

Planning and Environment Committee

Report

10th Meeting of the Planning and Environment Committee
June 12, 2023

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

ALSO PRESENT: Councillors H. McAlister, P. Cuddy, J. Pribil, S. Trosow and D. Ferreira; G. Bailey, M. Butlin, K. Edwards, D. Escobar, B. House, S. Mathers, H. McNeely, B. O'Hagan, M. Shepley, J.W. Taylor, S. Thompson and J. Yanchula

Remote attendance: Councillors S. Stevenson and C. Rahman; M. Corby, A. Dunbar, P. Kavcic, M. Pease, P. Kokkoros and B. Westlake-Power

The meeting is called to order at 4:04 PM; it being noted that Mayor J. Morgan and Councillor S. Hillier were in remote attendance.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Franke
Seconded by: A. Hopkins

That Items 2.1 and 2.2 BE APPROVED.

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins, S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

2.1 6th Report of the Ecological Community Advisory Committee

Moved by: S. Franke
Seconded by: A. Hopkins

That the 6th Report of the Ecological Community Advisory Committee, from its meeting held on May 18, 2023, BE RECEIVED for information.

Motion Passed

2.2 ESA Lands Asset Plan and Data Management Tool - Contract Award (RFP-2023-018)

Moved by: S. Franke
Seconded by: A. Hopkins

That, on the recommendation of the Deputy City Manager, Planning and Development, the following actions be taken with respect to the appointment of consulting services for the completion of an Environmentally Significant Area (ESA) Lands Asset Plan and Data Management Tool:

- a) North South Environmental Inc. BE APPOINTED project consultants to prepare an Environmentally Significant Area (ESA) Asset Plan and Data Management Tool, in the total amount of \$179,394.00 (including contingency), excluding HST;
- b) the financing for the project BE APPROVED in accordance with the Source of Financing Report appended to the staff report dated June 12, 2023 as Appendix 'A';
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- d) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract; and,
- e) the Mayor and City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations.

Motion Passed

3. Scheduled Items

3.1 221 Queens Avenue (TZ-9598)

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 Sifton Properties Limited, relating to the property located at 221 Queens Avenue:

- a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property by extending the Temporary Use (T-69) Zone for a temporary period of three (3) years, BE REFUSED for the following reasons:
 - i) the request is not consistent with the policies of the Provincial Policy Statement, 2020;
 - ii) the request does not conform to the established policies of The London Plan regarding temporary commercial parking lots;
 - iii) the request does not implement the goals of Our Move Forward: London's Downtown Plan; and,
 - iv) the request does not implement the recommendations of the Downtown Parking Strategy;
- b) the proposed by-law appended to the staff report dated June 12, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 27, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), by extending the Temporary Use (T-69) Zone for a period not exceeding one (1) year;

it being noted that the purpose of the recommended short-term one (1) year extension of the temporary zone is to allow the applicant an opportunity to provide a detailed strategy for the subject site in line with the Downtown Plan policies;

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

- A. Haasen, Sifton Properties Limited;

it being further noted that the Municipal Council refuses the three-year extension for this application for the following reasons:

- the request is not consistent with the policies of the Provincial Policy Statement, 2020;
- the request does not conform to the established policies of The London Plan regarding temporary commercial parking lots;
- the request does not implement the goals of Our Move Forward: London’s Downtown Plan; and,
- the request does not implement the recommendations of the Downtown Parking Strategy;

it being further noted that the Municipal Council approves the one-year extension for this application for the following reasons:

- the request to extend the temporary zone for a period of three (3) years, representing the maximum extension permitted, does not encourage long-term redevelopment of the site in support of achieving London’s Housing Pledge target of 47,000 units by 2031; and,
- the recommended one (1) year extension is a balanced approach that allows existing users of the surface commercial parking lot to make alternative parking arrangements while encouraging long-term redevelopment of the site to a more intense, transit-supportive use that is consistent with the policies of the Provincial Policy Statement, and The London Plan. The additional year will also provide an opportunity for Civic Administration to collaborate with the landowner to facilitate a strategy that generates new housing units in the Downtown Core and work towards achieving London’s Housing Pledge target of 47,000 units. (2023-)

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

Additional Votes:

Moved by: A. Hopkins
Seconded by: S. Franke

Motion to open the public participation meeting.

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

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

Motion to close the public participation meeting.

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

3.2 Community Improvement Plans and Financial Incentive Programs (Final)

Moved by: S. Lewis

Seconded by: S. Franke

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the evaluation of Community Improvement Plan and Financial Incentives Programs:

- a) the recommendations identified through the 5-Year Community Improvement Plans and Financial Incentives Programs Review that can be addressed through existing budgets BE IMPLEMENTED:
 - i) the Civic Administration BE DIRECTED to revise the City of London Community Improvement Plan for Brownfield Incentives to update references to The London Plan, Provincial planning legislation, and Provincial financing tools;
 - ii) the Community Improvement Plan for Industrial Land Uses BE AMENDED to remove 'businesses that develop computer software or hardware for license or sale to end users that are on land zoned for industrial uses' and to remove 'enhanced transportation and logistics', it being noted that 'enhanced transportation and logistics' is not defined as targeted in Schedule 3 of the Community Improvement Plan;
 - iii) the Civic Administration BE DIRECTED to remove references to the former 1989 Official Plan and Provincial Policy Statement and to replace them with The London Plan and the 2020 Provincial Policy Statement in all Community Improvement Plans;
 - iv) that the Upgrade to Building Code Loan Program and the Façade Improvement Loan Program BE AMENDED to modify the repayment schedules to reduce the term length for loan amounts that are equal to or less than \$5,000 from 114 monthly payments to 54 monthly payments instead;
 - v) the Airport Area Community Improvement Plan (CIP) BE AMENDED to revise the eligibility criteria and requirements for retroactive applications, it being noted the Airport Area CIP requirements are inconsistent compared to other City of London CIPs;
 - vi) the goals and objectives of the Downtown and Old East Village Community Improvement Plans BE AMENDED to introduce measurable objectives to inform when the CIPs' identified Community Improvement goals have been achieved;
 - vii) the Heritage Community Improvement Plan, City of London Community Improvement Plan for Brownfield Incentives, and Community Improvement Plan for Industrial Land Uses BE AMENDED to include performance measures, indicators of success, and targets to align with current City policies and Municipal Council Strategic Directions;
 - viii) the Civic Administration BE DIRECTED to review the effectiveness of the Financial Incentive Programs supporting the City of London Community Improvement Plan for Brownfield Incentives; and,
 - ix) the Development Charges Grant and the Tax Increment Equivalent Grant Programs in the City of London Community Improvement Plan for Brownfield Incentives BE AMENDED to limit the duration of Municipal Council's commitment, it being noted that the Program does not define a time limit for holding City funds committed in future budgets;
- b) the recommendations identified through the 5-Year Community Improvement Plans and Financial Incentives Programs Review that result in a funding reduction, or a program being suspended, BE IMPLEMENTED:
 - i) the Industrial Land Corridor Enhancement Grant Program BE DELETED from the Community Improvement Plan for Industrial Land Uses;

- ii) the funding for the Property Tax Assistance Grant Program in the London Community Improvement Plan for Brownfield Incentives BE SUSPENDED in the next Multi-Year Budget pending review of the impact of 2023 changes made to the Provincial Brownfield Financial Tax Incentive Program; and,
 - iii) that funding for the Wharncliffe Road Corridor Sign Loan Program in the Lambeth Area Community Improvement Plan BE SUSPENDED in the 2024-2027 Multi-Year Budget, it being noted that this program will continue to be approved as part of the Lambeth Area Community Improvement Plan;
- c) the recommendation identified through the 5-Year Community Improvement Plans and Financial Incentives Programs Review that continues existing financial incentive programs with an existing budget BE IMPLEMENTED:
- i) that, based on results from the review of the City's current Community Improvement Plans and the associated Incentive Programs, the following Programs, BE CONTINUED, noting that funding for these Programs was set to expire December 31, 2023:
 - A) Residential Development Charges Grant Programs offered in the Downtown and Old East Village Community Improvement Project Areas;
 - B) Downtown, Old East Village, and SoHo Rehabilitation and Redevelopment Tax Grant Programs;
 - C) Downtown, Old East Village, Hamilton Road, and SoHo Upgrade to Building Code Loan Programs;
 - D) Downtown, Old East Village, and Hamilton Road Upgrade to Building Code Loan Programs, including existing provisions for forgivable loans;
 - E) Downtown, Hamilton Road, Old East Village, Lambeth and SoHo Façade Improvement Loan Programs;
 - F) Downtown and Old East Village Façade Improvement Loan Programs, including existing provisions for forgivable loans; and,
 - G) City-wide Industrial Development Charge Program that continues to distinguish between targeted and non-targeted industrial uses;
 - d) the Civic Administration BE DIRECTED to submit business cases for all recommendations requiring additional investment through the 2024-2027 Multi-Year Budget process:

Enhancing an Existing Financial Incentive Program

- i) the Core Area Community Improvement Plan BE AMENDED to make available to properties facing Dundas Street in the Midtown Area, the Façade Improvement Loan, Upgrade to Building Code Loan, and the Rehabilitation and Redevelopment Tax Grant Programs;
- ii) the Civic Administration BE DIRECTED to investigate the feasibility of funding the Upgrade to Building Code Loan, the Façade Improvement Loan, and the Rehabilitation and Redevelopment Tax Grant Programs approved in 2021 for the Argyle Core Area CIP, including consideration of a forgivable loan component for properties facing Dundas Street between Clarke Road and Hale Street;
- iii) the Civic Administration BE DIRECTED to investigate the feasibility of amending the Upgrade to Building Code Loan Program offered in the Downtown and Old East Village Community Improvement Project Plans to increase the amount of the forgivable portion from 12.5% to 75% for residential units created in building levels above the ground floor and from 12.5% to 50% for commercial units created in building levels above the ground floor;
- iv) the Civic Administration BE DIRECTED to review the feasibility of including a Safety Audit Grant Program in the Hamilton Road Area and

Argyle Core Area Community Improvement Plans;

- v) the Civic Administration BE DIRECTED to report back to Municipal Council with recommendations for eligible property security improvements under the Core Area Safety Audit Grant Program to supplement recommended improvements from safety audits which also consider community visual impact;
- vi) the Civic Administration BE DIRECTED to investigate the feasibility of amending the Rehabilitation and Redevelopment Tax Grant Program offered in the Downtown and Old East Village Community Improvement Plans to increase the grant value for Level 2 properties to promote occupancy in above ground floors;
- vii) the Civic Administration BE DIRECTED to investigate improving the functionality of the existing Additional Residential Unit Loan Program to encourage the construction of Additional Residential Units in alignment with the multi-year budget process;

Creating a New Financial Incentive Program or Community Improvement Plan

- viii) that, following Council's adoption of the 2024-2027 Multi-Year Budget setting funding for Financial Incentive Programs in existing Community Improvement Plan, Civic Administration TO REPORT BACK on the policy and financial impacts of introducing a new Community Improvement Plan for the Hyde Park Hamlet on Gainsborough Road;
- ix) the Heritage Community Improvement Plan BE AMENDED to add a new Heritage Grant Program to incentivize the rehabilitation of Heritage properties up to \$5,000 capped at 50% of completed eligible improvements;
- x) the Civic Administration BE DIRECTED to investigate the feasibility of adding energy upgrades and climate change adaptation measures into London's Community Improvement Plans;
- xi) the Civic Administration BE DIRECTED to review the Affordable Housing Community Improvement Plan and report back to Municipal Council on how to improve the Plan to incentivize affordable housing developments;
- xii) the Civic Administration BE DIRECTED to prepare new Community Improvement Plans and programs to support low-cost housing within primary transit areas;
- xiii) the Civic Administration BE DIRECTED to investigate the feasibility of introducing a new grant program in the Downtown, Old East Village, SoHo, Argyle Core Area, Lambeth, and Hamilton Road Area Community Improvement Plans for funding 100% of eligible interior and exterior building improvements undertaken by business tenants, up to a maximum of \$5,000;
- xiv) the Civic Administration BE DIRECTED to investigate the feasibility of a new community improvement financial incentive program to support conversion of vacant commercial buildings with a low potential for continued commercial use to residential units in alignment with the multi-year budget process;
- xv) the Civic Administration BE DIRECTED to investigate the feasibility of introducing a new community improvement financial incentive program to support attainable housing within primary transit areas in alignment with the multi-year budget process; and,
- xvi) the Civic Administration BE DIRECTED to review the Core Area Community Improvement Plan to consider amendments addressing property acquisition options and financial incentive programs aimed at identifying and encouraging commercial occupancy options identified through the Core Area Land and Building Vacancy Reduction Strategy; Boundary Changes to a Community Improvement Project Area
- xvii) the Civic Administration BE DIRECTED to investigate the feasibility of consolidating the Core Area, Downtown, and Old East Village Community Improvement Plans, it being noted that the Core Area

comprises of three distinct areas: Downtown, Midtown, and Old East Village;

xviii) the Old East Village Community Improvement Plan Project Area BE AMENDED to include the properties located at 425 Rectory Street, 419 Rectory Street, 417 Rectory Street, 415 Rectory Street, 800 King Street, 796 King Street, 794 King Street, 790 King Street, 786 King Street, 784 King Street, 774 King Street, 768 King Street, 764 King Street, 762 King Street, 758 King Street, 754 King Street, 748 King Street, 376 Hewitt Street, 378 Hewitt Street, 380 Hewitt Street, 382 Hewitt Street, 386 Hewitt Street, and 390 Hewitt Street; and,

xix) the Hamilton Road Community Improvement Plan Project Area BE AMENDED to include the property located at 512 Horton Street East; and,

xx) the comments and communications received as part of the associated public participation meeting relating to affordable housing BE FORWARDED to the appropriate external reference group(s) for consideration;

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

- a communication dated June 5, 2023 from K. Duever, VP, Public Affairs, London Chamber of Commerce; and,
- the revised staff report;
- the staff presentation;
- a communication dated June 12, 2023 from Councillor S. Franke;
- a communication dated June 8, 2023 from B. Maly, Downtown London Executive Director and S. . Collyer, LDBA Board Chair;
- a communication dated June 8, 2023 from A. McClenaghan, Chair, Mainstreet London; and,
- a communication dated June 9 2023 from S. Levin;

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

- S. Levin;
- M. Wallace, London Development Institute;
- D. Bellrose;
- B. Maly, Executive Director, Downtown London Business Improvement Area;
- K. Duever, London Chamber of Commerce;
- J. Ryan, Indwell;
- Sister J. Atkinson, Sister of St. Joseph and Vision SoHo Alliance Group;
- J. Pastorius, Old East Village Business Improvement Area; and,
- J. A. John, Partner Housing.

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

Additional Votes:

Moved by: A. Hopkins

Seconded by: S. Franke

Motion to open the public participation meeting.

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

Moved by: S. Franke
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

Moved by: S. Lewis
Seconded by: S. Hillier

Motion to amend clause a) ii) to read as follows:

"a) ii) the Community Improvement Plan for Industrial Land Uses BE AMENDED to remove 'businesses that develop computer software or hardware for license or sale to end users that are on land zoned for industrial uses' and to remove 'enhanced transportation and logistics', it being noted that 'enhanced transportation and logistics' is not defined as targeted in Schedule 3 of the Community Improvement Plan;"

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

Moved by: S. Lewis
Seconded by: S. Hillier

Motion to amend clause b) i) to read as follows:

"b) i) the Industrial Land Corridor Enhancement Grant Program BE DELETED from the Community Improvement Plan for Industrial Land Uses;"

Yeas: (5): S. Lehman, S. Lewis, S. Franke, S. Hillier, and Mayor J. Morgan

Nays: (1): A. Hopkins

Motion Passed (5 to 1)

Moved by: S. Lewis
Seconded by: S. Hillier

Motion to amend clause d) iii) to read as follows:

"d) iii) the Civic Administration BE DIRECTED to investigate the feasibility of amending the Upgrade to Building Code Loan Program offered in the Downtown and Old East Village Community Improvement Project Plans to increase the amount of the forgivable portion from 12.5% to 75% for residential units created in building levels above the ground floor and from 12.5% to 50% for commercial units created in building levels above the ground floor;"

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

Moved by: S. Franke
Seconded by: A. Hopkins

Motion to amend clause d) xi) to read as follows:

"d) xi) the Civic Administration BE DIRECTED to amend the Downtown Residential Development Charges Grant Program to require that applicants accessing this CIP are required to include 10% affordable units (80% AMR or better) to access the Residential Development Charges Grant;"

Yeas: (2): A. Hopkins , and S. Franke

Nays: (4): S. Lehman, S. Lewis, S. Hillier, and Mayor J. Morgan

Motion Failed (2 to 4)

Moved by: A. Hopkins
Seconded by: Mayor J. Morgan

Motion to add clause d) xxi) which reads as follows:

"d) xxi) the comments and communications received as part of the associated public participation meeting relating to affordable housing BE FORWARDED to the appropriate external reference group(s) for consideration;"

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

4. Items for Direction

None

5. Deferred Matters/Additional Business

5.1 Deferred Matters

Moved by: A. Hopkins
Seconded by: S. Lewis

That the Deferred Matters List for the Planning and Environment Committee, as at May 31, 2023, BE RECEIVED.

Yeas: (6): S. Lehman, S. Lewis, A. Hopkins , S. Franke, S. Hillier, and Mayor J. Morgan

Motion Passed (6 to 0)

6. Adjournment

The meeting adjourned at 7:33 PM.