

25TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on November 26, 2013, commencing at 4:05 PM, in the Council Chambers, Second Floor, London City Hall.

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

ALSO PRESENT: Mayor J.F. Fontana and Ismail Abushehada, J.P. Barber, G. Barrett, M. Corby, M. Davis, M. Elmadhoon, J.M. Fleming, T. Grawey, N. Hall, B. Henry, M. Johnson, P. Kokkoros, B. Krichker, E. Lalande, A. MacLean, A. Macpherson, N. Musicco, J. Page, A. Riley, C. Saunders, R. Sharpe, M. Tomazincic and J. Yanchula.

I. CALL TO ORDER

1. That it BE NOTED that Councillor N. Branscombe disclosed a pecuniary interest in clause 9 of this report, having to do with the application by the City of London relating to the properties located at 595 and 607 Industrial Road, by indicating that her spouse owns and operates a business in close proximity to the Airport.

II. CONSENT ITEMS

2. Properties located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South (OZ-8120)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the Ontario Municipal Board BE ADVISED, in response to letters of appeal to an Official Plan Amendment and a Zoning By-law Amendment for properties located at 3130 and 3260 Dingman Drive and the rear portion of 4937 and 4407 Wellington Road South, that the Municipal Council has reviewed its decision related to these matters and sees no reason to alter it; it being noted that the following letters of appeal were received regarding these matters:

- a) B.R. Card, on behalf of the Upper Thames River Conservation Authority and Wood Bull, on behalf of Greenhills SC Ltd., dated July 24, 2013, relating to the Official Plan and Zoning By-law No. Z.-1 for the properties; and,
- b) Goodmans, on behalf of Costco Wholesale Corporation, dated September 24, 2013, relating to Zoning By-law No. Z.-1 for the properties;

it being further noted that the Planning and Environment Committee reviewed and received a communication dated November 15, 2013, from S. Mahadevan, Wood Bull, relating to this matter. (2013-D14A/L01)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, B. Polhill, P. Hubert, S.E. White (5)

3. Property located at 982 Gainsborough Road (Z-8178)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the Ontario Municipal Board BE ADVISED, in response to a letter of appeal to Zoning By-law Amendment Z-1-132225 for the property located at 982 Gainsborough Road, that the Municipal Council has reviewed its decision related to this matter and sees no reason to alter it; it being noted that a letter of appeal dated September 25, 2013, submitted by Patton Cormier & Associates, on behalf of Markey Holdings Inc., was received regarding this matter. (2013-D14A/L01)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, B. Polhill, P. Hubert, S.E. White (5)

4. Contract Renewal for the Management of Environmentally Significant Areas

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the Deputy City Treasurer, the following actions be taken with respect to the renewal of the five year Agreement with the Upper Thames River Conservation Authority for the management of Environmentally Significant Areas in the City of London:

- a) whereas Clause 2 of the existing Agreement permits an extension of the Agreement for a further term, and whereas, Section 14.3 (c) of the City of London Procurement of Goods and Services Policy permits the renewal of contracts, therefore the Civic Administration BE AUTHORIZED to renew the Agreement with the Upper Thames River Conservation Authority for the management of Environmentally Significant Areas in the City of London as a "Sole Source" Contract for a period of five years;
- b) the proposed by-law, as appended to the staff report dated November 26, 2013, BE INTRODUCED at the Municipal Council meeting to be held on December 3, 2013, to authorize the Mayor and the City Clerk to execute the final updated and revised five year Agreement with the Upper Thames River Conservation Authority for the management of Environmentally Significant Areas in the City of London;
- c) the Tree Hazard Management Policy, as appended to the staff report as Appendix "B" BE ENDORSED for use in Environmentally Significant Areas that are subject to this Agreement in accordance with Clause 1 (c) of the said Agreement to address risk management issues while protecting the environmental value of aging trees;
- d) the flow through operating budget for this Agreement BE INCLUDED in the Planning Services base budget for 2014 to 2018; and,
- e) the budget reduction of \$72,000, for this project, BE REFERRED to the 2014 Budget deliberations;

it being noted that, in order to meet the proposed 2014 Operating Budget target, the value of the contract, in 2014, has been reduced by 15% (\$72,000) to \$408,066;

it being further noted that the Planning and Environment Committee reviewed and received a communication dated November 23, 2013 from A. Caveney, 46 Kingspark Crescent, with respect to this matter; and,

it being pointed out that the Planning and Environment Committee heard a verbal presentation from A. Shivas, Coordinator, Lands and Facilities, Upper Thames River Conservation Area, with respect to this matter. (2013-L04)

Voting Record:

Motion Passed

YEAS: N. Branscombe, B. Polhill, P. Hubert, S.E. White (4)

NAYS: J.F. Fontana (1)

Motion to approve a new part e), which reads "the budget reduction of \$72,000, for this project, BE REFERRED to the 2014 Budget discussions";

Motion Passed

YEAS: N. Branscombe, P. Hubert, S.E. White (3)

NAYS: J.F. Fontana, B. Polhill (2)

5. Property located at 1331 Hyde Park Road (H-8226)

Recommendation: That, on the recommendation of the Senior Planner, Development Planning, related to the application of Hyde Park Crossings Ltd., relating to the property located at 1331 Hyde Park Road, the proposed by-law, as appended to the staff report dated November 26, 2103, BE INTRODUCED at the Municipal Council meeting to be held on December 3, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of 1331 Hyde Park Road FROM a Holding Business District Special Provision (h*BDC2 (4)) Zone TO a Business District Commercial Special Provision (BDC2 (4)) Zone, to remove the holding "h" provision. (2013-D14B)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, B. Polhill, P. Hubert, S.E. White (5)

6. Property located at 3493 Colonel Talbot Road

Recommendation: That, the following actions be taken with respect to the information report from the Managing Director, Development and Compliance Services & Chief Building Official, in response to the presentation provided at the October 16, 2013 Planning and Environment Committee by D. Ailles, York Developments and L. Courtney, 3493 Colonel Talbot Road, relating to the property located at 3493 Colonel Talbot Road:

- a) the Civic Administration BE DIRECTED to report back within two months of receipt of a completed application by York Developments and L. Courtney, 3493 Colonel Talbot Road, relating to the property located at 3493 Colonel Talbot Road; and,
- b) the Civic Administration BE DIRECTED to consider the following:
 - i) the feasibility of accelerating the completion of the stormwater management facility to 2014;
 - ii) the cost of accelerating the stormwater management facility; and,
 - iii) determining whether or not accelerating the stormwater management facility is in accordance with the Development Charges Study and the Growth Management Implementation Strategy. (2013-D14)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

7. Building Division Monthly Report for October 2013

Recommendation: That the Building Division Monthly Report for October 2013 BE RECEIVED. (2013-D00)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, B. Polhill, P. Hubert, S.E. White (5)

III. SCHEDULED ITEMS

8. Property located at 1420 Global Drive (Z-8232)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, related to the application of Dancor Construction Ltd., relating to the property located at 1420 Global Drive, the proposed by-law, as appended to the staff report dated November 26, 2013, BE INTRODUCED at the Municipal Council meeting to be held on December 3, 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 Light Industrial (LI1/LI2/LI6) Zone TO a Light Industrial Special Provision (LI1/LI2/LI6(_)) Zone;

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

Voting Record:

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

9. Properties located at 595 and 607 Industrial Road (Z-8272)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, related to the application of the City of London, relating to the properties located at 595 and 607 Industrial Road, the proposed by-law, as appended to the staff report dated November 26, 2013, BE INTRODUCED at the Municipal Council meeting to be held on December 3, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning on a portion of the subject lands FROM a General Industrial (GI1) Zone and Open Space (OS4) Zone (595 Industrial Road) and a General Industrial/Heavy Industrial (GI1/HI1) Zone and Open Space (OS4) (607 Industrial Road) TO an Open Space (OS4) Zone on a portion of the lands;

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

Voting Record:

Motion Passed

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

RECUSED: N. Branscombe (1)

Motion to open the public participation meeting.

Motion Passed

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

RECUSED: N. Branscombe (1)

Motion to close the public participation meeting.

Motion Passed

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

RECUSED: N. Branscombe (1)

10. Property located at 1193 Sunningdale Road East (Z-8231)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, related to the application of S. & J. Foster, relating to the property located at 1193 Sunningdale Road East, the proposed by-law, as appended to the staff report dated November 26, 2013, BE INTRODUCED at the Municipal Council meeting to be held on December 3, 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 Residential R1 (R1-14) Zone TO a Residential R1 (R1-8) Zone on the northern portion of the subject site and a Residential R1 (R1-13) Zone on the remainder of the site;

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

Voting Record:

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

11. Property located at 3804 South Winds Drive (39T-09503/OZ-7698)

Recommendation: That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to the application of Southside Group of Companies, relating to the property located at 3804 South Winds Drive:

- a) the proposed by-law, as appended to the staff report dated November 26, 2013, BE INTRODUCED at the Municipal Council meeting to be held on December 3, 2013, to amend the Official Plan to change the designation on Schedule "A" (Land Use from Environmental Review to Open Space) and to change the delineation on Schedule "B" (Flood Plain & Environmental Features from Potential Environmentally Significant Area (Potential ESA) to Environmentally Significant Area (ESA));
- b) the Approval Authority BE ADVISED that, at the public participation meeting of the Planning and Environment Committee held with respect to this matter, issues were raised with respect to the following:
 - i) the quantity and quality of the water supply;
 - ii) the encroachment into Environmentally Significant Areas;
 - iii) the compliance with the Provincial Policy Statement; and,
 - iv) flooding concerns;
- c) the Approval Authority BE ADVISED that the Municipal Council supports issuing draft approval of the proposed plan of residential subdivision, submitted by Southside Construction Limited (File No. 39T-09503), prepared by Zelinka Priamo Ltd., drawing No. SSD/LON/05-01, as red-line amended, which shows 17 single detached lots, a park block, a park and open space block served by two local public streets, SUBJECT TO the conditions contained in the attached, revised, Appendix "C";

- d) the proposed by-law as appended to the staff report dated November 26, 2013, BE INTRODUCED at the Municipal Council meeting to be held on December 3, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, as amended in part a), above), to change the zoning of the subject lands FROM an Agricultural (AG1) Zone, a Holding Agricultural (h-2•AG1) Zone, an Environmental Review (ER) Zone, a Holding Open Space (h-2•OS4) Zone, and an Open Space (OS5) Zone TO a Holding Residential R1 Special Provision (h. h().h().h()•R1-14() Zone, to permit single detached dwellings with a minimum lot area of 3000 square metres (32,292 sq.ft.) and to an Open Space (OS5) Zone, to permit such uses as conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways and managed woodlots; it being noted that the Holding (h) Provisions are to ensure that there is orderly development through the execution of a subdivision agreement; to ensure the proposed stormwater management system servicing this subdivision is constructed and operational to the satisfaction of the City, to ensure private individual sanitary disposal systems on each lot are installed in accordance with applicable recommendations and in compliance with the overall servicing strategy for this subdivision to the satisfaction to the City, and to ensure private water wells on each lot are in compliance with the overall servicing strategy for this subdivision to the satisfaction of the City;
- e) the “Estimated Claims and Revenues Report”, provided as Appendix ‘D’ to the associated staff report, dated November 26, 2013 BE APPROVED; and,
- f) the Civic Administration BE REQUESTED to report back at a future meeting of the Planning and Environment Committee on the cost of providing services, such as water, to the subject lands;

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

- Richard Zelinka, Zelinka Priamo Ltd. – expressing support for the staff recommendation; indicating that this application has been worked on for quite a long time; advising that this is a Rural Settlement Area; noting that it does not require an Official Plan Amendment for the Rural Settlement component; further noting that this is already part of the City of London’s Official Plan; advising that the Official Plan amendment component of this recommendation relates to providing details on the extent of the environmental lands and the appropriate designations for those lands; indicating that the planned function for these lands is, and has always been since before annexation, has been Rural Settlement; advising that this designation intends for there to be large lots on private services; reiterating that the designation requires private services; noting that this is not an area where the applicant can come forward and propose anything other than private services; indicating that, through the initial public meeting, it was identified that there are residences in the area that have had problems with their own services, particularly with water and water wells in the area; advising that, because of these problems, the City of London undertook a rigorous review process; noting that this is one of the reasons for the long delay that they have had in coming back; advising that the City was being very cautious in its approach to this area; indicating that with the multiple peer reviews, as there had to be a peer review every time new information was brought forward by the applicant, it was peer reviewed by the City’s peer reviewer for the hydrogeological information that was brought forward to ensure that the lots that were being proposed are adequate for the private services and to make specifications, particularly with respect to two points; noting that one of the points is that the water wells are going to have to go to the deep aquifer; advising that people on the shallow aquifer are having problems and will have to go to the deep aquifer in this area, which will support a 22 lot subdivision readily and tertiary treatments for sanitary purposes on each of the lots; noting that this is not the conventional septic system, but rather a tertiary treatment system which is a higher level of treatment for each lot; having determined that these private services could be supported on the original 22 lots, the applicant turned around and

reduced it to 17 lots so that there is an extra margin of comfort on this whole matter; advising that the larger lots are also in keeping with the surrounding area; identifying that Condition 90 in the proposed plan of residential subdivision needs further discussion with the Fire Department and staff; expressing concern with Condition 33 ii) as the statement is self-contradictory in that the applicant is required to put in the cadillac of tertiary treatment systems and, yet, this system requires there to be a conventional footprint system on each lot as well; requesting that Condition 33 ii) be referred back to staff to allow them to have further discussion to resolve that apparent inconsistency; expressing concern with Condition 54, which is a Condition for the applicant to provide cash-in-lieu to cover the cost of removing the cul-de-sacs at the edge of development for Street "A" and South Winds Drive; noting that the applicant will have to remove the cul-de-sac at South Winds Drive at his own expense; indicating that the anomaly is that the two cul-de-sacs that are being built as part of this subdivision do not lead into lands that are designated residential, do not lead into lands that are designated Urban Reserve; advising that they lead into Agricultural lands; indicating that there is no expectation, not just in the near future, but not even for the long-term future of this municipality, that those lands will go into residential development; reiterating that they are asking that the cash-in-lieu for the removal of the cul-de-sacs be removed from the Conditions; requesting that this be considered further by staff before the Conditions are approved; advising that additional wells have been drilled in this area; advising that reports have been completed indicating that the deep aquifer has a tremendous volume of water; indicating that the hydrogeotechnical reports demonstrate that, even with the 22 lots that were originally proposed, the expectation is that the water level within that aquifer would go down less than an inch at full usage; reiterating that there has been additional work done, which, he believes, the residents were concerned about; advising that the City required that the additional work be done; advising that an Environmental Impact Study has been completed for the stormwater management pond and there has been considerable attention paid to the stormwater management outlet; indicating that the optimal route has been identified through the study of this area; indicating that the stormwater route will be an old tractor trail that goes down the side of the slope; advising that this is the optimal route because it does not require major disturbance of the slopes in this area; advising that the City of London and the Upper Thames River Conservation Authority are requiring that there be an additional study at the detailed design stage; noting that this stage is when the storm outlet has all of the final engineering details and it also has to go through an Environmental Impact Study as well to ensure that everything has been done properly; advising that there is no requirement that all Environmentally Significant Area lands be in public ownership; advising that all Environmentally Significant Area lands in this area are all private ownership and a large portion of those lands will remain in private ownership; advising that there will be no lot lines differentiating the property from the Environmentally Significant Area; advising that there will be clear monumentalization, as required by the City, to ensure that there is a clear understanding of where the Environmentally Significant Area starts; reiterating that this is not a redesignation of Agricultural lands, this is a Rural Settlement Designation that has been applied to this area since the lands were in the Township of Westminster; reiterating that this is the intended use for these lands; indicating that this area is being used as it is intended to be used, the same as a huge portion of the lands in the urban areas within the City of London are used; advising that fire services are provided at a different level of service as there are no hydrants; advising that this is appropriate for rural settlement areas; indicating that the developer has reviewed the proposal, which is why it has taken so long to come back; indicating that the applicant has reduced the number of lots; and, reiterating that this application has been supported by staff, by peer reviewers and by the consultants who provided the initial comments.

- Joe Liberatore, 3920 South Winds Drive – indicating that he was going to rehash everything and go through the Notice process because very few of his neighbours are represented here because of the inopportune way that they received the Notices; advising that he received it by accident when he came back from work; advising that they have a lawyer from McKenzie Lake, who is representing one of the other owners who cannot be here because of illness; reacting to what was said, when the comment was made about shallow wells being lost, it was not a shallow well; noting that 113 feet is not a shallow well; advising that it is a deep well and it was his well that was lost; advising that, when the well was lost, the first thing he did was go to the Ministry of the Environment; indicating that the Ministry of the Environment advised him that all of the guidelines were met and there is nothing that can be done; advising that he drilled a new well; advising that he drilled the new well an extra 20 feet, at his own expense; enquiring as to what guarantee is there, that when these 17 wells go in, that none of them are going to lose their water again; indicating that the reference relating to the applicant reducing the number of lots from 22 to 17, everyone is forgetting that the area of the lots remains the same; indicating that the highest water use will be in the Summer for irrigation purposes; noting that you will be using an astronomical amount of water, the same as the 22 lots; indicating that the reduction in lots from 22 to 17 does not alleviate all of their concerns because it does not; indicating that at the last meeting, it was left that they were going to get some kind of study from the former City Engineer; noting that he was in contact with Mr. McNally; indicating that they were looking at bringing in the cost of water for the residents that have been there since the City of London's tax grab when they were taken over from the Town of Westminster; apologizing for his frank speaking; expressing frustration that when you pay City taxes for 20 years and you have had no improvements, except that they are allowed to gift wrap two bags of garbage a week and deliver it to the street, that is the improvement that they have received; indicating that they should be treated like any other tax payer in the City; enquiring as to where the report from Mr. McNally is; realizing that Mr. McNally is no longer here, but someone from the City should have met with them, advised them of the cost and what the City can do; reiterating that nothing has happened; and, advising that they then receive the Notice advising of the public participation meeting on this matter.
- Steve Gibson, McKenzie Lake – indicating that the concern has always related to the water supply; advising that when his client advised him of this public participation meeting yesterday, he has had discussions with the City representative; advising that he is looking to receive the peer study; indicating that the information has not been provided to the landowners; indicating that, at this point, the primary concern has not been answered as to the supply and the quality of the water and the effects of the difference between the number of lots, whether it is 17 or 22; advising that the original objection about the water supply has not been answered to the satisfaction of the residents along South Winds Drive.
- Sandy Levin, 59 Longbow Road – advising that he was one of the people who reviewed the Environmental Impact Study; indicating that he has some questions and concerns to try and clarify, particularly the redline changes, to see if they have addressed some of the concerns; indicating that, it appeared, in the Environmental Impact Statement, that the backyards of some of the lots included lands that were designated Environmentally Significant Area; indicating that, even though there are some conditions of approval regarding future tree removal, encroachment into Environmentally Significant Area lands is very difficult to enforce, as Members of the Committee know; indicating that Condition 21 on Page 168 of the Planning and Environment Committee Agenda does not require fencing; noting that, in the Condition, monumenting is sufficient; advising that, this suggests to him that it still includes Environmentally Significant Area lands, which makes it easier to encroach and also makes it more likely that invasive species from those lots will end up in the Environmentally Significant Area; expressing appreciation that there is a requirement for all subdividers, who build adjacent to parts of the natural heritage system, to prepare a booklet of educational material; reminding the Committee that the brochure also come with lots of other

material that new homeowners get; noting that it is only in the hands of the new homeowner, not any future owners; advising that work still needs to be done on how to make the information more readily available, not only to the people immediately adjacent to the Environmentally Significant Area, but also to those who enjoy them; realizing that there was a discussion about this earlier today; advising that, with respect to the Stormwater Management Pond, which also remains to be seen, another Environmental Impact Statement is going to be required; enquiring as to why the Environmental Impact Statements would not have been done at the same time; and, indicating that it is not clear, at this point in time, whether the storm works are also going to be located in the Environmentally Significant Area.

- Valerie M'Garry, 37 Milmanor Place, Delaware – see attached submission. (2013-D14A/D12)

Voting Record:

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

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

Recommendation: That, on the recommendation of the Manager of Development Services and Planning Liaison, the following actions be taken with respect to a City-initiated application to amend the requirements relating to the implementation of holding provisions in Zoning By-law No. Z.-1:

- a) the proposed by-law, as appended to the staff report dated November 26, 2013, BE INTRODUCED at the Municipal Council meeting to be held on December 3, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to amend Section 3.8.2 (Holding Zone Provisions) by revising the "Purpose" to state that the "h" symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement and the Municipal Council is satisfied that the conditions of the approval of the plans and drawings for a site plan or the conditions of the approval of a draft plan of subdivision will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development;
- b) the Civic Administration BE DIRECTED to take all necessary steps in connection with future applications to bring forward a by-law for the purpose of removing "h" holding provisions at the same time as special provisions are recommended for subdivision agreements or special provisions are prepared for development agreements; and,
- c) the Civic Administration BE DIRECTED to undertake a comprehensive review of the current practice of applying holding provisions in By-law No. Z.-1, and report back on alternative planning and zoning tools that may be employed to redefine and reduce the use of redundant or unnecessary holding provisions in By-law Z-1;

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

Voting Record:

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, B. Polhill, P. Hubert (4)

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, B. Polhill, P. Hubert (4)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, B. Polhill, P. Hubert (4)

13. Land Needs Background Study for the 2011 Official Plan Review (O-7938)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the Land Needs Background Study for the 2011 Official Plan Review, the Land Needs Background Study BE ADOPTED as a Background Document for the Rethink London Official Plan Review process;

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

- Joe Pereira, on behalf of Kape Developments - confirming that staff is asking the Planning and Environment Committee to adopt the staff recommendation; and, enquiring how appeals work relating to matter.
- Sergio Pompilii, Sergio E. Pompilii & Associates Ltd. - understanding that, in two weeks, they have an opportunity to look at the scenario for the area he is concerned with, being East London, to see if they can be brought in; advising that there is not an oversupply for growth in East London; indicating that East London is different from other areas of the city; advising that there has been a decrease in the population in East London because there is not the land supply for housing, which hurts East London; and, advising that there is an existing population and existing infrastructure in East London that needs to be dealt with. (2013-D08)

Voting Record:

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

14. Secondary Dwelling Units (OZ-8053)

Recommendation: That, the application of the City of London, relating to an Official Plan Amendment to introduce new city-wide policies related to secondary dwelling units and for a Zoning By-law Amendment to introduce regulations related to secondary dwelling units BE REFERRED back to the Civic Administration at a future public participation meeting of the Planning and Environment Committee, for the following:

- a) to provide further clarification;
- b) to receive advice from the London Housing Advisory Committee; and,
- c) to receive advice from the Town & Gown Committee. (2013-D14A)

Voting Record:

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

Motion to refer to the report back to the Civic Administration to hear from the London Housing Advisory Committee and the Town & Gown Committee and to report back at a public participation meeting in early 2014.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White (6)

15. Properties located at 3924 and 4128 Colonel Talbot Road (OMB File: PL130130, PL130131, PL130132)

Recommendation: That, it BE NOTED that the Planning and Environment Committee reviewed and received a communication dated November 25, 2013, from S. Stapleton, Vice-President, Auburn Developments, withdrawing his request for delegation status relating to this matter. (2013-L01/D12)

IV. ITEMS FOR DIRECTION

16. 11th Report of the London Advisory Committee on Heritage

Recommendation: That, the following actions be taken with respect to the 11th Report of the London Advisory Committee on Heritage (LACH) from its meeting held on November 13, 2013:

- a) the minutes of the Stewardship Sub-Committee and verbal presentation from J. Lutman, from its meeting held on October 30, 2013:
 - i) the residence located at 371 Wharnccliffe Road North BE ADDED to the Inventory of Heritage Resources as a Priority 2 listing, for historical and contextual reasons; and,

- ii) a notice of the Municipal Council's intention to designate the property located at 664 Dundas Street (Clay Arts Building) to be of cultural heritage value or interest BE GIVEN, for the reasons appended to the 11th Report of the London Advisory Committee on Heritage, under the provisions of Section 29(3) of the *Ontario Heritage Act, R.S.O. 1990, c. O.18.*;
- b) on the recommendation of the Managing Director of Land Use Planning and City Planner, with the advice of the Heritage Planner, the Heritage Alteration Permit Application of the Roman Catholic Diocese of London, requesting permission for a revision to the designation by-law of the designated heritage property located at 1070/1040 Waterloo Street, BE APPROVED; it being noted that the Heritage Planner has reviewed the proposed revision and has advised that the impact of such alteration on the heritage features of the property identified in the reasons for designation is negligible; and,
- c) clauses 3 to 8, inclusive, of the 11th Report of the LACH BE RECEIVED.

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White
(6)

17. Review of Planning Application Fees

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, pursuant to the PricewaterhouseCoopers Quarterly Report on Internal Audit results and further direction from Municipal Council respecting planning application fees, the proposed by-law, as appended to the staff report dated November 26, 2013, BE INTRODUCED at the Municipal Council meeting on December 3, 2013;

it being noted that the Planning and Environment Committee reviewed and received a communication dated November 22, 2013 from J. Kennedy, London Development Institute, with respect to this matter. (2013-C01)

Motion Passed

YEAS: J.F. Fontana, N. Branscombe, D.G. Henderson, B. Polhill, P. Hubert, S.E. White
(6)

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. CONFIDENTIAL

(Confidential Appendix to the 25th Report of the Planning and Environment Committee enclosed for members only.)

The Planning and Environment Committee convened in camera from 7:55 PM to 8:10 PM, after having passed a motion to do so, with respect to the following matter:

- C-1 A matter being considered pertaining to litigation with respect to appeals to the Ontario Municipal Board by Colonel Talbot Developments Inc. as relates to applications for draft plan of subdivision, Official Plan amendment and Zoning By-law amendment; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with appeals to the Ontario Municipal Board by Colonel Talbot Developments Inc., as relates to applications for draft plan of subdivision, Official Plan amendment and Zoning By-law amendment.

VII. ADJOURNMENT

The meeting adjourned at 8:10 PM