

Planning and Environment Committee

Report

16th Meeting of the Planning and Environment Committee
October 3, 2023

PRESENT: Councillors S. Lehman (Chair), S. Lewis, S. Franke, Mayor J. Morgan

ABSENT: A. Hopkins, S. Hillier

ALSO PRESENT: Councillors P. Cuddy, J. Pribil, S. Trosow and D. Ferreira; J. Adema, M. Corby, B. Coveney, A. Curtis, K. Dawtrey, K. Edwards, K. Gonyou, A. Hovius, A. Job, P. Kavcic, S. Mathers, H. McNeely, N. O'Brien, B. O'Hagan, B. Page, M. Pease, A. Rammeloo and S. Wise

Remote attendance: Councillor C. Rahman, E. Bennett, M. Clark, D. Harpal, P. Kokkoros, B. Lambert and B. Westlake-Power

The meeting is called to order at 4:01 PM.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

2.1 Delegation of Authority - Part Lot Control

Moved by: S. Lewis

Seconded by: S. Franke

That, on the recommendation of the Director, Planning and Development, the proposed by-law appended to the staff report dated October 3, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2023 to amend By-law CP-17 being "A by-law to delegate certain portions of Council's assigned authority with respect to approvals for plans of subdivision and condominium pursuant to the Planning Act" to delegate the authority to pass by-laws to exempt all, or parts of, registered plans of subdivision from part-lot control. (2023-D25)

Yeas: (3): S. Lehman, S. Lewis, and S. Franke

Absent: (3): A. Hopkins, S. Hillier, and Mayor J. Morgan

Motion Passed (3 to 0)

3. Scheduled Items

3.1 10th Report of the Ecological Community Advisory Committee

Moved by: S. Franke

Seconded by: S. Lewis

That the following actions be taken with respect to the 10th Report of the Ecological Community Advisory Committee, from its meeting held on September 21, 2023:

a) the Ecological Community Advisory Committee Working Group comments on the Environmental Impact Statement relating to the property

located at 2473 Oxford Street West BE FORWARDED to the Civic Administration for review and consideration;

b) the Ecological Community Advisory Committee Working Group comments on the Environmental Impact Statement relating to the property located at 465 Sunningdale Road West BE FORWARDED to the Civic Administration for review and consideration;

c) the appointment of S. Miklosi BE RESCINDED from the Ecological Community Advisory Committee due to lack of attendance; and,

d) clauses 1.1, 3.1 to 3.4, inclusive, 5.1 to 5.3, inclusive, 5.5 and 5.6, 6.1 to 6.5, inclusive, BE RECEIVED for information.

Yeas: (3): S. Lehman, S. Lewis, and S. Franke

Absent: (3): A. Hopkins , S. Hillier, and Mayor J. Morgan

Motion Passed (3 to 0)

3.2 3480 Morgan Avenue (OZ-9100 / 39T-22503)

Moved by: S. Franke

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Sifton Properties Limited, relating to the property located at 3480 Morgan Avenue:

a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Holding Community Shopping Area Special Provision (h*11*63*82*95*100*105*135(CSA5(3)) Zone and a Holding Community Shopping Area Special Provision Zone (h*11*63*82*95*100*105*138(CSA5(3)) TO a Holding Residential R9 Special Provision (h*R9-4(_)) Zone; Holding Residential R9 Special Provision/Community Shopping Area Special Provision (h*54*198(R9-7(_)/CSA5(3)) Zone; Holding Residential R9 Special Provision/Community Shopping Area Special Provision (h*54*198(R9-7(_)-CSA5(3)) Zone; Holding Residential R9 Special Provision/Community Shopping Area Special Provision (h*54*198(R9-7(_)/CSA5(3)) Zone; and an Open Space (OS1) BE REFUSED for the following reason:

i) a couple of additional holding provisions are considered necessary to address a range of planning and servicing issues associated with the proposed development.

b) the proposed by-law appended to the staff report dated October 3, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Holding Community Shopping Area Special Provision (h*11*63*82*95*100*105*135(CSA5(3)) Zone and a Holding Community Shopping Area Special Provision Zone (h*11*63*82*95*100*105*138(CSA5(3)) TO a Holding Residential R9 Special Provision (h*11*100*105*198(R9-4(_)) Zone; Holding Residential R9 Special Provision/Community Shopping Area Special Provision (h*11*54*100*105*198(R9-7(_)/CSA5(3)) Zone; Holding Residential R9 Special Provision/Community Shopping Area Special Provision (h*11*54*100*105*198(R9-7(_)/CSA5(3)) Zone; Holding Residential R9 Special Provision/Community Shopping Area Special Provision (h*11*54*100*105*198(R9-7(_)/CSA5(3)) Zone; and an Open Space (OS1);

c) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application by Sifton Properties Limited, relating to lands located at 3480 Morgan Avenue;

d) the Site Plan Approval Authority BE REQUESTED to consider the provision of short-term public bicycle parking in the development of each block through the site plan process; and,

e) the Approval Authority BE ADVISED that the Municipal Council supports issuing draft approval of the proposed plan of residential subdivision, submitted by Sifton Properties Limited (File No. 39T-22503), prepared by Archibald, File No. 8-L-5709-A, March 17th 2022, which shows a draft plan of subdivision consisting of one (1) Medium Density Residential Blocks, three (3) Mixed-Use Blocks and one (1) Park Block and two new streets (Street A and B) SUBJECT TO conditions;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- L. Clark, Sifton Properties Limited;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended zoning by-law amendment is consistent with the Provincial Policy Statement;
- the recommended zoning conforms to the in-force policies of The London Plan, including, but not limited to, the Shopping Area Place Type, City Building and Design, Our Tools, and all other applicable The London Plan policies; and,
- the zoning will permit development that is considered appropriate and compatible with the existing and future land uses surrounding the subject lands;

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

Yeas: (3): S. Lehman, S. Lewis, and S. Franke

Absent: (3): A. Hopkins , S. Hillier, and Mayor J. Morgan

Motion Passed (3 to 0)

Additional Votes:

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (3): S. Lehman, S. Lewis, and S. Franke

Absent: (3): A. Hopkins , S. Hillier, and Mayor J. Morgan

Motion Passed (3 to 0)

Moved by: S. Franke

Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (3): S. Lehman, S. Lewis, and S. Franke

Absent: (3): A. Hopkins , S. Hillier, and Mayor J. Morgan

Motion Passed (3 to 0)

3.3 1236 Southdale Road East (Z-9634)

Moved by: S. Lewis

Seconded by: S. Franke

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Aun Holdings Inc., relating to the property located at 1236 Southdale Road East:

- a) the proposed by-law appended to the staff report dated October 3, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Residential R1 (R1-10) Zone TO a Holding Residential R5 Special Provision (h-17*R5-7(_)) Zone and Open Space (OS5) Zone;
- b) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
 - i) design the side elevation of the corner units that are facing the driveway and the amenity space with enhanced detail, such as wrap-around porches and a similar number of windows as is found on the front elevation to offer reasonable level of passive surveillance throughout the site;
 - ii) consider moving the garbage bins away from the view of the public street. If garbage bins cannot be moved to another location, provide all-season landscaping to screen the bins from the street and to provide a visual interest;
 - iii) provide details for the patio wall/enclosure. Ensure the patio walls/enclosures are of minimum required heights and provide all-season landscape buffers with clear sight lines to delineate the public and private realm along the street frontages and around the internal parking area;
 - iv) a 1.5 metre access aisle is required with the barrier-free parking stall in accordance with the Site Plan Control By-law; and,
 - v) the provision of short-term public bicycle parking in the development;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- M. Davis, Siv-ik Planning and Design;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to The London Plan, including, but not limited to the Neighbourhoods Place Type and Key Directions; and,
- the recommended amendment facilitates the development of an underutilized site within the Built Area Boundary and Primary Transit Area with an appropriate form of infill development that provides choice and diversity in housing options;

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Franke
Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (3): S. Lehman, S. Lewis, and S. Franke

Absent: (3): A. Hopkins , S. Hillier, and Mayor J. Morgan

Motion Passed (3 to 0)

Moved by: S. Franke
Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (4 to 0)

3.4 Amendment to Increase Additional Residential Unit Permissions (OZ-9651)

Moved by: S. Franke
Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, with respect to the Official Plan and Zoning By-law requirements for additional residential units, the following actions be taken:

- a) the proposed by-law appended to the staff report dated October 3, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2023 TO AMEND the Official Plan for the City of London, 2016, to change the maximum permitted Additional Residential Units within single detached dwellings, semi-detached dwellings or street townhouse dwellings FROM a maximum of two additional residential units permitted TO a maximum of three additional residential units permitted;
- b) the proposed by-law appended to the staff report dated October 3, 2023 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2023 TO AMEND Zoning By-law No. Z.-1, (in conformity with the City of London Official Plan, 2016, as amended in part a) above); and,
- c) the Civic Administration BE DIRECTED to remove the bedroom limit city-wide, except Near Campus Neighbourhoods, and report back on possible limits to Near Campus Neighbourhoods (NCN); it being noted that the Civic Administration has been directed to undertake a review of the current five-bedroom limit and to report back at a future meeting of the Planning and Environment Committee;

it being noted that the Planning and Environment Committee received the following communication with respect to these matters:

- a communication dated September 6, 2023 from H. Schreff, London Hydro; and,

- a communication dated September 15, 2023 from A. Lavery, Upper Thames River Conservation Authority;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- M. Wallace, London Development Institute;
- J.M. Fleming, City Planning Solutions, on behalf of Copp Realty Corp.;
- E. Poirier, University Students Council, Western University;
- S. Levin; and,
- J. Lepri

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the general intent of The London Plan, including, but not limited to the Neighbourhoods Place Type, Policy 942; and,
- the recommended amendment supports Council's commitment to increase housing supply and affordability;

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D04)

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (4 to 0)

Moved by: S. Lewis

Seconded by: S. Franke

Motion to close the public participation meeting.

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (4 to 0)

Moved by: S. Franke
Seconded by: S. Lewis

Motion to direct staff to remove the bedroom limit city-wide, except Near Campus Neighbourhoods, and report back on possible limits to Near Campus Neighbourhoods (NCN); it being noted that the Civic Administration has been directed to undertake a review of the current five-bedroom limit and to report back at a future meeting of the Planning and Environment Committee.

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (4 to 0)

3.5 50 King Street and 399 Ridout Street (OZ-9622)

Moved by: S. Lewis
Seconded by: S. Franke

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by 50 King Street London Limited, relating to the property located at 50 King Street & 399 Ridout Street North:

- a) the proposed by-law appended to the staff report dated October 3, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2023 to amend the Official Plan for the City of London, 2016, to create a specific area policy in the Downtown Place Type at 50 King Street & 399 Ridout Street to permit increased height of fifty three (53) storeys and by ADDING the subject lands to Map 7 – Specific Policy Areas – of The London Plan;
- b) the proposed by-law appended to the staff report dated October 3, 2023 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2023 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, as amended in part (a) above, to change the zoning of the subject property FROM a Community Facility/Downtown Area (CF1/DA2*D350*H15) Zone; and a holding Downtown Area Bonus (h-3*h-5*h-18*h-149*h-207*DA1*D350*H15*B-36) Zone TO a holding Downtown Area Special Provision (h-5*h-18*h-103*h-149*h-207*h-()*DA2()*D1250*H186) Zone; an Open Space (OS4) Zone and an Open Space Special Provision (OS2()) Zone;
- c) the Site Plan Approval Authority BE REQUESTED to consider the following matters through the site plan process:
 - i) provide a publicly-accessible, barrier-free path of travel from Ridout Street North to the Thames Valley Parkway and Ivey Park;
 - ii) provide building entrances from the residential lobbies to King Street;
 - iii) provide a minimum transparent glazing on the ground floor of 25% on abutting King Street for Tower 2, a minimum of 40% abutting King Street for Tower 1, and a minimum of 60% abutting Ridout Street North for Tower 1;
 - iv) utilize visual markers, etched or stained glass to provide bird-friendly glazing;
 - v) implement mitigation measures recommended from the wind study to minimize the impacts of wind on outdoor amenity areas and pedestrian areas;
 - vi) provide a minimum 1.0m stepback of the podium above the third floor for Tower 1: adjacent to the existing courthouse, along Ridout Street North, and along King Street;

- vii) provide a Building Condition Assessment and Strategic Conservation Plan;
- viii) implement construction monitoring for archaeological resources;
- ix) provide and implement a Temporary Protection Plan prior to and during construction, to evaluate impacts on the existing heritage buildings;
- x) provide a Commemoration Plan to recognize the historic significance of the site through cultural heritage interpretative signage, features, and other design elements.
- xi) provide parking underground and ensure there are no blank walls associated with the parking structure; and,
- xii) provide landscaped terracing towards and along Ivey Park that addresses the change in grade and provides for active uses; and,
- d) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the recommended by-law;

it being noted that the Planning and Environment Committee received the following communications with respect to these matters:

- a communication dated September 22, 2023, from J. Lownie;
- a communication dated September 27, 2023, from J. Hall;
- a communication dated September 28, 2023, from N. Knight;
- a communication dated September 27, 2023, from J. Potter;
- a communication dated September 26, 2023, from B. and J. Timney;
- a communication from J. and B. Earley;
- a communication dated September 28, 2023, from J. Donnelly; and,
- a communication dated September 28, 2023, from D. Erskine;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- S. Allen, MHBC PLanning;
- C. Quintyn;
- B. Earley;
- S. Levin;
- C. Spina;
- J. Fontana;
- A-M. Valastro;
- J-M. Metrailler;
- J. Easton;
- J.M. Fleming;
- D. Erskine;
- J. Donnelly;
- S. Britt;
- S. Bentley;
- Martin;
- J. Jacobson;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to The London Plan,

including, but not limited to the Key Direction, Downtown Place Type and Criteria for Specific Policies; and,

- the recommended amendment facilitates the development of a prominent site within the Downtown, Built Area Boundary and Primary Transit Area;

it being acknowledged that any and all oral and written submissions from the public, related to this application have been, on balance, taken into consideration by Council as part of its deliberations and final decision regarding these matters. (2023-D09)

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (4 to 0)

Moved by: S. Lewis

Seconded by: S. Franke

Motion to close the public participation meeting.

Yeas: (4): S. Lehman, S. Lewis, S. Franke, and Mayor J. Morgan

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (4 to 0)

4. Items for Direction

4.1 Urban Design Peer Review Panel

Moved by: S. Lewis

Seconded by: Mayor J. Morgan

That the communication from Deputy Mayor S. Lewis and Councillor S. Lehman with respect to the Urban Design Peer Review Panel BE REFERRED to the October 17, 2023 Council meeting for a decision;

it being noted that the Planning and Environment Committee received the following communications with respect to these matters:

- a communication dated September 28, 2023 from C. O'Brien, Drewlo Holdings Inc.; and,
- a request for delegation status and a communication dated September 28, 2023 from M. Wallace, London Development Institute.

Yeas: (3): S. Lehman, S. Lewis, and Mayor J. Morgan

Nays: (1): S. Franke

Absent: (2): A. Hopkins , and S. Hillier

Motion Passed (3 to 1)

Additional Votes:

Moved by: S. Franke

Seconded by: Mayor J. Morgan

That the communication related to the Urban Design Peer Review Panel (4.1) and the Deferred Matters List dated September 28, 2023 (5.1) BE REFERRED to the October 23, 2023 Planning and Environment Committee meeting for a decision.

Yeas: (2): S. Franke, and Mayor J. Morgan

Nays: (2): S. Lehman, and S. Lewis

Absent: (2): A. Hopkins , and S. Hillier

Motion Failed (2 to 2)

5. Deferred Matters/Additional Business

5.1 Deferred Matters List

Moved by: S. Lewis

Seconded by: Mayor J. Morgan

That the Deferred Matters List dated September 26, 2023 BE REFERRED to the October 17, 2023 Council meeting for a decision.

Yeas: (3): S. Lehman, S. Lewis, and Mayor J. Morgan

Nays: (1): S. Franke

Motion Passed (3 to 1)

Additional Votes:

Moved by: S. Franke

Seconded by: Mayor J. Morgan

That the communication related to the Urban Design Peer Review Panel (4.1) and the Deferred Matters List dated September 28, 2023 (5.1) BE REFERRED to the October 23, 2023 Planning and Environment Committee meeting for a decision.

Yeas: (2): S. Franke, and Mayor J. Morgan

Nays: (2): S. Lehman, and S. Lewis

Motion Failed (2 to 2)

6. Confidential (Enclosed for Members Only)

6.1 689 Oxford Street West - OLT Appeal and Instructions

Moved by: S. Lewis

Seconded by: S. Lehman

That the item relating to 689 Oxford Street West BE REFERRED to the October 17, 2023 Council meeting for a decision.

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to appeals related to 689 Oxford Street West at the Ontario Land Tribunal (“OLT”), and for the purpose of providing instructions and directions to officers and employees of the Corporation.

Yeas: (3): S. Lehman, S. Lewis, and Mayor J. Morgan

Nays: (1): S. Franke

Motion Passed (3 to 1)

7. Adjournment

The meeting adjourned at 6:46 PM.