

Planning and Environment Committee

Report

10th Meeting of the Planning and Environment Committee
May 28, 2018

PRESENT: Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park
ABSENT: Mayor M. Brown
ALSO PRESENT: Councillors J. Morgan and M. van Holst; I. Abushehada, J. Adema, A. Anderson, G. Bailey, G. Barrett, M. Corby, L. Dent, M. Elmadhoon, M. Feldberg, J.M. Fleming, K. Gonyou, G. Kotsifas, J. MacKay, H. McNeely, B. O'Hagan, M. Pease, L. Pompilii, C. Saunders, S. Spring, R. Turk, J. Yanchula and P. Yeoman

The meeting was called to order at 4:00 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: T. Park

Seconded by: A. Hopkins

That Items 2.1 to 2.6, inclusive, BE APPROVED.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

2.1 Core Area Steering Committee Status Update

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, the staff report dated May 28, 2018, entitled "Core Area Steering Committee Status update" BE RECEIVED for information. (2018-D19)

Motion Passed

2.2 Application - 1284 and 1388 Sunningdale Road West - Removal of Holding Provisions (h and h-100) (H-8887)

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Planning, based on the application by Foxhollow North Kent Development Inc., relating to the properties located at 1284 and 1388 Sunningdale Road West, the proposed by-law appended to the staff report dated May 28, 2018 BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject properties

FROM a Holding Residential R1 (h*h-100*R1-3) Zone TO a Residential R1 (R1-3) Zone to remove the h. and h-100 holding provisions. (2018-D09)

Motion Passed

- 2.3 Application - 1602 Sunningdale Road West - Removal of Holding Provisions (h and h-100) (H-8891)

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Planning, based on the application by Foxwood Development (London) Inc., relating to the property located at 1602 Sunningdale Road West, the proposed by-law appended to the staff report dated May 28, 2018 BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h*h-100*R1-13) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-4 (30)) Zone TO a Residential R1 (R1-13) Zone and a Residential R1 Special Provision (R1-4 (30)) Zone to remove the h. and h-100 holding provisions. (2018-D09)

Motion Passed

- 2.4 Application - 1635 Commissioners Road East and 2624 Jackson Road - Stormwater Management Facility - Land Acquisition Agreement (39T-06507)

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into an Agreement between The Corporation of the City of London and 748094 Ontario Ltd., for the subdivision of land over Part of Lots 11 and 12, Concession 1, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the east side of Jackson Road between Commissioners Road East and Bradley Avenue, municipally known as 1635 Commissioners Road East and 2624 Jackson Road:

a) the Agreement between The Corporation of the City of London and 748094 Ontario Ltd. (39T-06507) appended to the staff report dated May 28, 2018 as Appendix "A", BE APPROVED;

b) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated May 28, 2018 as Appendix "B"; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2018-L07)

Motion Passed

2.5 Living in New Neighbourhoods and Unassumed Subdivisions

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the following actions be taken with respect to recommended actions to ensure improved communication, engagement, enforcement and compliance in unassumed subdivisions:

- a) the proposed strategy for proactive City enforcement, communication and engagement with homeowners, builders and developers in new subdivisions appended to the staff report dated May 28, 2018 BE ENDORSED, which include:
- i) Pre-Strategy Action – Hire “Ambassador” position;
 - ii) Phase 1 – Fees, Customer Service and Streamlining;
 - iii) Phase 2 – Build Performance and Resources;
 - iv) Phase 3 – Improve Regulatory Framework and Process; and,
 - v) Phase 4 – Continuous Improvement. (2018-D12)

Motion Passed

2.6 Building Division Monthly Report for April 2018

Moved by: T. Park
Seconded by: A. Hopkins

That the Building Division Monthly Report for the month of April, 2018 BE RECEIVED for information. (2018-A23/D04)

Motion Passed

3. Scheduled Items

3.1 D. Dudek, Chair, London Advisory Committee on Heritage - 6th Report of the London Advisory Committee on Heritage

Moved by: M. Cassidy
Seconded by: A. Hopkins

That, the following actions be taken with respect to the 6th Report of the London Advisory Committee on Heritage from its meeting held on May 9, 2018:

- a) the Heritage Planners BE REQUESTED to prepare a Statement of Cultural Heritage Value or Interest for the Fugitive Slave Chapel at its new location at 432 Grey Street pursuant to direction from the Municipal Council during the repeal of the heritage designating by-law for 275 Thames Street; it being noted that a verbal delegation from D. McNeish, with respect to this matter, was received;

it being further noted that the Municipal Council resolution from its meeting held on April 24, 2018, with respect to the 5th Report of the London Advisory Committee on Heritage, was received;

b) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of the heritage listed property located at 2096 Wonderland Road North by Invest Properties Ltd., that notice BE GIVEN, under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property located at 2096 Wonderland Road North to be of cultural heritage value or interest for the reasons included on the Statement of Cultural Heritage Value or Interest appended to the 6th Report of the London Advisory Committee on Heritage;

it being noted that the applicant has also submitted a planning application that will be considered separately at a future meeting of the Planning and Environment Committee;

it being further noted that the presentation from K. Gonyou, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

c) the following actions be taken with respect to the Notice of Application dated March 12, 2018 and the Notice of the Public Meeting dated April 11, 2018 from C. Parker, Senior Planner, with respect to the Old East Village Dundas Street Corridor Secondary Plan:

i) the Civic Administration BE REQUESTED to ensure that the Request for Proposal include a stage 1 archaeological assessment and a Cultural Heritage Resource Assessment; it being noted that the Cultural Heritage Screening Report for Bus Rapid Transit (BRT) considered properties on King Street but not on Dundas Street; and,

ii) the Civic Administration BE REQUESTED to update the study area to include the Western Fair Grounds, as well as the properties located at 430 Elizabeth Street and 345 Lyle Street;

it being noted that the presentation from C. Parker, Senior Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

d) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the Heritage Impact Assessment for the application for a zoning by-law amendment for the property located at 131 King Street with the exception of the following matters:

- the step back should be consistent with the Downtown Heritage Conservation District guidelines;
- the vehicular access on King Street should be removed because it prevents a contiguous building interface; and,

- the frontage on York Street;

it being noted that the LACH supports the activation of the alley, as proposed and the overall design of the building;

e) the communication, dated April 9, 2018, from S. Bentley, with respect to the Philip Aziz Studio on Philip Aziz Drive BE FORWARDED to Western University for review; it being noted that the Philip Aziz Estate, including the house, studio and landscape walls, is a significant cultural heritage resource that is designated under Part IV of the *Ontario Heritage Act*; it being further noted that the London Advisory Committee on Heritage shares the concerns of Ms. Bentley with respect to the maintenance of the property;

f) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application made under Section 42 of the *Ontario Heritage Act*, by Ivy Homes Ltd. to amend the Heritage Alteration Permit for the property located at 33 Beaconsfield Avenue, located within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED as proposed in the drawings appended to the staff report dated May 9, 2018, subject to the following terms and conditions:

- all exposed wood be painted, including but not limited to: the porch railing and spindles, porch skirt, porch steps, window trim, front door, doorway trim, and transom trim; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the presentation from K. Gonyou, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

g) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act*, by H. Virtue, to alter the porch of the building located at 841 Princess Avenue, within the Old East Heritage Conservation District, BE PERMITTED subject to the following terms and conditions:

- the Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design, prior to issuance of the Building Permit;
- all exposed wood be painted; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the presentation from L. Dent, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

h) consent BE GIVEN for the application made under Section 33 of the Ontario Heritage Act, by D. Russell, to erect a new porch on the property located at 529 Princess Avenue (designated under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3014-15), as proposed in the drawings appended to the 6th Report of the London Advisory Committee on Heritage, subject to the following terms and conditions:

- the removal of the turret;
- the width of the porch being revised to only be the width of the house;
- the Heritage Planner being circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design, prior to issuance of the Building Permit;
- the stringer ends and risers be enclosed on both sets of porch stairs;
- all exposed wood being painted; and,
- the Heritage Alteration Permit being displayed in a location visible from the street until the work is completed

it being noted that the presentation from L. Dent, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

i) the following actions be taken with respect to the London Advisory Committee on Heritage Terms of Reference:

a) the City Clerk BE DIRECTED to:

- i) change the Emerging Leaders representative to a representative from a general youth-oriented organization, for example ACO NextGen;
- ii) add a member to represent the indigenous population; and,
- iii) add a member from the London Society of Architects;

b) the membership totals on the current Terms of Reference BE UPDATED; and,

j) clauses 1.1, 2.4, 3.1, 3.2, 3.4 to 3.10, 3.12, 4.1, 5.5 and 6.1, BE RECEIVED.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

3.2 Public Participation Meeting - Application - 583 Oxford Street East (Z-8882)

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, based on the application by Salt Clinic Canada Inc., relating to the property located at 583 Oxford Street East, the proposed by-law appended to the staff report dated May 28, 2018 BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Day Care (DC) Zone TO an Arterial Commercial Special Provision (AC4(15)) Zone;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters;

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 2014;
- the recommended amendment conforms to the City of London Official Plan policies and Urban Corridor Place Type policies of The London Plan; and,
- the recommended amendment provides an appropriate range of uses that will facilitate the development of an underutilized site. (2018-D09)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

Additional Votes:

Moved by: M. Cassidy
Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

Moved by: T. Park
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

3.3 Public Participation Meeting - Application - 2096 Wonderland Road North - Request for Demolition

Moved by: J. Helmer

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of the heritage listed property located at 2096 Wonderland Road North, that notice BE GIVEN under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property located at 2096 Wonderland Road North to be of cultural heritage value or interest for the reasons outlined in Appendix E of the staff report dated May 28, 2018;

it being noted that the applicant has also submitted a planning application that will be considered separately at a future meeting of the Planning and Environment Committee;

it being further noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a communication dated May 17, 2018, from J. Grainger, President, London Region Branch, Architectural Conservancy Ontario;
- a communication dated May 18, 2018, from N. Sultan, 365 Cornelius Court, with respect to this matter;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-R01)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

Additional Votes:

Moved by: M. Cassidy

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

Moved by: A. Hopkins

Seconded by: T. Park

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

3.4 Public Participation Meeting - Application - 1055-1075 Fanshawe Park Road West (Z-8903)

Moved by: M. Cassidy
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, based on the application by North London Medical Centre, relating to the property located at 1055-1075 Fanshawe Park Road West, the proposed by-law appended to the staff report dated May 28, 2018, BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to amend Section 19.4 f) 5) of the Office Special Provision (OF5(5)) Zone to ADD Pharmacies in association with a medical/dental office; Clinics; and Medical/ dental laboratories to the list of permitted uses and to MODIFY the municipal address to which the Zone applies;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters;

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 By-law Amendment conforms to the 1989 Official Plan;
- the recommended uses are within the range of permitted uses contemplated in The London Plan;
- the amount of non-residential gross floor area is not anticipated to increase beyond what is currently permitted by the existing Zoning By-law; and
- the recommended Zoning By-law Amendment would allow an expanded range of uses that would complement the permitted medical/dental office use within a building that is currently under construction. (2018-D09)

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and T. Park

Nays: (1): J. Helmer

Motion Passed (4 to 1)

Additional Votes:

Moved by: T. Park
Seconded by: M. Cassidy

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

Moved by: M. Cassidy
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

3.5 Public Participation Meeting - Application - 3234, 3263 and 3274
Wonderland Road South (OZ-8590)

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application by Southside Group, relating to the properties located at 3234, 3263 and 3274 Wonderland Road South:

a) Municipal Council BE ADVISED that the Official Plan and Zoning By-law amendment application (OZ-8590) has been appealed to the Ontario Municipal Board by Analee J. M. Ferreira of Ferreira Law, on behalf of the applicant, on the basis of non-decision by Council within 180 days;

b) the Ontario Municipal Board BE ADVISED that Municipal Council recommends that the request to amend the Official Plan to ADD a Specific Area Policy in Chapter 10 to permit an additional 18,700m² of commercial floor area within the Wonderland Road Community Enterprise Corridor land use designation BE REFUSED for the following reasons:

i) the application does not conform to the Southwest Area Secondary Plan policy that permits a maximum commercial floor area of 100,000m² in the Wonderland Road Community Enterprise Corridor designation; and,

ii) the application does not conform to the 1989 Official Plan criteria for Specific Area Policies in Chapter 10;

c) the Ontario Municipal Board BE ADVISED that Municipal Council recommends that the request to amend Zoning By-law Z.-1 FROM an Environmental Review (ER) Zone, an Urban Reserve (UR1) Zone, an Urban Reserve (UR4) Zone, and a Holding Light Industrial (h-17•LI1•LI7) Zone TO an Associated Shopping Area Commercial (ASA1•ASA3•ASA4•ASA5•ASA8) Zone, BE REFUSED for the following reasons:

i) the application is not consistent with the Provincial Policy Statement;

ii) the application does not conform to the Southwest Area Secondary Plan policies that direct the built form and design of the site and permits a maximum commercial floor area of 100,000m² in the Wonderland Road Community Enterprise Corridor designation;

iii) the application does not conform to the 1989 Official Plan Environmental Policies; and,

iv) the application does not represent good planning;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated May 25, 2018, from J.W. Harbell, Stikeman Elliott, with respect to this matter;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters;

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

- the requested amendments are not consistent with the Provincial Policy Statement;
- the requested amendments do not conform to the Southwest Area Secondary Plan policies that direct the built form and design of the site and permits a maximum commercial floor area of 100,000m² in the Wonderland Road Community Enterprise Corridor designation;
- the requested amendments do not conform to the 1989 Official Plan Environmental Policies; and,
- the application does not represent good planning.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

Additional Votes:

Moved by: A. Hopkins
Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

Moved by: T. Park
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

Moved by: A. Hopkins

Seconded by: T. Park

Motion to grant an extension of time beyond five minutes to R. Zelinka, Zelinka Priamo Ltd.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

4. Items for Direction

4.1 6th Report of the Environmental and Ecological Planning Advisory Committee

Moved by: T. Park

Seconded by: J. Helmer

That, the following actions be taken with respect to the 6th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on May 17, 2018:

a) the following actions be taken with respect to the Wetlands Working Group comments appended to the 6th Report of the Environmental and Ecological Planning Advisory Committee:

i) the Working Group comments with respect to a wetland conservation strategy BE FORWARDED to the Upper Thames River Conservation Authority, the appropriate Managing Directors for review and to provide comments back to the Environmental and Ecological Planning Advisory Committee; and,

ii) the Environmental and Ecological Planning Advisory Committee members BE REQUESTED to review the Working Group comments and report back at the next meeting;

b) the Working Group comments with respect to the Southdale Road West Environmental Impact Statement to the 6th Report of the Environmental and Ecological Planning Advisory Committee (EEPAC) BE FORWARDED to the appropriate Managing Director for dispersal to the appropriate staff member; it being noted that S. Shannon, Technologist II, forwarded the correspondence to the EEPAC;

c) the Working Group comments with respect to the Sunningdale Court Environmental Impact Statement (600 Sunningdale Road West) appended to the 6th Report of the Environmental and Ecological Planning Advisory Committee (EEPAC) BE FORWARDED to the appropriate Managing Director for dispersal to the appropriate staff member; it being noted that C. Smith, Senior Planner, forwarded the correspondence to the EEPAC; and,

d) clauses 1.1, 2.1, 2.2, 3.1 to 3.5, 5.1 and 6.1, BE RECEIVED.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

5.1 Deferred Matters List

Moved by: T. Park

Seconded by: M. Cassidy

That the Managing Director, Development and Compliance Services & Chief Building Official and the Managing Director, Planning and City Planner, BE DIRECTED to update the Deferred Matters List to remove any items that have been addressed by the Civic Administration.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

Motion Passed (5 to 0)

6. Adjournment

The meeting adjourned at 6:18 PM