

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: Draft Plan of Vacant Land Condominium on the Submission
by Four Fourteen Inc. for 414 and 418 Old Wonderland

Public Participation Meeting on: July 25, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Four Fourteen Inc., relating to the property located at 414 and 418 Old Wonderland:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 414 and 418 Old Wonderland; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 414 and 418 Old Wonderland.

Executive Summary

Summary of Request

This is a request by Four Fourteen Inc., to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 29 dwelling units, within multiple townhouses with a new private road providing access from Old Wonderland Road. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium or the Site Plan Approval applications.

Rationale of 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.

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 Previous Reports Related to this Matter

November 22, 2017 - B.025/17 – Application for Consent was granted for 414 Old Wonderland Road to sever from a larger parcel of land under separate ownership.

July 26, 2021 – Planning and Environment Committee - Four Fourteen Inc. regarding the property located at 414 and 418 Old Wonderland - Zoning By-law Amendment Application - Z-9293.

December 13, 2021- Planning and Environment Committee - Four Fourteen Inc. regarding the property located at 414 and 418 Old Wonderland – public meeting with for Site Plan Approval - File SPA20-103.

April 19, 2022 - Planning and Environment Committee – Four Fourteen Inc. regarding the property located at 414 and 418 Old Wonderland - Application for Removal of Holding Provision (H-9482).

1.2 Planning History

In 2017, an Application for Consent (B.025/17) was submitted for the severance and conveyance of surplus lands for the purpose of future infill development with access from the abutting lands along Berkshire Drive. As part of this application, a Minor Variance (A.093/17) was submitted and granted for reduced lot frontages and lot areas to facilitate the severance. In 2017, both applications were granted.

In 2020, the City received a Zoning By-law Amendment application (Z-9293) to facilitate the proposed development of cluster townhouses and cluster stacked townhouses with a total of 29 units and 49 parking stalls. Revisions were received throughout the process to address concerns relating to parking requirements and setback reductions. Additional revisions were received to clearly identify the woodland and compensation area that was zoned special provision Open Space (OS5(19)).

On July 26, 2021, a Public Participation Meeting was held before the Planning and Environment Committee, which recommended approval of the proposed Zoning By-law amendment. The Zoning By-law Z.-1 was amended from a Residential R1 (R1-10) zone and an Urban Reserve (UR1) zone to a special provision Holding Residential R5 (h-5*R5-7(20)) zone and a special provision Open Space (OS5(19)) zone. The resolution of Council noted the requirement for board-on-board fencing along the east, north and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also for screening/privacy qualities; ensuring naturalization with feature restoration and compensation to be completed by the landowner in accordance with the mitigation measures in the recommendations of the Environmental Impact Study and City Ecologist; ensuring the development agreement is clear that the restoration and compensation areas are to be protected in a natural state and not manicured; and the creation of a small berm along the edges of the storage area to direct flows back to the road surface and not towards the pond feature to the north. The holding provision (h-5) was included as a requirement for a public site plan meeting as part of the site plan review process.

On November 23, 2020, a Site Plan Control Application (SPA20-103) was received by the City of London. The Site Plan Control application and Zoning By-law Amendment application were submitted and reviewed concurrently. A public site plan meeting was held before Planning Committee on December 13, 2021.

On April 19, 2022, a report to remove the h-5 holding provision to ensure that development takes a form compatible with adjacent land uses was brought to the Planning and Environment and Committee and passed by Council on May 3, 2022 for the subject lands.

1.3 Property Description

The subject property is located on the east side of Old Wonderland Road, south of Springbank Drive, and north of Teeple Terrace. The site has frontage along Old Wonderland Road of approximately 42.7 metres and a total area of 0.65 hectares. The subject lands are presently undeveloped. The subject lands are surrounded by low-density residential development uses to the north, west, and south. The lands to the east are also undeveloped.

A natural heritage feature consisting of a woodland and wetland is located north of the subject lands. An Environmental Impact Study (EIS) was submitted and accepted by the City's Ecologist through the Zoning By-law amendment application. The accepted EIS established an appropriate development limit which ensures that the proposed development will not have an adverse impact on these areas.

1.4 Current Planning Information (see more detail in Appendix D)

- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – special provision Holding Residential R5 (R5-7(20)) zone and a special provision Open Space (OS5(19)) Zone

1.5 Site Characteristics

- Current Land Use – Undeveloped
- Frontage – 42.7 metres (140.0 feet)
- Depth – 121.8 metres (399.6 feet)
- Area – 5,763 square metres (62,032 square feet)
- Shape – Irregular

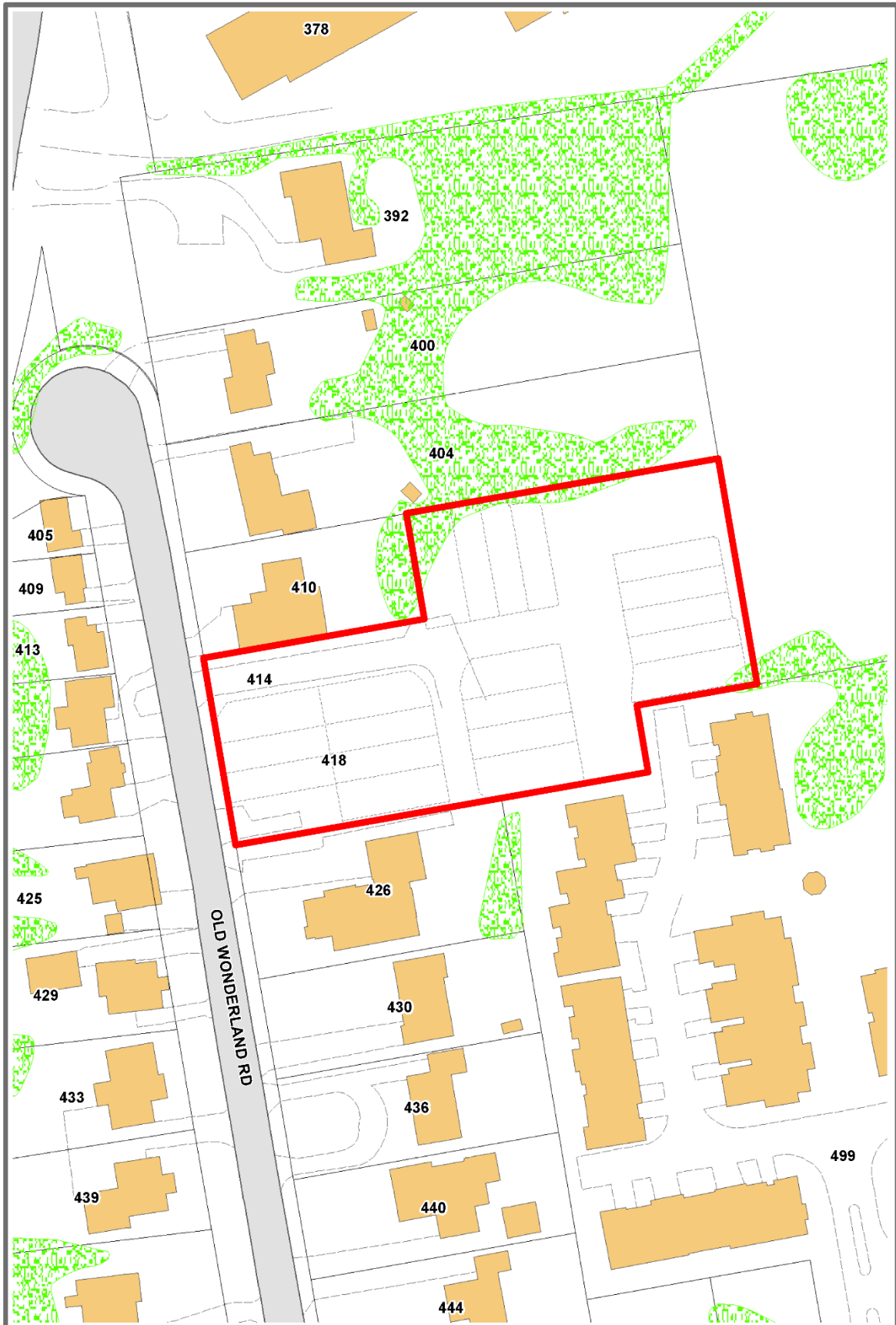
1.6 Surrounding Land Uses

- North – Existing single detached dwellings, apartment buildings, woodland, wetland
- East – Vacant residential land, cluster townhouses
- South – Existing single detached dwellings and cluster townhouses
- West – Existing single detached dwellings, cluster residential

1.7 Intensification

- The proposed development of 29-units is within the Primary Transit Area boundary and constitutes infill development.

1.8 LOCATION MAP



LOCATION MAP

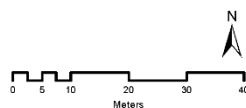
Subject Site: 414 & 418 Old Wonderland Road

File Number: 39CD-22503

Planner: Sean Meksula

Date: 2022/06/13

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



Scale 1:1000

Legend

- Subject Site
- Assessment Parcels
- Buildings
- Draft Approved Condominiums
- Driveways/Parking Lots

2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development consists of three (3) townhouse blocks and two (2) stacked townhouse blocks for a total of 29-units (50 units per hectare). The proposed site plan includes a total of 53 parking spaces. The three (3) townhouse blocks contain two parking spaces per unit – one in the garage and one in the driveway. Through the Zoning By-law amendment application, a special provision for parking was approved to allow one parking space for the stacked townhouses. Parking for the stacked townhouses is proposed with one car in the driveway and/or garage and one within the common parking area. One (1) barrier-free visitor parking stall is required along with two (2) standard visitor parking stalls.

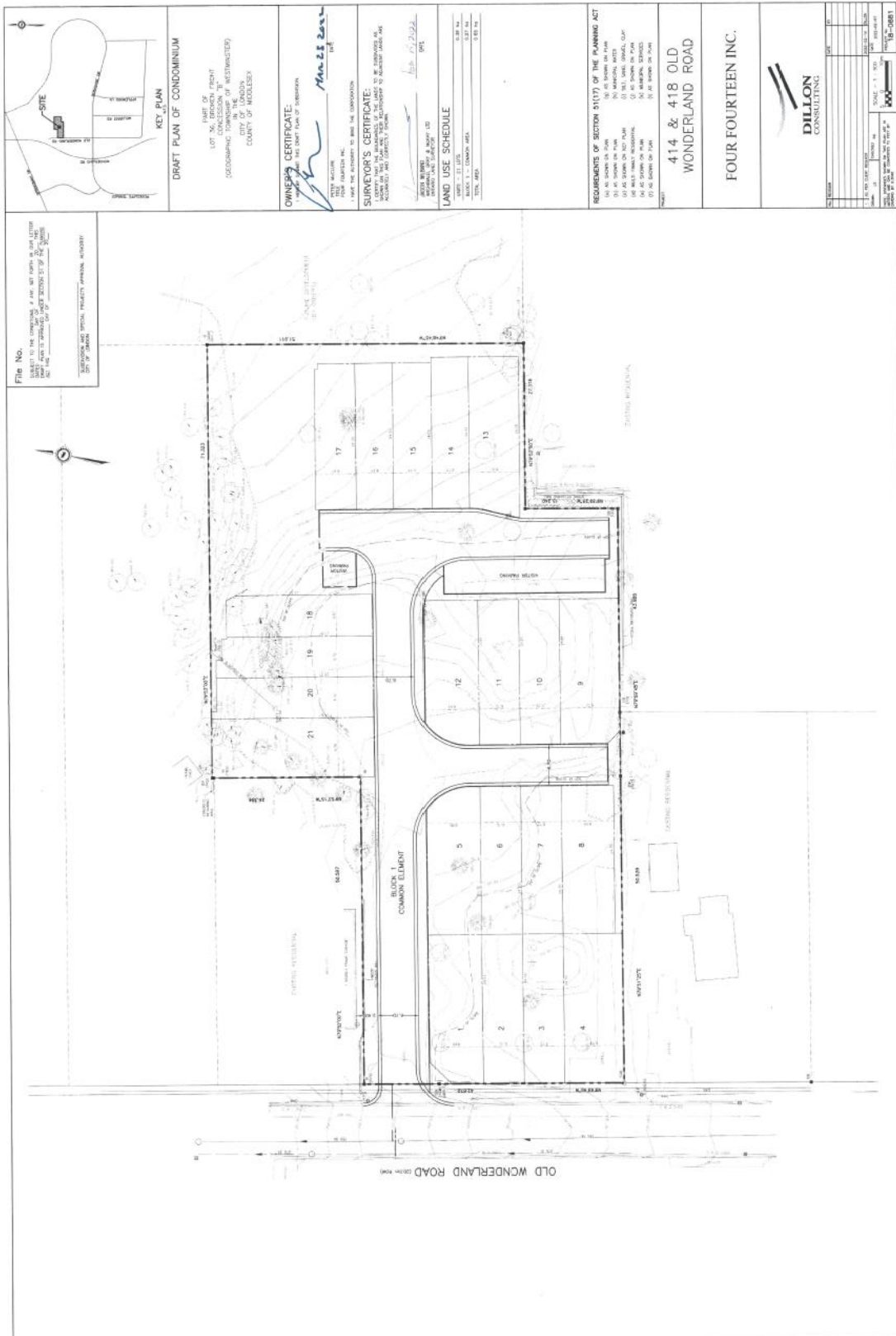


Figure 1: Proposed Vacant Land Condominium

A common amenity space is proposed along the north property boundary within the special provision Open Space (OS5(19)) zone.

An application for Site Plan Approval (SPA20-103) has also been made in conjunction with the application for Draft Plan of Vacant Land Condominium. The site plan submission, including servicing, grading, landscaping, and building elevation plans, are under review and will be informed by any comments received through the VLC public participation meeting.

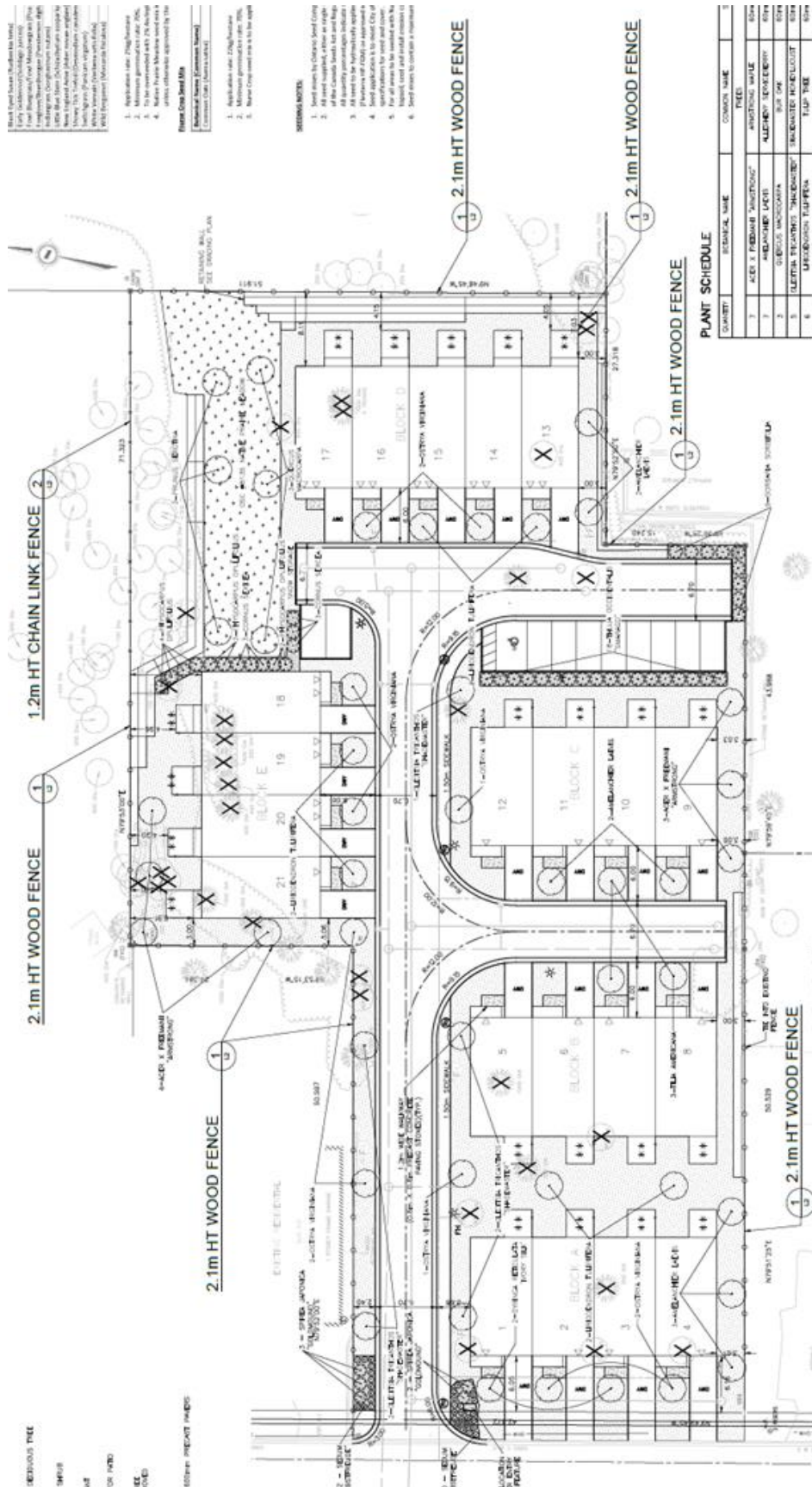


Figure 2: Concept Landscape Plan



Figure 3: Concept Elevation



Figure 4: Concept Elevation



Figure 5: Concept Elevation

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.

3.1 Community Engagement (see more detail in Appendix A)

The requested draft plan of vacant land condominium was circulated to the public on May 4, 2022 and advertised in the Londoner on May 5, 2022. At the time of preparation of this report, one response was received from the public in response to the Notice of Application and The Londoner Notice.

- The 29 townhouses will place a great burden on this fragile eco system.
- Because of the unique attributes of this property, the townhomes will be too detrimental to the adjacent land.
- The pollution created in the construction of those units would be burden enough let alone a whole neighbourhood inserted into this area.

There were no significant comments in response to the Departmental/Agency circulation of the Notice of Application.

3.3 Policy Context (See more detail in Appendix B)

Provincial Policy Statement, 2020

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

The Provincial Policy Statement, Section 1.1, Managing and Directing Land Use to Achieve Efficient and Resilient Development encourages healthy, liveable and safe communities which are sustained by accommodating a range of residential types to meet long-term needs (1.1.1.b)). The PPS directs settlement areas to be the focus of growth and development with land use patterns based on a mix of land uses and densities which efficiently use land and resources (1.1.3.2.a)). Further, land use patterns within the settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2). Direction is also provided to planning authorities to permit and facilitate all housing options required to meet the social, health, economic, and well-being requirements of current and future residents (1.4.3.b).

The proposed development would facilitate the construction of 29 new residential units within an existing settlement area and provide for diverse housing options within the existing neighbourhood.

The Provincial Policy Statement provides policies on protecting natural heritage, water, cultural heritage and archaeological resources for their economic, environmental and social benefits (2.0). Section 2.1 of the PPS provides policies relating to natural heritage and directs natural features and areas to be protected for the long term (2.1.1). Within significant wetlands or significant woods, development and site alteration shall not be permitted (2.1.4 and 2.1.5). The PPS further seeks to protect the significant wetlands and woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.5). In terms of the subject lands, there is a natural heritage feature on the adjacent northerly lands. The PPS provides direction where development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.8).

Through the Zoning By-law Amendment application and Site Plan Control application process, an Environmental Impact Study (EIS) was received and accepted by City staff. Based on implemented recommendations of the EIS and the design of the development, the proposed VLC will not have negative impacts on the natural features on the abutting lands.

The proposed development is consistent with the PPS.

The London Plan

The site is located within the Neighbourhoods Place Type in The London Plan. The policies of this Place Type, as well as the Our Strategy, City Building and Design, and Our Tools policies, have been applied in the review of this application.

The London Plan provides Key Directions that encourage a mixed-use compact City by planning to achieve a compact, contiguous pattern of growth by looking “inward and upward” through infill and intensification of various types and forms to take advantage of existing services and facilities (59_2 and 59_4). The Key Directions in The London Plan provide direction to build strong, healthy and attractive neighbourhoods for everyone by protecting, recognizing and enhancing neighbourhood character and environmental features (61_5). Directions for building a mixed-use compact City also include ensuring a mix of housing types are provided within our neighbourhoods so that they are complete and support aging in place (59_5). The London Plan Key Directions also include ensuring that new development is a good fit within the context of the existing neighbourhood (62_9). The proposed development provides for appropriate intensification on an existing, underutilized piece of land within the City boundaries that utilizes existing services and facilities in the area. Further, the proposed development will not have any negative impacts on the abutting environmental features.

The subject lands are located within the Neighbourhoods Place Type with frontage along a Neighbourhood Street, as identified in *Map 1 – Place Types and *Map 3 – Street Classifications. Permitted uses along the Neighbourhoods Place Type include a range of residential uses including single detached; semi-detached; duplexes; converted dwellings; townhouses; secondary suites; home occupations and group homes with a minimum height of one (1) storey and a maximum height of two and a half (2.5) storeys in accordance with Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type and *Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type. The proposed stacked townhouses at the rear of the subject lands are a permitted use as per the Zoning By-law Z.-1. The proposed development represents residential intensification within an existing neighbourhood which is encouraged to achieve aging in place, a diversity of built form, affordability, and the effective use of lands within neighbourhoods (937_).

Map 5 – Natural Heritage of The London Plan identifies a small portion of woodlands on the site and woodlands to the north. The Natural Heritage policies of The London Plan are intended to protect the natural heritage features and areas over the long term by establishing requirements for the identification and protection of the Natural Heritage System including, but not limited to, environmental impact studies (1309_). Development or site alteration on lands adjacent to features of the Natural Heritage System shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (1433_). As part of the Zoning By-law Amendment application, an Environmental Impact Study was submitted and reviewed by City staff. Through this process, the Environmental Impact Study was accepted, and a development limit was established to not impact the adjacent feature.

The proposed development is consistent with The London Plan.

Z.-1 Zoning By-law

The subject lands are located within a special provision Residential R5 (R5-7(20)) zone

which permits the use of the lands for cluster townhouse dwellings and cluster stacked townhouse dwellings. Special provisions for the site regulate a minimum interior yard depth for the second storey decks of 3.0 metres; a minimum rear yard depth for the second storey decks of 3.0 metres; a parking rate for the stacked townhouses of 1.0 spaces per unit; and a setback to the Open Space (OS5) zone of 0.0 metres. A special provision Open Space (OS5(19)) zone also applies to the subject lands which permits conservation lands; conservation works; passive recreation uses such as hiking trails and multi-use pathways; and managed woodlots.

As proposed, the Vacant Land Condominium Application conforms to the provisions of the Zoning By-law Z.-1.

Vacant Land Condominium 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*. To ensure 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 element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- Agreement, and in the Condominium Declaration and Description.
- A traffic noise impact assessment has been completed and mitigation measures will be incorporated through site design and warning clauses in the Development Agreement, and in the Condominium Declaration and Description.
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- 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 # SPA22-001) 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.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

4.0 Key Issues and Considerations

Natural Heritage Features and Tree Preservation

Provincial Policy Statement, 2020 (PPS)

The PPS protects natural features and areas for the long term. Development and site alteration shall not be permitted in significant wetlands or significant woodlands. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Development and site alteration shall not be permitted on lands adjacent to these natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. (2.1 Natural Heritage – 2.1.1, 2.1.4, 2.1.5, 2.1.7 and 2.1.8).

The London Plan

Map 5 – Natural Heritage of The London Plan identifies a small portion of woodlands on the site and woodlands to the north.

The Natural Heritage policies are intended to protect the natural heritage features and areas over the long term by establishing requirements for the identification and protection of the Natural Heritage System by a number of means including, but not limited to, environmental impact studies (Policy 1309_). The Natural Heritage Policies indicate that not all components of the Natural Heritage System are necessarily mapped on Map 5 and that in the review of any planning and development application, an initial review of the lands shall be undertaken to confirm the presence or absence of any natural features and areas that may be present that have not been mapped to determine if further evaluation of the feature is required (Policy 1316_).

Analysis:

An Environmental Impact Study (EIS) was submitted as part of the zoning by-law amendment application and later revised to address comments provided by the City's Ecologist and the Environmental and Ecological Planning Advisory Committee. City staff generally support the implementation of the recommendations of the EIS. These recommendations generally include:

- Incorporating buffer setbacks from the woodland, however minor encroachments may be considered provided a compensation area was provided;
- A 25m setback from the pond feature located on the adjacent property to the north to allow for the protection from aquatic disturbances and to provide water quality protection, however a minor encroachment will occur for the retaining wall provided a compensation area was provided and disturbed vegetation is restored;
- A landscaping and planting plan be submitted along with the compensation area included and monitoring and maintenance measures for the buffer and enhancement areas;
- A stormwater management design to include managing stormwater during the construction and revegetation process, and quantity control, storage and infiltration measures;
- The development of a tree preservation plan to be developed in conjunction with the grading plan and the preparation of a landscape plan at detailed design for the naturalization/restoration area utilizing native species at a replacement rate of 2:1;
- Identification in future site plan documentation of the adjacent woodland and pond feature for protection and management of the naturalization area on site specific to natural heritage protection;
- Restricting the time frames for vegetation clearing to avoid disturbance of the migratory bird breeding season;

- Restricting the time frames for removal of candidate bat roosting trees and installation of bat boxes as necessary to meet Ministry of Natural Resources and Forestry and City of London requirements;
- Limit the use of lighting where possible to avoid lighting entering into the woodland;
- Installation of wildlife exclusion fencing and escape routes to direct wildlife away from the construction;
- Construction crew education on wildlife;
- If necessary, an environmental monitoring plan be carried out through the duration of construction;
- Installation of sediment and erosion control fencing along the development limit and regular inspections to keep construction equipment and spoil away from the slope on the property, vegetation to be protected and prevent erosion and sedimentation;
- Erosion and sediment control measures be regularly monitored including inspections;
- Reseeding of disturbed areas as soon as possible to maximize erosion protection and discourage natural seeding of invasive species; and
- Homeowner education.

The Upper Thames River Conservation Authority also reviewed and approved the Water Balance report, the results of which were co-ordinated with the revised EIS.

The zoning of the north portion of the property for the woodland and compensation area provides a suitable naturalization/restoration area. The setbacks established for the development limits from an environmental perspective to protect the woodland and pond feature to the north of the proposed condominium.

At the site plan stage, the above recommendations and mitigation measures detailed in the EIS have been incorporated into the plan. The plan also includes detailed restoration and monitoring plans for the naturalization/restoration area of the lands zoned Open Space Special Provision (OS5(19)).

The implementation of zoning regulations and mitigation measures appropriately address and mitigate potential impacts on the natural heritage features for this development.

Tree Preservation

A Tree Preservation Plan was submitted with the previous zoning by-law amendment application to address matters raised by City of London staff.

City staff have reviewed the submitted Tree Preservation Plan from the perspective of the Zoning By-law amendment application and had no concerns with the proposed protection plan through the rezoning application. A detailed restoration planting and re-naturalization and monitoring plan have been incorporated into the site plan.

Conclusion

The application for Approval of Vacant Land Condominium is considered appropriate, consistent with the Provincial Policy Statement, and conforms to The London Plan. The proposed vacant land condominium in the form of cluster townhouses also complies with the City's Z.-1 Zoning By-law. An Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Draft Plan of Vacant Land Condominium. The proposed Site Plan and elevations will result in an appropriate development that is compatible with the neighbourhood.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Subdivision Planning

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

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

cc: Bruce Page, Manager, Subdivisions

cc: Michael Pease, Manager, Site Plan

cc: Matt Davenport, Manager, Subdivisions

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Appendix A – Community Engagement

Public liaison: On May 4, 2022, Notice of Application was sent to 438 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 5, 2022. A “Planning Application” sign was also posted on the site.

Responses: 1 written reply was received.

Nature of Liaison: The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 29 residential units. Consideration of a proposed draft plan consisting of 29 multiple-attached dwelling units and a common element for private access driveway and services to be registered as one Condominium Corporation. Application has also been made for approval for Site Plan Approval, file SPA20-103.

Responses: A summary of the various comments received include the following:

39CD-22503 I oppose development
May 30, 2022

File: 39CD-22503

Dear Mr. Meksula;

This letter is sent in opposition to the proposed development of 414 and 418 of Old Wonderland Road.

I believe the plan for 29 townhouses will place a great burden on this fragile eco system. On June 8, 2021 I sent a letter to Ms. Riley requesting that an environmental assessment be conducted. I would be very interested to learn the results of the assessment.

The adjacent property is very unique with a pond and wetlands that are home to Frogs, Turtles, Mallards, Harlequin Ducks and Canada Geese nest in spring. Growing on the adjacent property is Ginseng, the pond has Calamus, Bullrushes are in the wetlands, Apple trees dot the landscape. The land is home to a number of animals such as Raccoons, Skunks, Rabbits, Fox and the occasional deer passes through. The wetland is home to numerous families of Redwing Blackbirds. Near the wetlands is an old Cottonwood tree that is an Indigenous marker tree. Signalling to Indigenous travellers that this was a safe place to rest, and gather food and medicines. Because of the unique attributes of this property I feel the townhome's will be too detrimental to the adjacent land. Please find a link at the bottom for a description of the marker tree.

Yes this property at one time did have two houses where the condominiums are proposed but two houses is not the same as 29 homes. The pollution created in the construction of those units would be burden enough let alone a whole neighbourhood inserted into this area.

The land has been left to its own devices for a number of years and is a much loved Oasis in the middle of the neighbourhood for both human and animal alike. Please look to develop in an area that does not boast a pond and wetland.

Thank you for taking the time to read my letter.
Respectfully;

Karen King

Agency/Departmental Comments:

No significant comments were received.

Appendix B – Policy Context

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

Provincial Policy Statement (PPS), 2020

The proposed development achieves objectives for efficient and resilient development and land use patterns. It represents new development taking place within the City's urban growth area, and within an area of the City that is currently building out. It also achieves objectives for promoting compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, supports energy conservation and efficiency, and avoids land use and development patterns which may cause environmental or public health and safety concerns.

The subject lands are within a registered plan of subdivision and are designated and intended for medium density residential uses to accommodate an appropriate affordable, market-based range and mix of residential types to meet long term needs. There are no natural heritage features or natural hazards present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. Based on our review, the proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

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 PL170100) and not in force and effect are indicated with an asterisk (*) throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the "Neighbourhoods" Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, fourplex, townhouse and stacked townhouse dwellings, and low-rise apartment buildings, as the main uses. The proposed Draft Plan of Vacant Land Condominium in the form of cluster townhouse dwellings conforms with the Place Type policies.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 - Build a Mixed-Use Compact City

5. *Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.*
7. *Build quality public spaces and pedestrian environments that support walking.*

Key Direction #6 – Place a new emphasis on creating attractive mobility choices.

1. *Create active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities.*

Key Direction #7 - Building strong, healthy and attractive neighbourhoods for everyone

3. *Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.*

This proposal vacant land condominium contributes to a mix of housing types and tenure. The development will promote a pedestrian-friendly environment that offers opportunities for active mobility choices including walking, cycling and public transit; contributes to a safe, healthy and connected community; and is designed to evoke a sense of neighbourhood character and sense of place.

City Building and Design Policies

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.

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.

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*

The proposed condominium development consists of 29, 2.5-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side, with access from Old Wonderland Road. The development block fronts Old Wonderland Road and features a heavily landscaped planting strip along the north side of the road entrance. Outdoor amenity spaces and landscaping elements at prominent locations, with privacy fencing planned along the southern, northern and easterly property boundaries (interfacing with the planned low density residential development and existing open space lands to the northwest. The plans and building elevations have been reviewed for compliance with the City’s Placemaking Guidelines.

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.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identify,

neighbourhood connectedness, diversity of housing choices and affordability, safe and convenient alternatives for mobility, close to neighbourhood parks and multi-use pathways planned as part of the subdivision approval process, and also within easy access to goods, services and employment opportunities.

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.*

This proposal vacant land condominium contributes to a mix of housing types and tenure. The development will promote a pedestrian-friendly environment that offers opportunities for active mobility choices including walking, cycling and future public transit; contributes to a safe, healthy and connected community; and evokes a sense of neighbourhood character and sense of place.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan, 1989 Official Plan, and Southwest Area Secondary Plan.
- Sewer and water services will be provided in accordance with the subdivision servicing drawings accepted by the City, and the approved Site Plan and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster townhouses. Building elevation plans have been reviewed as part of the site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.

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*. To ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;

- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- Agreement, and in the Condominium Declaration and Description.
- A traffic noise impact assessment has been completed and mitigation measures will be incorporated through site design and warning clauses in the Development Agreement, and in the Condominium Declaration and Description.
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- 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 # SPA22-001) 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.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

Z.-1 Zoning By-law

The subject lands are located within a special provision Residential R5 (R5-7(20)) zone which permits the use of the lands for cluster townhouse dwellings and cluster stacked townhouse dwellings. Special provisions for the site regulate a minimum interior yard depth for the second storey decks of 3.0 metres; a minimum rear yard depth for the second storey decks of 3.0 metres; a parking rate for the stacked townhouses of 1.0 spaces per unit; and a setback to the Open Space (OS5) zone of 0.0 metres. A special provision Open Space (OS5(19)) zone also applies to the subject lands which permits conservation lands; conservation works; passive recreation uses which include hiking trails and multi-use pathways; and managed woodlots. Special provisions for the OS5(19) zone regulate a minimum lot area of 764.0 square metres. The OS5(19) zone was applied to the lands to establish the appropriate development limit, in accordance with the submitted EIS.

As proposed, the Vacant Land Condominium Application conforms to the provisions of the Zoning By-law Z.-1.