

23RD REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on October 29, 2013, commencing at 4:32 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Councillor B. Polhill (Chair), Councillors D.G. Henderson, P. Hubert and S. White and H. Lysynski (Secretary).

ABSENT: Councillor N. Branscombe.

ALSO PRESENT: Mayor J.F. Fontana and Councillor D. Brown, J.P. Barber, G. Barrett, J. Clark, M. Corby, J.M. Fleming, T. Grawey, N. Hall, B. Henry, O. Katolyk, P. Kokkoros, G. Kotsifas, B. Krichker, A. MacLean, D. Menard, J. Page, C. Saunders, R. Sharpe, M. Tomazincic and J. Yanchula.

I. CALL TO ORDER

1. That it BE NOTED that no pecuniary interests were disclosed.

II. CONSENT ITEMS

2. 7th Report of the Trees and Forests Advisory Committee

Recommendation: That the 7th Report of the Trees and Forests Advisory Committee from its meeting held on September 25, 2013 BE RECEIVED.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert (4)

3. 9th Report of the Advisory Committee on the Environment

Recommendation: That the 9th Report of the Advisory Committee on the Environment from its meeting held on October 2, 2013 BE RECEIVED.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert (4)

4. 10th Report of the Environmental and Ecological Planning Advisory Committee

Recommendation: That the 10th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on October 17, 2013 BE RECEIVED.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert (4)

5. Local Renewable Electricity Generation Projects Seeking Ontario Feed-In Tariff Contracts

Recommendation: That, on the recommendation of the Manager, Development Services and Planning Liaison, the following actions be taken with respect to local renewable electricity generation projects seeking contracts under Version 3.0 of the Ontario Feed-In Tariff (FIT) program:

- a) for Category 1 Projects, the Mayor and the City Clerk BE AUTHORIZED to sign any requested Council Resolution using the Municipal Council Blanket Support Resolution, appended as Appendix "A" to the associated staff report, dated October 29, 2013; and,

- b) for Category 2 Projects, the proposed resolution that the construction and operation of ground-mounted solar projects, having little or no potential for impacts on adjacent properties, be supported at specific locations identified by the project developer where permitted by the FIT Program rules, BE APPROVED as a two-step process:
 - i) the Civic Administration prepare a report, to the appropriate Standing Committee, advising of the proposed location; and,
 - ii) for projects supported by the Civic Administration, the Civic Administration will submit a Municipal Council Support Resolution, appended as Appendix "B" to the associated staff report, dated October 29, 2013, to the appropriate Standing Committee. (2013-E06/L04)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert (4)

6. Woodhull Subdivision (39T-03511)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to a subdivision agreement between The Corporation of the City of London and Farhi Holdings Corporation, for the subdivisions of land over Part of Lot C, Gore Concession, (Geographic Township of Delaware), City of London, County of Middlesex, situated on the east side of Woodhull Road, north of Gideon Drive, municipally known as 1820 Woodhull Road:

- a) the Special Provisions, appended as Schedule "D" to the associated staff report, dated October 29, 2013, to be contained in a Subdivision Agreement between The Corporation of the City of London and Farhi Holdings Corporation, for the subdivisions of land over Part of Lot C, Gore Concession, (Geographic Township of Delaware), City of London, County of Middlesex, situated on the east side of Woodhull Road, north of Gideon Drive, municipally known as 1820 Woodhull Road and for the Woodhull Subdivision (39T-03511) BE APPROVED;
- b) the financing for this project BE APPROVED in accordance with the Source of Financing Report appended as Schedule "A" to the associated staff report, dated October 29, 2013;
- c) the financing for this project BE APPROVED in accordance with the "Related Costs and Revenues" appended as Schedule "B" to the associated staff report, dated October 29, 2013; and,
- d) the Mayor and the City Clerk BE AUTHORIZED to execute the above-noted Agreement, any amending agreements and all documents required to fulfill its conditions. (2013-D12)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert (4)

7. Properties located at 404-408 Pall Mall Street and 660 Colborne Street (Z-8152)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the report dated October 29, 2013, relating to the decision by the Ontario Municipal Board, concerning the appeal by George Namo, with respect to an application for an amendment to Zoning By-law No. Z.-1, which was approved by the Municipal Council, concerning the properties located at 404-408 Pall Mall Street and 600 Colborne Street BE RECEIVED. (2013-L01)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert (4)

8. Emerald Ash Borer Business Plan

Recommendation: That, the following actions be taken with respect to the Emerald Ash Borer Business Plan:

- a) the Provincial Emerald Ash Borer funding, in the amount of \$200,000 that expires in 2013, BE PLACED in the 2014 Budget; it being noted that Planning Staff has prepared a Business Case accordingly;
- b) the Business Plan Scenarios as contained in the staff report dated October 29, 2013 BE REFERRED to the 2014 Budget Process as background information; it being noted that Scenario #2 is reflective of the business case that has been prepared to date; it being further noted that a customized tree planting program is not recommended;
- c) the Corporate Maintenance Management System BE IMPLEMENTED, as quickly as possible, to improve the efficiency and capacity of the Emerald Ash Borer management and other Forestry programs;
- d) the Civic Administration BE REQUESTED to submit a request to the Ministry of Municipal Affairs and Housing to amend the *Municipal Act, 2001*, to permit the purchase of trees as eligible expenditures for issuing debt; it being noted that the Province's financial support for the Emerald Ash Borer program ends on December 31, 2013 and the City of London's current plan to replant trees, removed under the Emerald Ash Borer program, will take 9.5 years to complete without the Province's financial support; further noting that the Public Accounting Standards Board (PSAB) does not currently consider trees as a 'capital' expense and the purchase of trees is ineligible for debt issuance; and,
- e) the Civic Administration BE REQUESTED to explore other revenue opportunities to allow the public to participate and accelerate the program and to consider all other potential revenue opportunities. (2013-F11)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

Motion to add new parts d) and e), as follows:

- d) the Civic Administration BE REQUESTED to submit a request to the Ministry of Municipal Affairs and Housing to amend the *Municipal Act, 2001*, to permit the purchase of trees as eligible expenditures for issuing debt; it being noted that the Province's financial support for the Emerald Ash Borer program ends on December 31, 2013 and the City of London's current plan to replant trees removed under the Emerald Ash Borer program will take 9.5 years to complete without the Province's financial support; further noting that the Public Accounting Standards Board (PSAB) does not currently consider trees as a 'capital' expense and the purchase of trees is ineligible for debt issuance; and,
- e) the Civic Administration BE REQUESTED to explore other revenue opportunities to allow the public to participate and accelerate the program and to consider all other potential revenue opportunities.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

III. SCHEDULED ITEMS

9. 10th Report of the London Advisory Committee on Heritage

Recommendation: That, the following actions be taken with respect to the 10th Report of the London Advisory Committee on Heritage (LACH) from its meeting held on October 9, 2013:

- a) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the Heritage Alteration Permit Application of S. Deagle, requesting permission for alterations to the designated heritage property located at 558 Colborne Street, BE APPROVED, subject to the applicant consulting with the West Woodfield Heritage District Association and the Heritage Planner prior to continuing with the proposed alterations; it being noted that the Heritage Planner has reviewed the proposed porch repairs and alterations and has advised that the impact of such alterations on the heritage features of the property identified in the reasons for designation is negligible; it being further noted that the above-noted alterations were initiated without the proper heritage processes being followed; it being also noted that the LACH heard a verbal delegation from S. Deagle, applicant, with respect to this matter; and,
- b) that clauses 2 to 8, inclusive, of the 10th Report of the London Advisory Committee on Heritage BE RECEIVED;

it being noted that the Planning and Environment Committee heard a verbal presentation from W. Kinghorn, Chair, LACH, with respect to these matters.

Motion Passed

YEAS: D.G. Henderson, B. Polhill, P. Hubert, S.E. White (4)

10. Extension of Enhanced Financial Incentive Programs for Downtown and Old East Village

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the extension of the Forgivable Upgrade to Building Code Loan Program and the Forgivable Façade Improvement Loan Program in the Downtown and the Old East Village Community Improvement Project Areas:

- a) the attached, revised, by-law BE INTRODUCED at the Municipal Council meeting to be held on November 5, 2013, to extend the Forgivable Upgrade to Building Code Loan Program and the Forgivable Façade Improvement Loan Program for the Downtown Community Improvement Plan Project Area;
- b) the attached, revised, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on November 5, 2013, to extend the Forgivable Upgrade to Building Code Loan Program and the Forgivable Façade Improvement Loan Program for the Old East Village Community Improvement Plan Project Area;
- c) the Civic Administration be requested to explore opportunities to establish a hoarding program;
- d) the Civic Administration be requested to review the state of municipal parking lots and rear lanes in the area; and,
- e) the Civic Administration be requested to consider having staff pick up debris from broken garbage bags in the area from Adelaide Street to English Street;

it being noted that the cost of the program shall not exceed \$1.1 million over the two (2) year timeframe of the extension and is subject to annual budget approval;

it being pointed out that the Planning and Environment Committee reviewed and received the following:

- a communication, dated April 12, 2013, from S. Merritt, Manager, Old East Village BIA; and,
- the attached, revised, report, dated October 29, 2013, from the Managing Director, Planning and City Planner;

it being noted that the Planning and Environment Committee heard verbal presentations from M. Clark, C. Brian and M. Drangova, Old East Village Business Improvement Area, with respect to this matter. (2013-D19)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

Voting Record:

Motion to include new parts c), d) and e), as follows:

- c) the Civic Administration be requested to explore opportunities to establish a hoarding program;
- d) the Civic Administration be requested to review the state of municipal parking lots and rear lanes in the area; and,
- e) the Civic Administration be requested to consider having staff pick up debris from broken garbage bags in the area from Adelaide Street to English Street;

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

11. Property located at 797 York Street (Z-8208)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of Southside Construction Management Ltd., relating to the property located at 797 York Street, the proposed by-law, as appended to the staff report dated October 29, 2013, BE INTRODUCED at the Municipal Council meeting to be held on November 5, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Community Shopping Area (CSA1) Zone, which provides for and regulates a wide range of community-scale retail and personal service uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community or a number of neighbourhoods located within convenient walking and/or driving distance TO a Community Shopping Area Special Provision (CSA1(_)) Zone, to permit Commercial/Private Schools and Offices with a maximum gross floor area of 2,000m² (21,527.8 sq. ft.);

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter. (2013-D14A)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

Voting Record:

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

12. Review of Holding Provision Requirements in Zoning By-law Z-1 (Z-8172)

Recommendation: That, the report dated October 29, 2013 from the Managing Director, Development and Compliance Services & Chief Building Official, relating to a City-initiated application to amend the requirements relating to the implementation of holding provisions in Zoning By-law No. Z.-1, BE REFERRED back to the Civic Administration for further consideration and a report back at a public participation meeting of the Planning and Environment Committee meeting to be held on November 26, 2013;

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter. (2013-D14A)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, S.E. White (4)

Voting Record:

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, S.E. White (4)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, S.E. White (4)

Motion to refer the report back to the Civic Administration for further consideration and a report back at a public participation meeting of the Planning and Environment Committee meeting to be held on November 26, 2013.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, S.E. White (4)

13. Proposed Wortley Village - Old South Heritage Conservation District (O-8118)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the creation of a Heritage Conservation District for the Wortley Village-Old South neighbourhood:

- a) the proposed by-law, as appended to the staff report dated October 29, 2013 BE INTRODUCED at a future meeting of the Municipal Council to designate the Wortley Village-Old South Heritage Conservation District under Part V (Section 41.(1)) of the *Ontario Heritage Act*;
- b) the proposed by-law, as appended to the staff report dated October 29, 2013 BE INTRODUCED at a future meeting of the Municipal Council to amend Section 13.3.5 Implementation-Heritage Conservation District Plans to add Figure 13-6, to amend Section 13.3.8 Specific Heritage Conservation Districts to add a character statement and policies for the Wortley Village-Old South Heritage Conservation District and to amend Chapter 13 Properties of Cultural Heritage Value or Interest to add a new Figure 13-6 to identify the boundaries of the Wortley Village-Old South Heritage Conservation District; and,
- c) the Wortley Village Heritage Conservation District Plan and Guidelines BE REFERRED to the Civic Administration to:
 - i) amend Section 19.2.2 Guideline Documents of the Official Plan to include the Wortley Village-Old South Heritage Conservation District Plan and Guidelines as a guideline document;

- ii) to adopt the Wortley Village-Old South Heritage Conservation District Plan and Guidelines as a heritage conservation district plan pursuant to Section 41.1(1) of the *Ontario Heritage Act*; and,
- iii) to report back on parts i) and ii), above, at a future meeting of the Planning and Environment Committee;

it being noted that the proposed by-laws referred to in parts a) and b), above, will be introduced at the Municipal Council meeting following the Planning and Environment Committee meeting when the Wortley Village-Old South Heritage Conservation District Plan and Guidelines are considered;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- David Winner, 497 Old Wonderland Road – echoing the Heritage Planner’s comment that it has been 20 years since Wortley Village-Old South was identified as a potential heritage conservation district; noting that Wortley Village-Old South has been waiting very patiently while five other districts were designated; expressing support for the designation of Wortley Village-Old South; and indicating that there are a lot of unique heritage homes and buildings in Old South, such as the former Normal School, which has been described as the jewel in the crown for heritage in all of London.
- Bob Porter, President, Old South Community Organization, 50 Byron Avenue East – expressing appreciation to the City for bringing this matter forward; advising that most of the residents in Old South have been very excited about this happening; and believing that this is a great initiative for the City.
- Gary Brown, Member, Old South Community Organization, 35A – 59 Ridout Street – expressing support for this initiative; expressing appreciation to the staff and the consultants for all of their efforts in this endeavor; indicating that he learned a lot about the neighbourhood during the process; advising that, on page 163 of the Planning and Environment Committee Agenda, part f) mentions the retention of existing grass boulevards; noting that he does not like the use of the word “grass” as people sometimes naturalize their boulevard; requesting the use of the word “naturalized” instead of “grass”; indicating that on page 166 of the Planning and Environment Committee Agenda, it mentions the London Normal School; and expressing concern that, as this is the only good sized open space in the area, any proposed changes to the grounds should require public site plan approval; and reiterating that the green is just as important as the Normal School to the community.
- Doug Lansink, 66 Byron Avenue – expressing disagreement with the proposed Heritage Conservation District; indicating that he believes that it is a way to control density; and advising that he believes that it is important for Wortley Village to have an increase in density. (2013-D09)

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

Voting Record:

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (5)

IV. ITEMS FOR DIRECTION

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. CONFIDENTIAL (Confidential Appendix enclosed for Members only.)

(See Confidential Appendix to the 23rd Report of the Planning and Environment Committee enclosed for Members only.)

The Planning and Environment Committee convened in camera from 6:53 PM to 7:44 PM after having passed a motion to do so, with respect to the following matter:

- C-1 A matter pertaining to personal matters about identifiable individuals, including municipal or local board employees relating to the 2014 Mayor's New Year's Honour List.

- C-2 A matter pertaining to litigation or potential litigation with respect to appeals to the Ontario Municipal Board with respect to OPA 541, OPA 553, OPA 554, and OPA 557; advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with appeals to the Ontario Municipal Board from the decisions of Municipal Council to approve OPA 541, OPA 553, OPA 554, and OPA 557 and a matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition, the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition.

- C-3 A matter pertaining to advice subject to solicitor-client privilege including communications necessary for that purpose with respect to the council inquiry at its meeting of August 27, 2013 with respect to 425 Wharncliffe Road South.

VII. ADJOURNMENT

The meeting adjourned at 7:44 PM