the Shared Parking Garage, and they shall enter in a Shared Parking Garage Agreement to govern the construction, operation, repair, and maintenance of the Garage. These Owners are responsible for any costs incurred by the Corporation for operation, repairs and/or maintenance but major repairs or replacements will be funded through the Shared Parking Garage Reserve Fund, which is exclusively contributed to by the Shared Parking Garage Owners. An easement, in favour of the Corporation, will be registered over the Shared Parking Garage, and, according to the Condominium Agreement, all Owners and their respective Occupants, guests, licensees, and designated others shall have the full right, liberty, privileged and easement for vehicular and pedestrian ingress and egress over and through the portions of each of Units 1,2,3 and 5 necessary to access and to make reasonable use of the Shared Parking Garage.

2.3 Proposed Vacant Land Condominium Units

Figure 1: Proposed Units and Site Plan

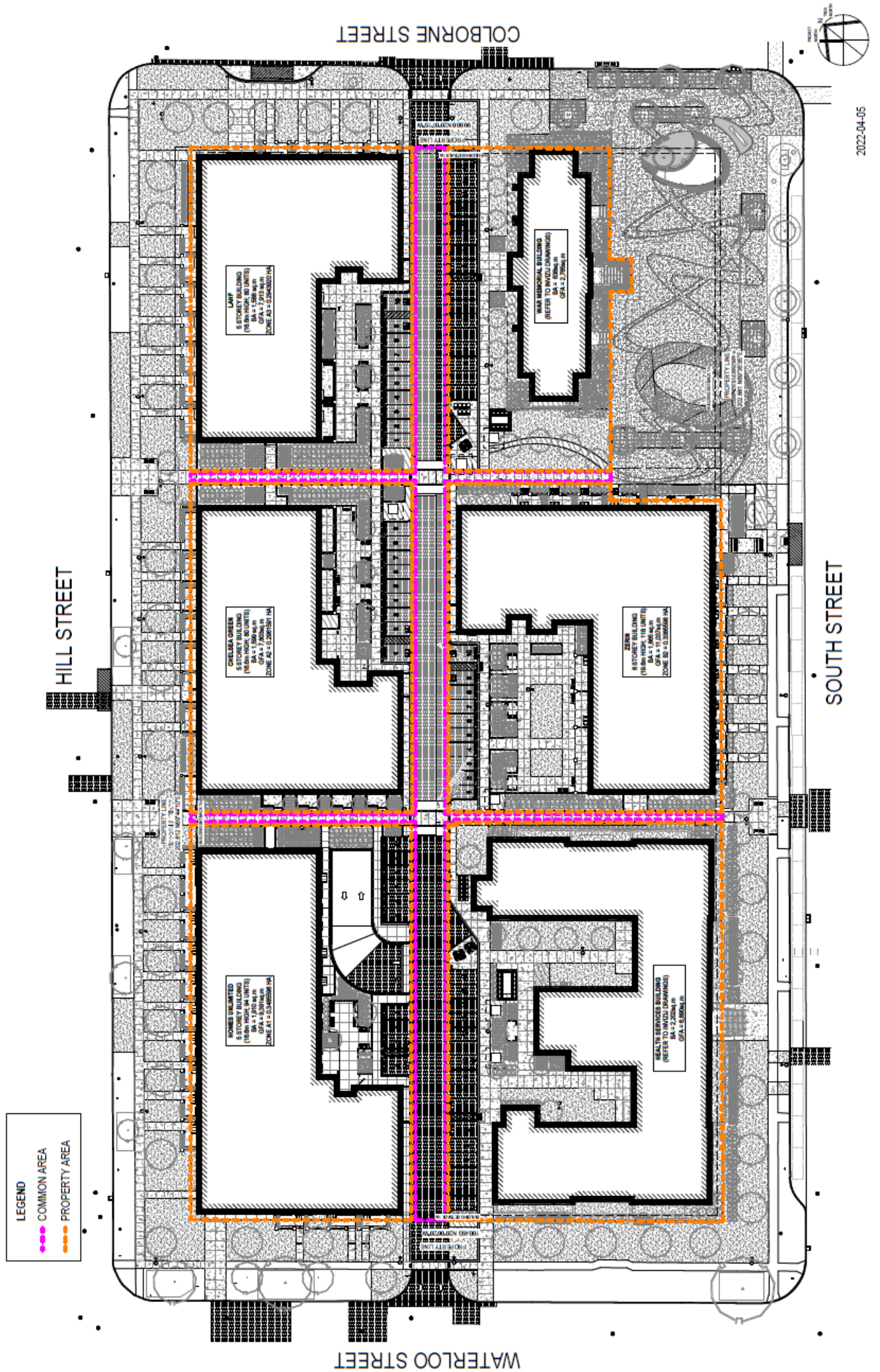


Figure 2: Overall Site 3D View – Southeast

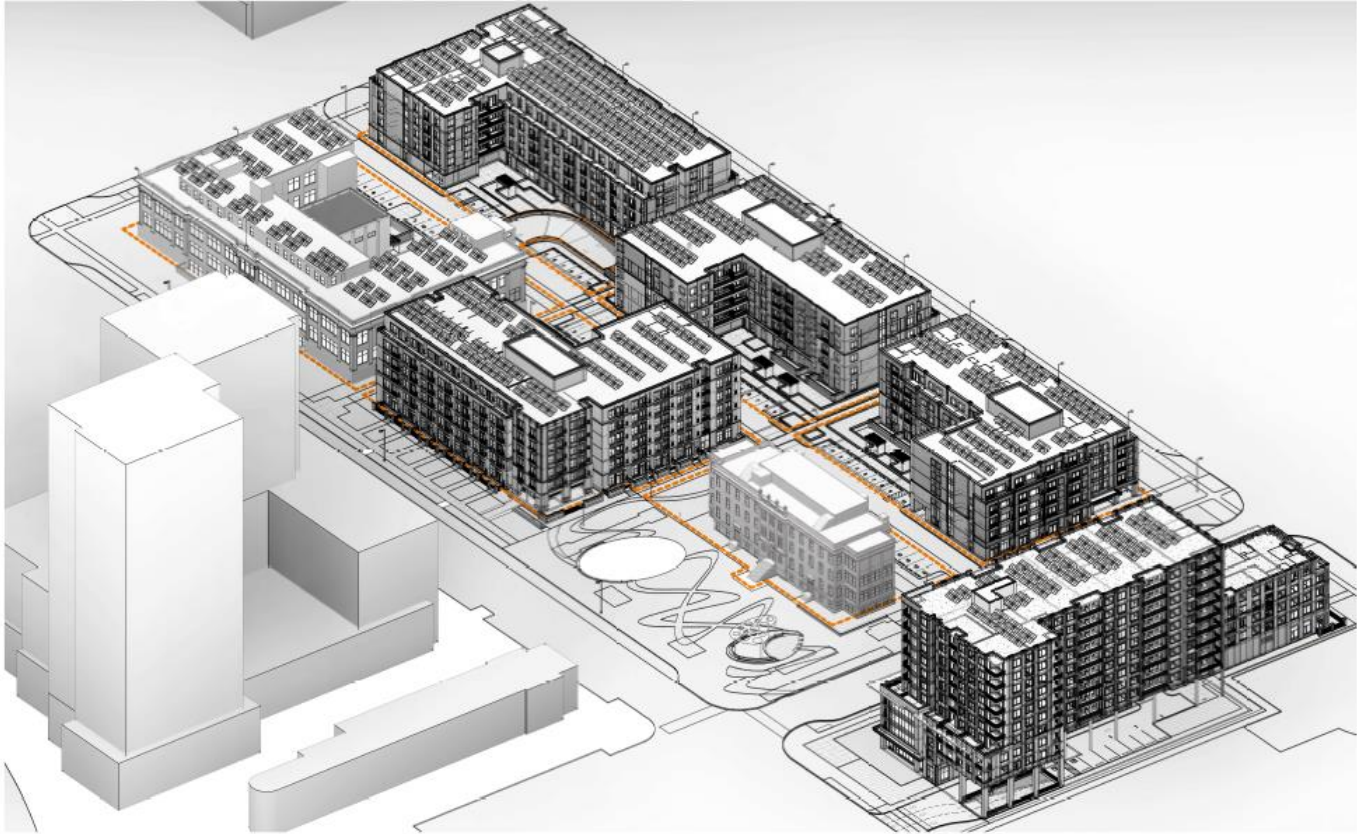


Figure 3: Overall Site 3D View – Northwest

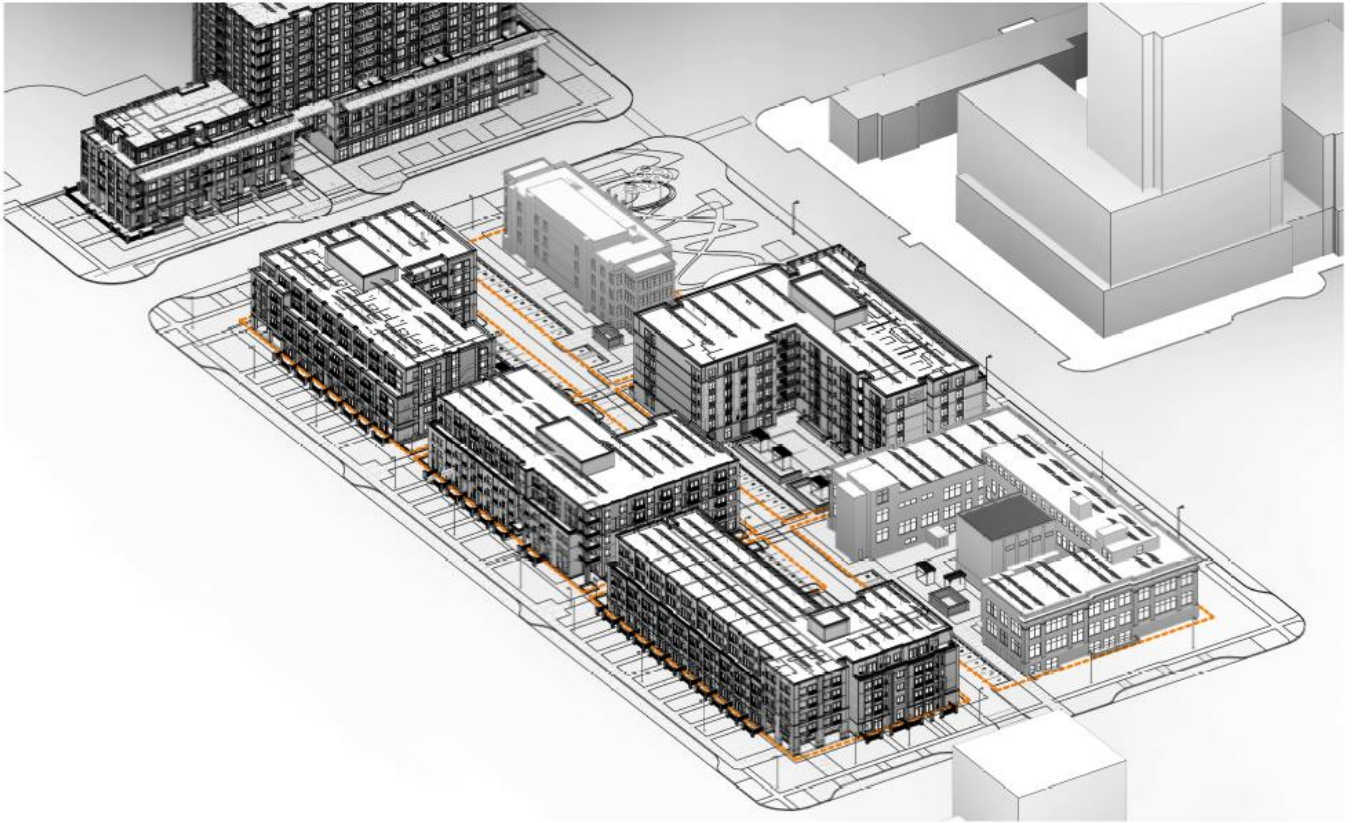


Figure 4: Underground Parking

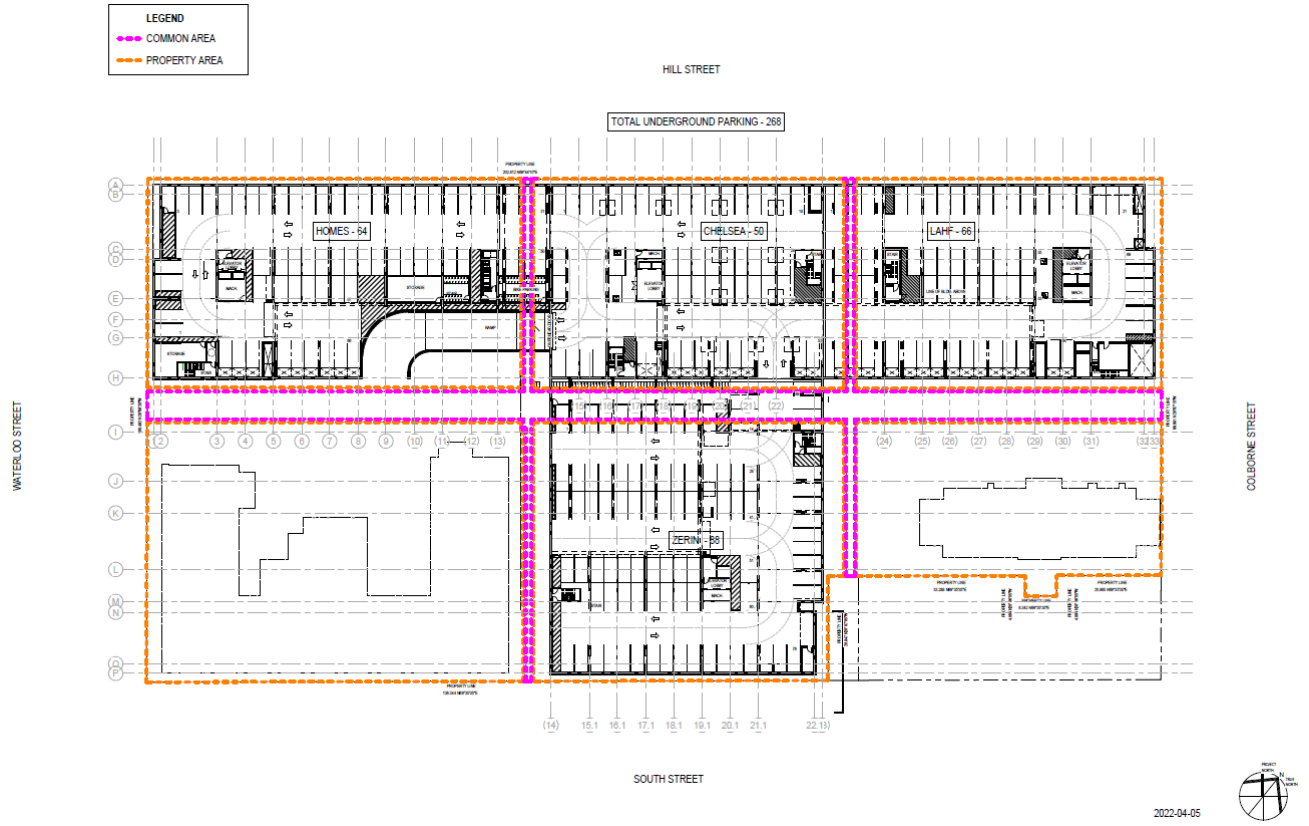


Figure 5: 3D View of Underground Parking

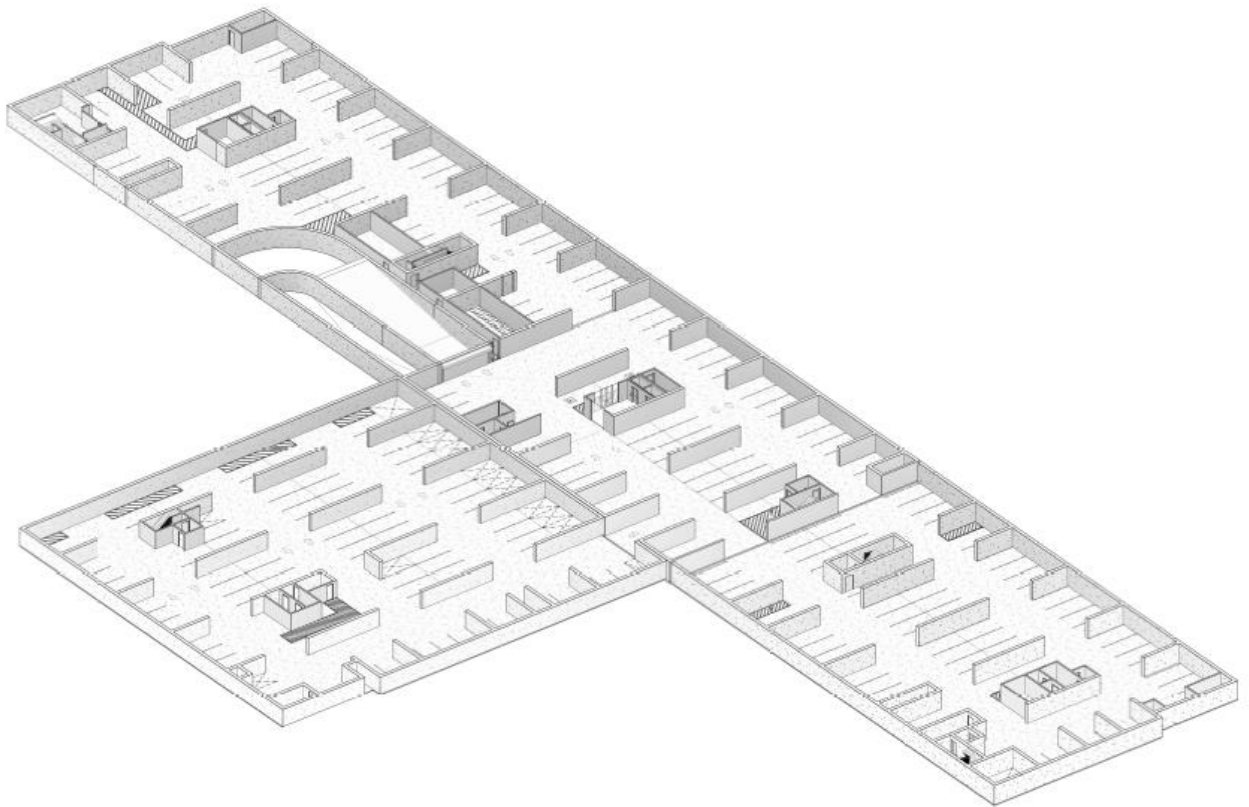
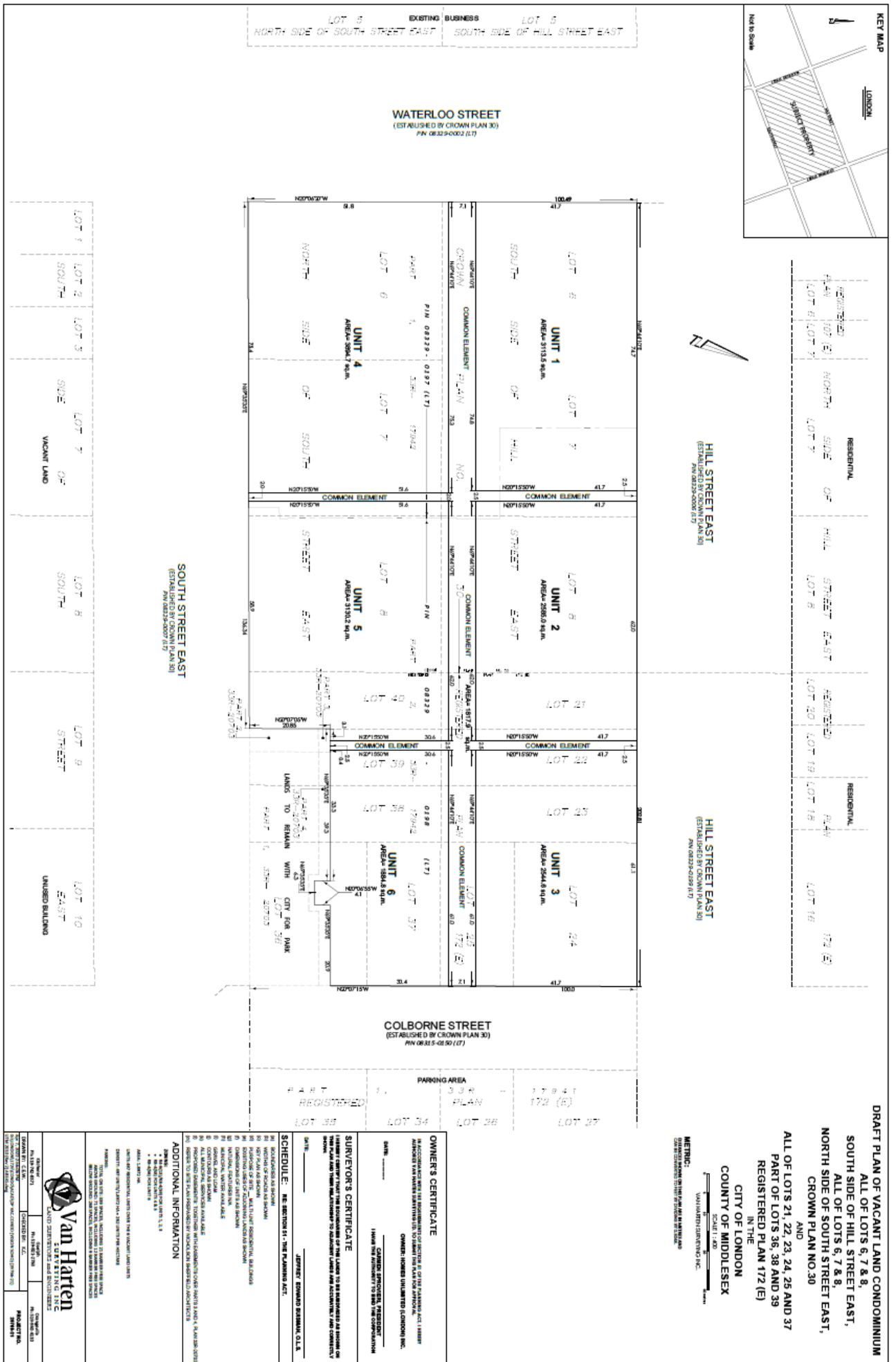


Figure 6: Proposed Draft Plan of Condominium



Outline of Proposed Vacant Land Condominium Units

Homes Unlimited:

- Fronting onto Hill Street to the north and Waterloo Street to the west;
- Apartment building with a height of 5-storeys, or 16 meters; and,
- A unit count of approx. 94 units.



Homes Unlimited Rendering – Looking East from Waterloo Street

Chelsea Green:

- Fronting onto Hill Street to the north;
- Apartment building with height of 5-storeys, or 16 meters; and,
- A unit count of 80 units.



Chelsea Green Rendering – Looking Southeast from Hill Street

London Affordable Housing Foundation (LAHF)

- Fronting onto Hill Street to the north and Colborne Street to the East;
- Apartment building with a height of 5-storeys, or 16 meters; and,
- A unit count of approx. 80 units.



LAHF Rendering – Looking Southwest from Hill Street and Colborne Street

Indwell – Victoria Health Science Building (Existing)

- Fronting onto South Street to the south and Waterloo Street to the west;
- A height of 2-storeys (as existing); and,
- A unit count of 80 units.



Victoria Health Sciences Building Rendering – Looking Northeast from South Street and Waterloo Street

Zerin

- Fronting onto South Street;
- Apartment building with a height of 6-storeys, or 19 meters; and,
- A unit count of 118 units.



Zerin Rendering – Looking Northwest from South Street

Indwell – War Memorial Building (Existing)

- Fronting onto south Street to the south and Colborne Street to the east;
- A height of 3-storeys, or 15.6 meters (as existing); and,
- A unit count of 42 units



War Memorial Building and SoHo Civic Space Rendering – Looking Northwest from South Street and Colborne Street

2.4 Consultation

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

- Notice of Public Participation Meeting for the initial application was sent to property owners within 120 meters of the subject property on December 22nd, 2021, and again on April 21, 2022.
- Notice of Application and Public Participation were published in the Public Notices and Bidding Opportunities section of The Londoner on December 30th, 2021, and again on April 21, 2022.
- Information about the Application was posted on the website on December 22nd, 2021.

No comments were 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 Analysis

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 6 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 with 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 provide 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*. The remaining buildings on the site are to be designated under the *Ontario Heritage Act* and conserved, 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 protecting 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 at an intersection of two neighbourhood connectors, Colborne Street and South Street. This Place Type at this location permits a range of low to medium density residential uses (i.e., single detached, semi-detached, duplexes and townhouses) at a maximum height of 3-storeys or 6-storeys with Bonusing in Central London (Table 10* and Table 11*).

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. It contributes to a neighbourhood character and a diversity of housing choices. The site is also close to City owned open space and public transportation, 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 future commercial proposed and existing neighbourhood facility uses in proximity to the site, as well as City owned open space. The proposal provides a range of affordable rental options within the SoHo 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.

Policy 1709 outlines the policies applicable to Vacant Land Condominium applications. The proposal is in keeping with Parts 2, 3,5 and 6 of Policy 1709 because: it is being considered concurrently with an active Site Plan Application; there are no units above or below another; no structures cross unit boundaries at the time of registration; and, it is to be registered as one condominium corporation. The proposal is not in keeping with Part 4 of Policy 1709 as it proposes more than one dwelling per unit. However, recent amendments to *The London Plan* under LPA 48 (C.P.-1512(av)-14) exempt the lands located at 370 South Street and 124 Colborne from Part 4 of Policy 1709 and the

development is now in keeping with *The London Plan* policies on vacant land condominiums.

(1989) Official Plan

The subject lands are designated as Multi-Family, High Density Residential (MFHDR) in the *1989 Official Plan*. The permitted uses in this residential designation include: low-rise and high-rise apartments; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing homes; rest homes; homes for the aged; and, rooming and boarding (3.4.1 Permitted Uses). The proposed vacant land condominium is in keeping with these permitted uses.

One of the preferred locations for the MFHDR designation includes: areas near the periphery of the Downtown that are appropriate for redevelopment; lands in close proximity to Enclosed Regional Commercial Nodes or New Format Regional Commercial Nodes or Community Commercial Nodes, Regional Facilities or designated Open Space areas; and, lands abutting or having easy access to an arterial or primary collector road (3.4.2 Location). Development within this designation shall be less than 350 units per hectare in the Downtown Area, 250 units in Central London (this area is bounded by Oxford Street to the North, the Thames River on the south and west, and Adelaide Street on the east), and 150 units per hectare outside of Central London (3.4.3 Scale of Development). This proposal is in keeping with these policies as the lands are appropriate for redevelopment, near designated Open Space and adjacent to a Primary Collector. The proposal also provides a density of 243 units per hectare, which is less than the 250 units per hectare permitted in the Central London area (3.3.3 Scale of Development).

Section 19.15.4 of the *1989 Official Plan* outlines the applicable policies for vacant land condominium applications, which are similar to those in Policy 1709 of *The London Plan*. Part i) 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 future commercial proposed and existing neighbourhood facility uses in proximity to the site, as well as City owned open space. The proposal provides a range of affordable rental options within the SoHo 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.

Parts ii), iii), v) and vi) of Section 19.15.4 outline the following policies for vacant land condominiums: applicants may be required to provide site development concepts and meet design requirements consistent with the Site Plan Control By-law and Policies; units will not be above or below one another; there will be only one dwelling per unit; and, upon registration, no structures will cross unit boundaries. The proposal is in keeping with these policies. Part iv) of this Section sets out that there will be only one dwelling permitted per unit. Amendments were made to the *1989 Official Plan* through OPA 748 (C.P.1284(wm)-11), which exempts the lands located at 370 South Street and 124 Colborne from part iv) of Policy 19.15.4. As such, the proposal is in keeping with the *1989 Official Plan* policies for vacant land condominiums.

Old Victoria Hospital Lands Secondary Plan

The *Old Victoria Hospital Lands Secondary Plan* sets the development vision and policies for the subject lands, which are within the Mid-Rise Residential and The Four Corners Designations. Mid-Rise Residential permits a range of uses, from converted dwellings to apartment buildings up to 8-storeys. This designation is applied to the Homes Unlimited, Chelsea Green, LAHF, Victoria Health Services building and the Zerin building. The Four Corners designation is intended to provide a neighbourhood core for the lands adjacent to the South Street and Colborne Street intersection.

Policies for this designation permit apartment buildings up to 11-storeys and encourage mixed-use buildings with small scale commercial on the ground floor. This designation is applied to the War Memorial Children's Hospital and SoHo Civic Park.

Z.-1 Zoning By-law

The existing zoning for the subject lands is as follows:

- 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(58))

Both the Residential R4 and R8 zone regulate medium density residential development. The R4 permits street town housing, while the R8 Zone permits apartment buildings; handicapped person's apartment buildings; lodging house class 2; stacked town housing; senior citizen apartment buildings; emergency care establishments; and, continuum-of-care facilities. The proposed vacant land condominium is consistent with the Zoning By-law. Please refer to the Zoning Excerpt in Appendix D.

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 Reasoning for Vacant Land Condominium Approach

This proposal and its approach to the vacant land condominium process are unique to the City of London and required amendments to the *1989 Official Plan* and *The London Plan* to ensure the application was consistent with these policies. Both Vacant Land and Common Element Condominiums by the City and the Applicant were considered as options for the redevelopment of these lands. As previously noted, the stratified Vacant Land Condominium approach was chosen by the applicants over the common element condominium as it was a more effective and efficient process that provided flexibility for unit boundaries, as well as a clear statutory framework on which to rely. The common element condo approach would have introduced time and cost inefficiencies to the process as the apartment buildings could not have processed through the same application as the common elements, and owners would not have the statutory

obligations, or ability to enforce requirements, for the repair and maintenance of units and common elements.

4.3 Easements

In addition to easements requested from external agencies (e.g., London Hydro, Bell Canada), the City of London will also require the Applicants to register easements over the SoHo Civic Space. The Zerlin Building and War Memorial Buildings and their entrances are abutting the Civic Space and easements are required for access, maintenance, and liability. City of London staff are working with the applicants to determine the nature and requirements of these easements, which will be included as conditions for Draft Approval.

Conclusion

The proposed Vacant Land Condominium is consistent with the *Provincial Policy Statement*, and in conformity with the *London Plan, (1989) Official Plan*, the *Old Victoria Hospital Lands Secondary Plan*, and the Z.-1 Zoning Bylaw. The proposed apartment 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, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivision Planning

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 Condominiums
Michael Pease, Manager, Site Plans

Appendix A: Community Consultation

Public liaison: On December 22, 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 December 30, 2021. The Notice of Revised Application and Public Participation meeting were distributed and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 21, 2022.

Nature of Liaison: The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 6 units, and each unit contains one (1) low rise or one (1) mid-rise residential apartment building. Consideration of a proposed draft plan consisting of 6 units containing one (1) apartment building and common elements to be registered as one Condominium Corporation. Common elements will include: driveways, above-ground shared parking areas, underground parking facilities and at-grade outdoor amenity areas.

346, 370, and 392 South Street and 351, 373, and 385 Hill Street; located on the west side of Colborne Street, north of South Street; approximately 1.89 hectares –

The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 6 units, and each unit contains one (1) low rise or one (1) mid-rise residential apartment building and underground parking facilities. Consideration of a proposed draft plan consisting of 6 units containing one (1) apartment building and common elements to be registered as one Condominium Corporation. Common elements include driveways, above-ground shared parking areas, and at-grade outdoor amenity areas. A public meeting will be held no sooner than May 9, 2022, and will not be heard before 4:00 p.m. **For the lands under consideration, the following applications have also been submitted: Site Plan Approval – Application File No. SPA21-081; Removal of Holding Provisions – H-9462; Official Plan and Zoning By-law Amendments – Application File No. OZ-9418 and Z-9224.*
File: 39CD-21522 Planner: A. Curtis x.4497

Appendix B: Agency and Department Comments

External Agency Comments

London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements and availability.

Bell Canada

The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

Enbridge Gas Inc.

It is Enbridge Gas Inc's request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Department Comments

Water Engineering

Water Engineering has no comment on this Draft Plan of Vacant Land Condominium for the Old Victoria Hospital Lands. Water servicing will be in accordance with the approved site servicing drawings.

Appendix C: 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, rear lotting 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

Chapter 19: Implementation

Z.-1 Zoning By-law

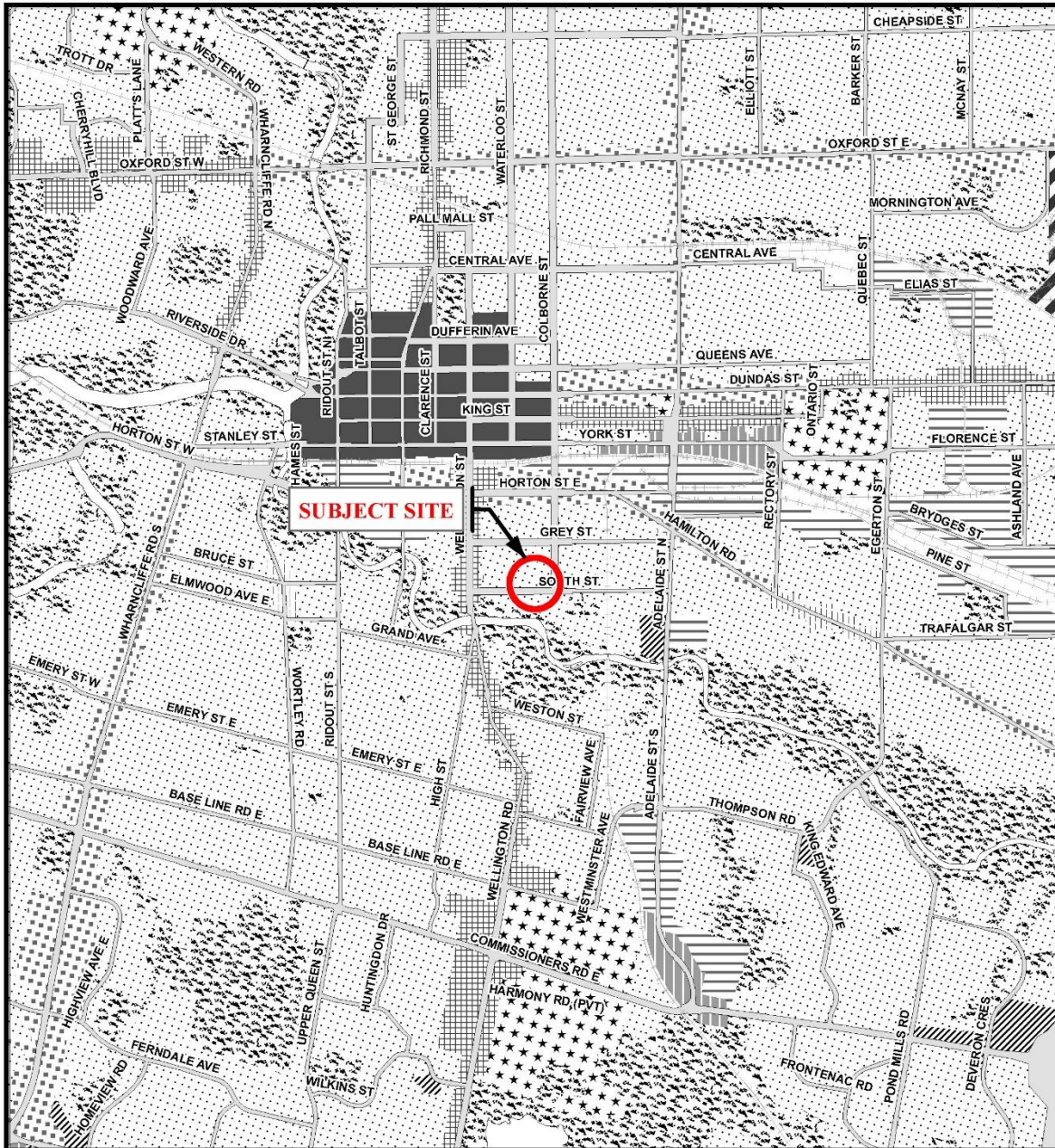
Section 3: Zones and Symbols

Section 8: Residential R4 Zone

Section 12: Residential R8 Zone

Appendix D: Relevant Background

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



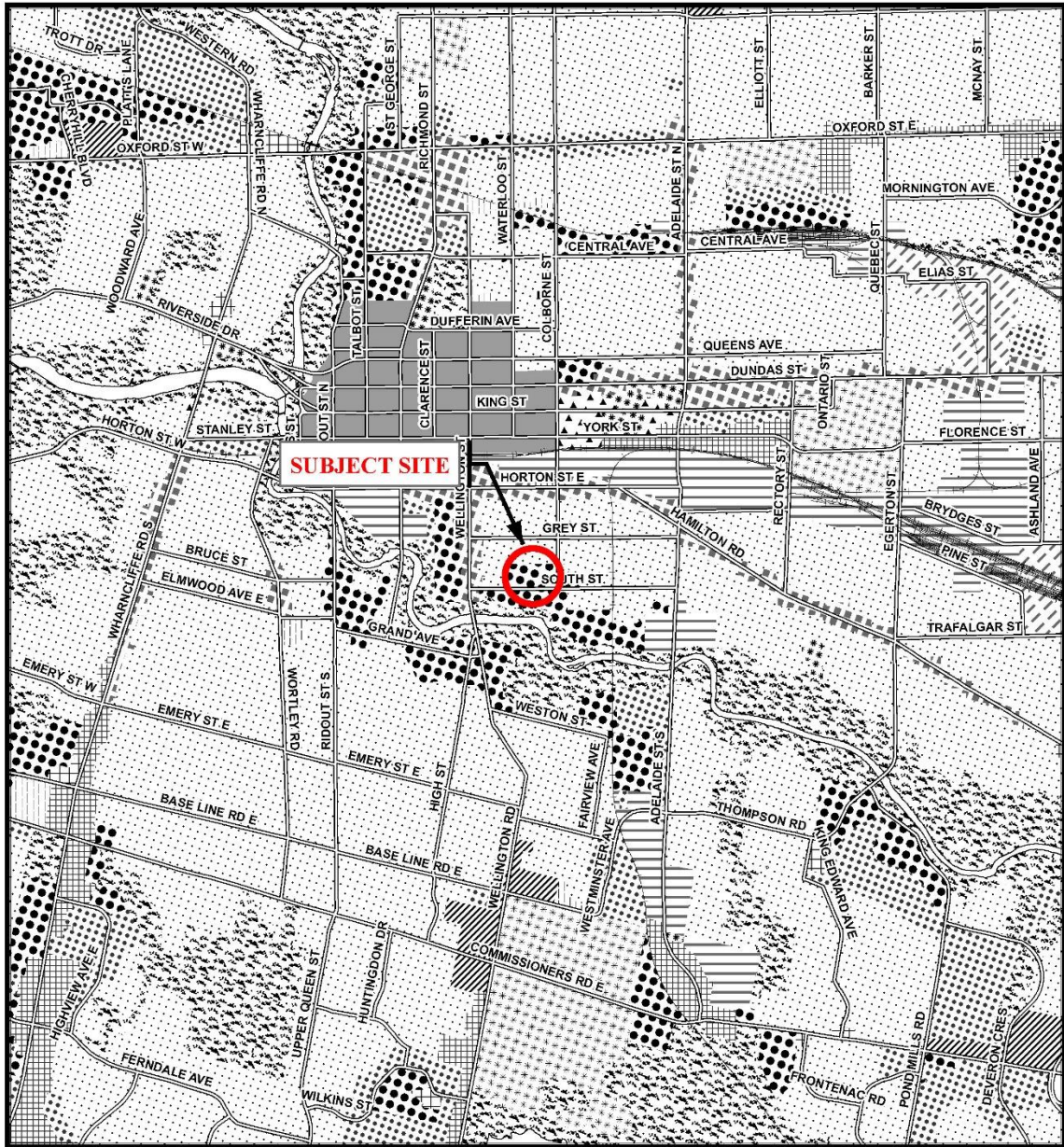
File Number: 39CD-21522

Planner: AC

Technician: RC

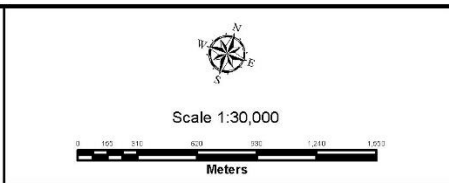
Date: December 20, 2021

1989 Official Plan Excerpt



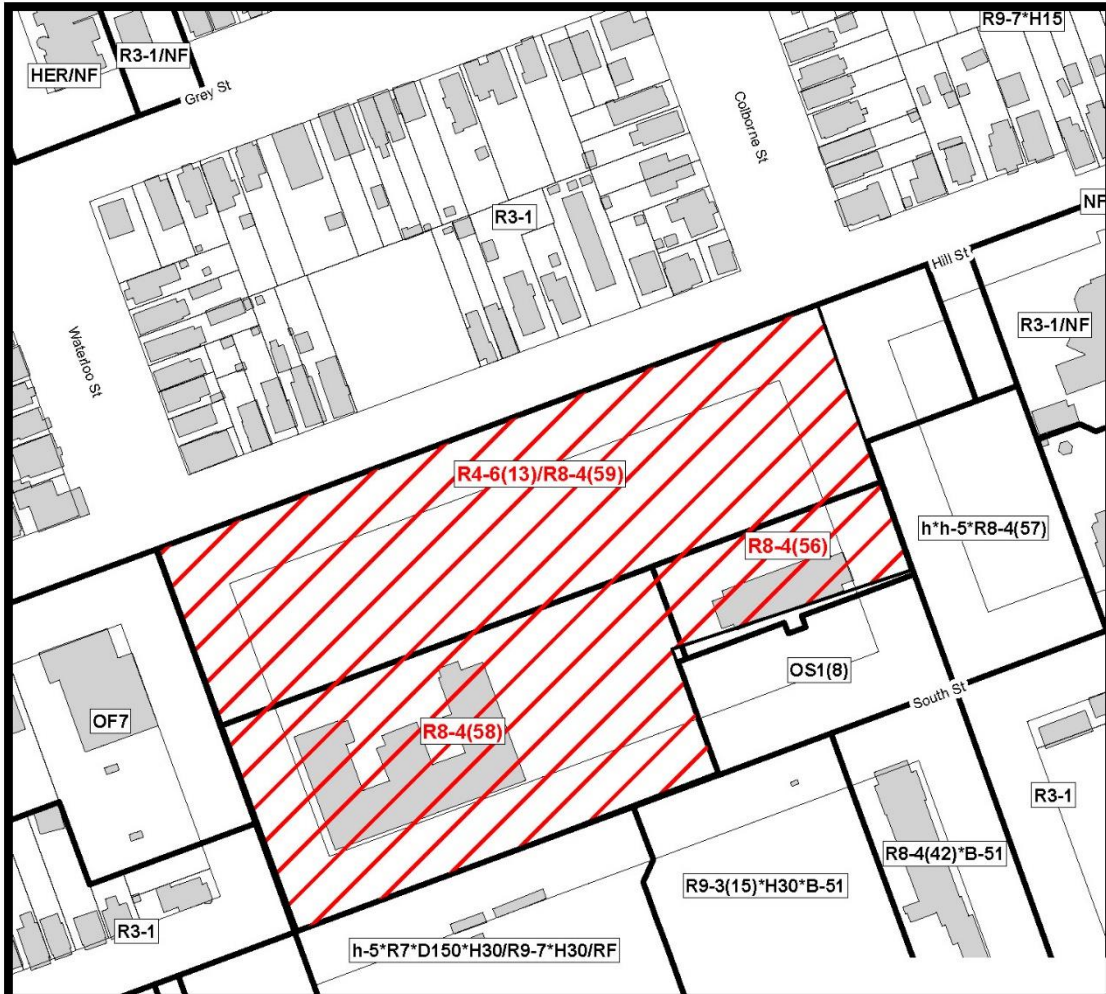
Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
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

CITY OF LONDON
 Planning Services /
 Development Services
 OFFICIAL PLAN SCHEDULE A
 - LAND USE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: 39CD-21522
 PLANNER: AC
 TECHNICIAN: RC
 DATE: 2021/12/20

Z-1 Zoning By-law Excerpt



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:

39CD-21522 AC

MAP PREPARED:

2022/04/08 rc

1:2,000

0 10 20 40 60 80 Meters