

4TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on February 18, 2014, commencing at 4:02 PM, in the Council Chambers, Second Floor, London City Hall.

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

ALSO PRESENT: Mayor J.F. Fontana, Councillors D. Brown and J.P. Bryant and G. Barrett, M. Davis, B. Debbert, M. Elmadhoon, J.M. Fleming, T. Grawey, B. Henry, P. Kokkoros, G. Kotsifas, B. Krichker, A. Macpherson, L. McDougall, C. Saunders, R. Sharpe, M. Tomazincic, A.B. Watson, S. Wilson and J. Yanchula.

I. CALL TO ORDER

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

II. CONSENT ITEMS

III. SCHEDULED ITEMS

2. Property located at 2263 Dundas Street (Z-8273)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of York Development Group, relating to the property located at 2263 Dundas Street:

- a) the proposed by-law, as appended to the staff report dated February 18, 2014, BE INTRODUCED at the Municipal Council meeting to be held on February 25, 2014, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Highway Service Commercial/ Restricted Service Commercial (HS1/HS4/RSC2/RSC3/RSC4) Zone, which permits animal clinics and hospitals, assembly halls, automobile rental, repair, service and sales establishments, bake shops, brewing on premises establishment, bulk sales establishment, car washes, catalogue stores, clinics, commercial recreation establishments, convenience service establishments and stores, day care centres, dry cleaning and laundry depots, duplicating shops, emergency care establishments, financial institutions, florist shops, funeral homes, gas bars, home and auto supply stores, home improvement and furnishing stores, hotels, kennels, laboratories, liquor, beer and wine stores, medical/dental offices, motels, pharmacies; personal service establishments, private clubs, repair and rental establishments, restaurants, service and repair stations, studios, taverns, taxi establishments and video rental establishments TO a Restricted Service Commercial Special Provision (RSC2/RSC4(_)) Zone, to permit a limited amount of specialized retail uses and special zoning regulations, to reduce the exterior side yard, to increase the maximum gross floor area for convenience store use, to reduce the rear yard setback, to reduce the required number of stacking spaces for a drive through facility and to reduce the required number of parking spaces; and,
- b) the Site Plan Approval Authority BE REQUESTED to implement, through the site plan approval process, tree planting in the Veterans Memorial Parkway right-of-way consistent with the landscape plan being implemented through the Veterans Memorial Parkway Community Program;

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter. (2014-D14A)

Voting Record:

Motion Passed

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

Motion to open the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, P. Hubert, J.L. Baechler (4)

Motion to close the public participation meeting.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, P. Hubert, J.L. Baechler (4)

3. Property located at 350 Oxford Street East

Recommendation: That, on the recommendation of the Manager, Development Services and Planning Liaison, the following actions be taken with respect to the site plan approval application of Farhi Holdings Corporation, relating to the property located at 350 Oxford Street East:

- a) the Approval Authority BE ADVISED that, at the public participation meeting of the Planning and Environment Committee held with respect to this matter, the following issues were raised with respect to this matter:
 - i) architecture;
 - ii) pedestrian safety;
 - iii) the location of the entrances; and,
 - iv) signage;
- b) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan Application for a pharmacy located at 350 Oxford Street East;

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

- a communication dated February 12, 2014, from C. Bryk, 290 St. James Street;
- a communication dated February 13, 2014, from L. Neumann, by e-mail;
- a communication dated February 12, 2014, from M. McAlpine, by e-mail;
- a communication from D. Reeves, 852 Hellmuth Avenue;
- a communication dated January 29, 2014, from G. McCormack, Chair, St. George's School Council;
- a communication dated February 12, 2014, from J.K. Dickinson, by e-mail;
- a communication from L. Kaufman, 778 Hellmuth Avenue; and,
- a communication dated February 13, 2014, from T. Kane-Callender and N. Callender, 779 Waterloo Street;

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

- Craille Scott-Barre, 774 Hellmuth Avenue and Member of the Bishop-Hellmuth Community Association – indicating that she is speaking on behalf of the Bishop-Hellmuth Community Association and the Board Members who were unable to attend the meeting; indicating that the Bishop-Hellmuth Community Association called a meeting on October 23, 2013, at the St. John the Evangelist Church; advising that representatives from St. George-Grosvenor Community Association and St. George's School attended the meeting; indicating that the topic was the proposed development at Waterloo Street and Oxford Street; advising that, at the conclusion of the meeting, everyone was on the

same page; noting that the concerns were the same and the desires were the same; realizing that many people in the room will recognize how rare that is; advising that the Community Associations involved have been consistent since the beginning of this process and continue to be so; indicating that the communications that she forwarded to the Councillors from the Bishop-Hellmuth Board of Directors speak more eloquently than she can to the neighbourhood concerns; reiterating that the points are all the same; advising that they welcome a development on this corner of the Heritage District, which has been an eyesore for many years; indicating that what they are asking for is simply logical; advising that, if Rexall is calling this is a flagship, then make it look like it belongs in a Historic Conservation District; advising that the most dismaying part of their struggle has been the insistence of the architects on ignoring the walkability factor in our area; indicating that the walkability is between 70 to 89 percent, which is extremely high; indicating that placing the doorways in the parking lot facing east, away from the neighbourhood and the Richmond Street/Oxford Street foot traffic is simply foolish; advising that there are three Shoppers Drug Mart's within walking distance of their neighbourhood; noting that some of them are a good walk, but are still within walking distance; indicating that, if Rexall wants to compete with them, and we welcome them to do so, then please make it work for the neighbourhood; and, advising that they would appreciate the Planning and Environment Committee's support in this matter.

- Mari Parks, 798 Hellmuth Avenue – indicating that she has been involved with this process for quite some time; speaking to comments made in The London Free Press this morning because she does not feel that they have had satisfactory meetings with the developer, Mr. Farhi and Zelinka Priamo Ltd.; indicating that, on August 8, 2013, a meeting that was held to comply with instructions passed by the Municipal Council on July 30, 2013; advising that the purpose of the meeting was to solve issues related to the development of the property prior to the site plan approval, which is today's meeting; indicating that the major issues were the position of the doors and the signage; noting that these issues were, and still, are not meeting the expectations of the community; advising that all of the letters that have been sent in have been very consistent about these matters; noting that a survey was completed about these issues; indicating that the overall tone of the meeting was not one of working together and compromising; noting that it was, this is the way it is and will be; indicating that, at that time, Don Clarke, Rexall, did recognize with her that the community and the developer were not there yet in agreeing on the design of this development; indicating that some compromise has been made with the brick colour and the canopies but the major features of the doors and the signage have not; indicating that, on December 11, 2013, members of the Bishop-Hellmuth Community Association met with the London Advisory Committee on Heritage and presented their concerns on the design issues; noting that exactly the same kind of thing has happened at that time; reiterating that, once again the signage and the position of the doors were emphasized; advising that the London Advisory Committee on Heritage sent a message back that the design issues could be better; indicating that on January 13, 2014, Zelinka Priamo Ltd. hosted an open house to show their latest design concept as instructed by the Planning Department staff; noting that it was a show and tell perspective; advising that it evolved into a Town Hall meeting at the insistence of the approximately 30 people that were at the meeting; indicating that they were originally told that it was a come and see meeting; however, their community did pull together and had a discussion with the representatives; reiterating that, once again, the signage and the position of the doors on the southeast corner were the topics of discussion; reiterating that this is very consistent throughout the process; indicating that the pictures that they saw, at that meeting, are very different than what is being shown at the meeting today; indicating that these pictures are more consistent with what they saw back in the Fall; advising that there is no consistency happening with this building at all; indicating that the community has been very consistent with what it sees as suitable design features for the building; indicating that they do not see this building being conducive to the many residents that walk in this area; indicating that ReThink London supports having neighbourhood services within easy walk accessibility, which is something this building

lacks with both doors on the east side off the parking lot; reiterating that each time they have seen drawings, they have changed and they are not seeing consistency at all; and, requesting assurance that what they see is what they will get and live with in this neighbourhood for some time.

- Greg McCormack, area resident and St. George's School Association – indicating that they are very excited to have the drugstore there as part of their neighbourhood; however, he is disappointed at the lack of consideration of their requests in the consideration of the design stage; advising that the things that they have asked for have never really appeared in a concrete position; indicating that he supports the heritage district and his neighbours; noting that he is less concerned with the optics as he does not live right there; advising that the gas station across the street did a great job; indicating that they see great respect and great interest in the community that he does not see here; indicating that he is also representing St. George's School Council; indicating that they have children walking by this driveway several times a day; advising that he has learned that his desire to not have a driveway on Waterloo Street is not going to happen and is not going to work for business; indicating that he did suggest a number of things that would help, for the safety of their children, and although he heard good things in talking to the developer at the meetings, he does not see anything in there that is a concrete; enquiring as to whether or not it is just talk and the building is going to be put up and their children are at risk; and, advising that they are just asking that the community, the neighbourhood, the architecture and their children, are respected.
- Marlyn Loft, 784 Wellington Street – emphasizing that this is in a Heritage Conservation District; indicating that the Heritage Conservation District was created after four years of hard work by City staff and the neighbourhood went into the process of designating this a Heritage Conservation District; advising that it sets a very bad precedent, both for the Bishop-Hellmuth neighbourhood and for other Heritage Conservation Districts in London if the developers are not required to follow the guidelines; indicating that the development should enhance rather than erode the unique architectural integrity of the neighbourhood.
- Pam Glew, 327 St. James Street – indicating that she has the privilege of living in a heritage district; indicating that she also has a property in a heritage district in the United Kingdom; advising that she works and volunteers at Fanshawe Pioneer Village so it could be said that she has a vested interest in architectural preservation and in maintaining the integrity of the visual environment in a city that is blessed with an astonishing number of beautiful buildings and districts; indicating that she listened with great care to Ms. Wilson's initial statement of the situation and was horrified to find that no reference was made to the fact that this intended building is at the gateway to our Heritage District and she conceded, as a visual insult, to our beautiful homes and to the appearance of that District and beyond that District; advising that, it seems to her, that there is no point in the Council applauding and supporting Heritage Districts and the efforts of those who live in them to preserve the appearance of their homes and other structures if they are not going to insist that any new building, which encroaches on such Districts, does not conform with even the minimum requirements of its appearance, its architectural design and its finishing details; and, advising that she believes that we should all be concerned of this erosion of that concept, which, in fact, will be to the detriment to London's reputation in preserving its historical heritage.
- Michelle Doornbosch, Zelinka Priamo Ltd., on behalf of the applicant – expressing appreciation to the Civic Administration for working with their tight deadlines on this project; advising that Rexall has given many concessions with respect to the design of the building; indicating that they have worked with staff; indicating that Rexall has provided them with an opportunity to accommodate a lot of the requirements that staff have asked for in terms of the design, such as the brick, the architecture, canopies and windows surrounding the building; reiterating that these were items that they could accommodate, both from the City's perspective and Rexall's perspective; indicating that one of the items that they did have to accommodate in order for Rexall to maintain their corporate image is the white signage, which is the Rexall individual letters, as well as the aluminum paneling, which is the turquoise color;

differentiating between the two, Rexall is the white signage, the blue panel is an architectural component of the building which can be removed in the future; indicating that one of the main components of the design that they tried to accommodate, is that all of the features do allow for a new user to come in, retain the brick and the architecture, the corner windows can be removed and an entrance at the corner of the building; recognizing that the public is concerned with the design that they see before them, but they have come a long way; advising that they have taken this to the London Advisory Committee on Heritage twice and the London Advisory Committee on Heritage has now approved their Heritage Alteration Permit based on this final design; indicating that they did accommodate elevated corner feature elements into the building; noting that there is even some additional detail inserted into the brick; indicating that they did accommodate an entrance on Oxford Street; realizing that, with the back and forth discussion, there was a bit of confusion in terms of the design of this building for the public, but we have accommodated this entrance directly beyond the bus stop so that they do have that option for pedestrians; indicating that some of the concern is to the community to the west, but again, the door is located further to the east, so I guess it depends on which area of the community you are coming from; indicating that they have tried to accommodate the pedestrian traffic as best as possible; advising that, with respect to the Heritage Conservation District, we would like to point out that the guidelines for the Bishop-Hellmuth Area do specifically allow a contemporary building design to be located on this property; advising that they have tried to accommodate some historical elements and mix them appropriately with contemporary elements; indicating that they have brought some other proposals forward; advising that some of the other features that were shown on the building were based on the comments that they received from the public; noting that they discussed those elements with the urban design staff, who were not entirely happy with the changes that were made; indicating that the image that you see before you is the final design that we have come up with in working with staff and Rexall together; advising that they have tried to accommodate all of the comments as best as possible; noting that the most recent public meeting that we had in January, the majority of the concerns actually related to safety for students walking to school along Waterloo Street; and, advising that they have incorporated some additional safety measures in the site plan in the hope that they can address some of those concerns as well. (2014-D11)

Voting Record:

Motion Passed

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

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

4. Properties located at 100 Fullarton Street and 475 Talbot Street (Z-8285)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Rygar Corporation Inc., relating to the properties located at 100 Fullarton Street and 475 Talbot Street:

a) the proposed by-law, as appended to the revised staff report dated February 18, 2014, BE INTRODUCED at the Municipal Council meeting to be held on February 25, 2014, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Downtown Area (DA2) Zone, which permits a wide range of office, commercial, retail, residential and institutional uses and a Holding Downtown Area (h-3•DA2•D350) Zone, which permits a wide range of office, commercial, retail and institutional uses, a range of residential uses up to a maximum density of 350 units per hectare, with a holding provision requiring the completion of a wind impact assessment to ensure development over 15.0 metres will not have an adverse impact on pedestrian level wind conditions in the Downtown prior to the removal of the holding provision TO a Downtown Area Bonus (DA1•D350•B(_)) Zone, to permit a wide range of office, commercial, retail and institutional uses and a range of residential uses including apartment buildings at the same height and density as the existing zone, with a bonus zone which will facilitate a development design which includes a 33-storey (108.15 metre tall) mixed-use apartment building, with a podium base accommodating commercial/retail space on the ground floor and a mix of structured parking, residential, and/or office space above the ground floor, which shall be implemented through a development agreement in return for the provision of the following services, facilities and matters:

i) a point-tower building design which, with minor variations at the City's discretion, (such variations may include the extension of the podium northward), matches the Site Plan, Elevations, Sections and Renderings as appended to the revised staff report dated February 18, 2014 as Schedule "1", and includes an architecturally differentiated base, middle and top with:

- A) the base consisting of the portion of the façades between the ground floor and the top of the 6th floor with a maximum height of six (6) storeys, positioned at the front and exterior lot lines at the corner of Talbot Street and Fullarton Street, incorporating architectural detail which creates a prominence on the Talbot/Fullarton Street corner, including retail uses at street level abutting the Fullarton and Talbot Street frontages, with a minimum ceiling height of 3.6 metres and transparent glazing of at least 2.5 metres in height, for 60% or more of the frontages, with entrances to each retail unit provided, where possible, directly to the street, flush with the sidewalk grade, including permanent canopies or architectural elements projecting above pedestrian entrances at street level and a mix of structured parking, residential, and/or office space above the ground floor with any above-grade structured parking being screened with a variation in materials and colours;
- B) the middle portion consisting of the portion of the façades between the top of the base and the top of the 32nd floor clad primarily in glass window-wall panels and employing balcony design which creates articulation and variation in the facades, includes variation in the massing of the tower through building step-backs with a combination of vegetated green roof and outdoor amenity space incorporated into the building step-backs and terraces; and,
- C) the top consisting of the portion of the façades above the top of the 32nd floor, employing building step-backs on the 33rd floor to provide for outdoor terraces, employing further step-backs above the 33rd floor to articulate the top of the building, using attractive materials and architectural design to screen all mechanical elements located above the 33rd floor, using high-quality building materials and incorporating decorative lighting elements to create an aesthetically pleasing cap;

- ii) two (2) levels of below grade parking (minimum 65 spaces);
 - iii) locating waste and recycling facilities within the proposed building screened from views of adjacent properties;
 - iv) providing barrier-free access to all floors (to the extent feasible to facilitate access and use); and,
 - v) the provision of public art;
- b) the Site Plan Approval Authority BE REQUESTED to implement the design features recommended in part a), above, through the Site Plan approval process, as well as consider, where possible:
- i) additional screening of the receiving/moving/garbage truck bays from the Talbot Street sidewalk;
 - ii) landscaped screening west of the six (6) northern most surface parking spaces;
 - iii) a modified design for the fenestration in the vertical strip which extends along the tower portion of the building on the north and west elevations to provide for a more aesthetically pleasing contribution to the skyline; and,
 - iv) the use of glazed accent windows in place of or in addition to the aluminium panel slot detailing on parking garage facades to provide an opportunity for breaking up the façade (especially at the corner) and animating the façade at night;
- c) pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law as the amendments are minor in nature;

it being noted that the Planning and Environment Committee reviewed and received a communication from the residents of 500 Talbot Street with respect to this matter;

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

- A.R. Patton, Patton Cormier and Associates, on behalf of the applicant – expressing appreciation to the Civic Administration for their efforts; expressing support for the recommendation; indicating that the façade of the Talbot Street streetscape, they are not trying to replicate something that was not there; noting that it was a parking lot and before that it was an auto glass repair shop; indicating that the height of 110 metres relates to the smaller floor plates, the density and the increase in the number of units; noting that they are inter-related; advising that the message really is that this is a well thought out design for this building; advising that the Ontario Building Code has been amended with new structural requirements for glass; and advising that there are no variances required for the DA1 Zone; noting that they have sought a change from the DA2 Zone for both height and density.
- Sal Vitiello, Richmond Architects – indicating that his firm has been practicing doing high rise residential, primarily, for the last 25 years; noting that the firm has been going since 1931; advising that they have employed lessons that they learned from doing buildings on smaller sites in the City of Toronto and other cities in Ontario; indicating that they have learned that the building does have to be broken down into three elements, as Mr. Davis mentioned in his presentation; indicating that they have also found that some of the building sizes that were shown, in the earlier slides, show larger buildings most likely with larger units that are not what they call a point tower design; indicating that point tower designs are generally found in Vancouver, Toronto and other cities and are listed at around 750 metres in size; indicating that the reason for this is that they would rather go up in height and limit the amount of sky that they actually block and the amount of shadow that is produced; advising that the idea is to move that shadow through the adjacent properties by no more than a few hours so that the shadow moves completely over the properties and allows the most amount of sunlight as possible; outlining that, as mentioned by Mr. Davis, the site is bounded by Talbot Street on the right of the slide and Fullarton Street is on the south side of the slide in his presentation; advising that, on the north end of the site, they have

tried to put all of the service lanes into the building to keep all of the garbage, shipping and receiving, for the commercial and the office spaces, as well as the residential spaces, to the rear of the building where it is out of the way and quiet in the neighbourhood; indicating that the basement levels are for parking and bicycle storage with some other storage spaces that they will have for lockers; indicating that there are two levels of basement in this particular project and they have geotechnical reports that show that it does support the two levels of underground; advising that, on the ground floor, the yellow section in the middle, shows the residential lobby; advising that there are three distinctive commercial retail spaces and, at the rear of the building, you will see the ramps and loading bays (in blue); indicating that there is a truck turnaround that is cut into the rear of the building that is high enough for the trucks to pick up and leave the site without bothering the balance of the neighbourhood; advising that the second floor is serviced by a ramp up from the next loading area and is parking; reiterating that floors two to six are parking, the seventh floor is office space that has access to a terraced area, the eighth floor is amenity space (in blue) for the building and accesses the roof and the seventh floor terraced landscaped deck; advising that there are approximately ten units per floor; indicating that the units vary in sizes from over 1,000 square feet; noting that they can join units together to combine one bedroom and two bedroom units into three bedroom units, if required; indicating that the residential is aimed at a higher end condominium use; noting that it is not meant to be for rental; advising that the upper floors step back so that it gives them the top of the building; indicating that this section shows the residential in the gold colour, the blue is the parking levels (from 2 to 6), and the brownish-purple layer is the office space with the residential above it in the blue; pointing out that there are two blue levels down below and then there is a grey area that is the commercial space, retail space on the ground floor (which is two storeys in height); advising that they were at the urban design review panel a short while ago and some of the comments, in particular, were to break the elevations down a little bit further; noting that they have done so and, as a result, there is a slight change in the renderings that were shown earlier; noting that his presentation incorporates some of the changes that the urban design peer review panel gave them; advising that they think that this improves the building, gives it a very distinctive look; advising that the materials at the base of the building are metal panels and the darker, thicker pieces are pre-cast panels; noting that it is mostly a glass building with some pre-cast; and, advising that the parking garage is treated with some architectural decorative elements so that it does not look like a parking garage. (see attached presentation).

- S. Farhi, Farhi Holdings Corporation – expressing support for the proposed development; and indicating that more development like this is more than welcome.
- Dave Nuttall, 500 Talbot Street – indicating that the residents of 500 Talbot Street have submitted a communication to the Planner; requesting clarification on three or four issues; indicating that the first issue is that the applicant is requesting to rezone this property from a DA2 Zone to a DA1 Zone and the applicant requires variances; advising that there is nothing that you need a variance for in DA2 Zone that you cannot get in a DA1 Zone, with the exception of landscaping; noting that landscaping for a DA2 Zone is 5% of the area of the lot and landscaping for a DA1 Zone is zero; advising that he has looked at the site plan and it looks like they have open space at the back; advising that he does not really see why they need to go from a DA2 Zone to a DA1 Zone for a 5% variance in landscaping; suggesting that the applicant be given the variances that they are asking for, the height that they are asking for, the density that they are asking for and the setbacks that they are asking for but keep the zoning as DA2; indicating that the residents at 500 Talbot Street are worried about is that they do not want what is happening on Dundas Street to happen in their neighbourhood; advising that the residents at 500 Talbot Street are the only people in the area that own units; noting that the majority of the units in the area are rentals; indicating that he thought that the applicants wanted to have landscaping out front, with coverage; expressing surprise that they are parachuting a DA1 Zone right across the street from them in the middle of all of this DA2 zoning;

expressing concern that if that happens, the DA1 zoning is going to spread and the whole area is going to turn into DA1 Zone; indicating that, outside of the landscaped coverage of 5%, for open space, they can accomplish the same amendments to the DA2 Zone that they are trying to get into the DA1 Zone; advising that their second concern relates to the density; advising that the list of buildings that staff quoted in their report, like the Renaissance Centre and the Harriston, their math is a little out; believing the Renaissance Centre does not have 600 units; advising that there are only 199 in the second building that they built, which means that they are trying to say that there are 400 units in the first building; using that as a guide, and coming back on the premise that these folks are building smaller units, they can live with an increase in the density such as a 50% increase over 700 units per hectare; enquiring as to whether or not they are getting this just because they asked; enquiring as to how staff came up with that number; enquiring as to whether or not there a logical mathematical formula and if they are following other examples, then the density should not increase 1,000 per unit; advising that his last question relates to clarification on the height of the building; indicating that, in the Downtown, the only project that has asked for a 110 metre height, to the best of his knowledge, is One London Place; advising that he believes that Sifton Properties Limited and London Life could have gone wall to wall with their building, but they did not do that because they squished it in and they have a nice open concept area; believing that they asked for another 20 metres, which would be a fair way to look at it instead of just coming in and saying well it's 90 metres, can I have 110 metres; advising that the residents of 500 Talbot Street are looking for some type of a reasoning why the 110 metres is allowed because if you look at the plan shown on the screen, the building is wall to wall, from Fullarton Street to Talbot Street; indicating that they are pretty much 100% without any setbacks; noting that Gene Drewlo got 95 metres, an increase in 5 metres of height, on his project on Dundas Street and Waterloo Street; indicating that probably his argument would be to come in and this is what is happening to a lot of buildings here; advising that, in Downtown London you can only go down one or two storeys; noting that if you go any further down than that and you are hitting water, you are not building; realizing that it is forcing these guys to put the parking above the first floor; indicating that, for that reason, you can see them asking for an increase in height; advising that you can ask them why the 19 metres; indicating that his last question relates to the Official Plan; noting that he believed that it would require an Official Plan Amendment, but he was advised by Staff that it would not require an Amendment to go from DA2 Zone to DA1 Zone; noting that his other comments have been answered by the submissions; indicating that another concern is with the glass falling off these buildings and expressing concern that the same thing is going to happen on this once you get up to a certain height; noting that the bulk of that glass is coming from the balconies because of the wind movements up there and it creates voids and vacuums and it sucks out this glass; noting that the glass does not fall off on its own, it is the wind doing it; recommending that the wind study will take this into account; noting that this is an all glass façade building; advising that the building design has been changed quite a bit, there are new materials running down the sides of the building; enquiring as to the purpose of the residential units; indicating that he believes that the units are to be condos for sale; advising that the residents of 500 Talbot Street are curious as to whether the units are going to be student housing, regular rental or home ownership; advising that they have approximately 40 signatures on a petition; advising that they are in favour of something going in at that location; advising that some of the residents have complained that it is going to block their view; and, realizing that there are two or three more vacant lots there and when they build those, that will block the view further.

- Oliver Hobson, 45 Evergreen Avenue – enquiring as to whether or not there is going to be any effort made to maintain a consistency of view on the Talbot streetscape; indicating that, many years ago, where the Harriston is now, was 484 Ridout Street and the bonusing was used during that process to put a façade around in in respect of Eldon House and further up the street there; advising that there are two corner blocks

that are gone on Talbot Street; noting that this is one of them; reiterating that the other one was mentioned earlier on; advising that if it can be re-established, maybe we can maintain a consistency of view there; indicating that this appears to be in London's legal district, on the way to the court house; and, hoping that there is a way that that can be worked in. (2014-D14A)

Voting Record:

Motion Passed

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

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

5. Property located at 9345 Elviage Drive (OZ-8280)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Kaizen Homes Inc., relating to the property located at 9345 Elviage Drive:

- a) the request to amend the Official Plan BY ADDING a special policy to Chapter 10 – Policies for Specific Areas, to permit one single detached dwelling at the north-east corner of the property in the Open Space designation, BE REFUSED for the following reasons:
 - i) the proposal is not consistent with the Wise Use and Management of Resources policies of the Provincial Policy Statement (PPS);
 - ii) the proposal is not in keeping with the policies of Chapter 15 – Environmental Policies, of the Official Plan; and,
 - iii) the proposal is not in keeping with the policies of Chapter 10 – Policies for Specific Areas, of the Official Plan;

- b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Holding Open Space (h-2•OS4) Zone, which permits conservation lands and works, golf courses, private and public parks, and recreational golf courses without structures, cultivation or use of land for agricultural/horticultural purposes, and sports fields without structures, an Open Space (OS5) Zone, which permits conservation lands and works, passive recreation uses and managed woodlots, an Environmental Review (ER) Zone, which permits conservation lands and works, passive recreational uses, managed woodlot and agricultural uses and a Holding Agricultural (h-2•AG2) Zone, which permits agricultural uses, livestock facilities, a farm dwelling, forestry uses, kennels, conservation lands, wayside pits, a nursery, passive recreation use, a farm market and a small wind energy conversion system BY ADDING a special provision to the Open Space (OS5) Zone, to permit a single detached dwelling in the north-east corner of the property, BE REFUSED for the following reasons:
 - i) the proposal is not consistent with the Wise Use and Management of Resources policies of the Provincial Policy Statement (PPS);
 - ii) the proposal is not in keeping with the policies of Chapter 15 – Environmental Policies of the Official Plan; and,
 - iii) the proposal is not in keeping with the policies of Chapter 10 – Policies for Specific Areas, of the Official Plan;

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

- a communication dated February 7, 2014, from A. Caveney, Nature London; and,
- a communication dated February 13, 2014, from C. Creighton, Land Use Planner, Upper Thames River Conservation Authority;

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

- Michelle Doornbosch, Zelinka Priamo Ltd., on behalf of the property owner, 186559 Ontario Inc. – indicating that the application was before the Committee in 2013 for information purposes only; indicating that the correct owner is 186559 Ontario Inc, not Kazien Homes; advising that the Senior Planner provided a history of the site; advising that when the applicant first brought a development proposal for these lands forward in 2008, it was for a six lot residential development located at the rear of the property; indicating that a portion of the property is zoned for agricultural purposes, which does allow for development; indicating that there were no additional reports submitted with that application to support that development; noting that the applicant did go through some of that process and do some studies, they did find that reducing the limit of the proposal for these lands for one single detached dwelling located at the front of the property would have a much lesser impact on the environmental heritage features on the property; advising that, based on that, the applicant did reduce their proposal; indicating that, otherwise they would be looking at utilizing to access this property at the back, would be requiring a culvert which would create much more impact on the wooded area and the wetland area; noting that staff provided a steep slope map in their presentation; reiterating that these are some of the reasons that the development proposal was reduced; recognizing that there is some development potential at the rear of the property; expanding on the information provided by the Senior Planner, the dark blue, on the map on the screen, is the Ministry of Natural Resources boundary for the wetland; advising that the light blue is their wetland boundary, based on their certified Wetland Boundary Evaluator; noting that this was also done at the same time as the City of London's wetland evaluator; advising that those two limits were identified; indicating that part of the reason that they have not submitted this information to the Ministry of Natural Resources is, from their perspective, they are expanding on the wetland area; noting that it is greater; advising that if they were to maintain the Ministry of Natural Resources boundary, they are a significant distance from that and based on the Ministry of Natural Resources boundary, this development would have limited impact on the setback distances that are provided; advising that they have identified in their Environmental Impact Statement the limits of the wetland; indicating that they have identified any impacts that there would be; noting that there are none given the fact that the development is outside of the wetland area; advising that their Environmental Impact Statement identified that this development would enhance the wetland area because of the invasive species that are located on this property that will, over time, take over that wetland area and will, without any stewardship program that is implemented on this property, the wetland will have issues in the future; indicating that that is the conclusion that they came to; noting that there is a difference of opinion on the criteria for the Environmentally Significant Area boundary delineation; recognizing that, in discussing with staff and in speaking to the slide on the screen, in particular, the Environmentally Significant Area boundary does cover, essentially, the entire frontage of the property; advising that, what staff had outlined to them, in their last meeting, is that that boundary is identified by following the tree line on the aerial photograph; advising that this was not the result of any site visits; further noting that she does not know if staff has visited the site since there meeting; expressing concern with the Environmentally Significant Area boundary delineation because it does not take into consideration that there is a large, cleared area in the middle of this property; recognizing that that was as a result of someone else's actions in the past; indicating that, at this point in time, we have to recognize that there is an area of

development there; advising that the cleared area is very large; indicating that this is not an area that new trees are going to grow; noting that it is a cut area that is not going to be revegetated; advising that, as part of this proposal, they are planning to revegetate the area; indicating that it would be a modest driveway in, which is much narrower than what the Committee has been shown; advising that there is much more opportunity to bring this area back to a natural state than just leaving it as it sits; advising that they have completed the studies, including the environmental study, the hydrogeological study and they have shown that there are no impacts on the wetland area from this; indicating that the difficulty that they are having is whether or not they recognize the fact that there is a cleared area on the property; reiterating that it happened in the past and was not done by their client; pointing out, that at this point in time, the cleared area, in the centre of the property, is not environmentally significant; noting that it is a grassed area in the middle of a forest; requesting that it be recognized that something can be done with this space; advising that there are opportunities if there are concerns with the location of the dwelling that they have proposed in relation to the wetland; advising that they have some flexibility in shifting the dwelling; asking the Committee to please consider the fact that there is an open space there; advising that there is available room for a dwelling that, over the long term, will have a greater benefit to the environmental area than just maintaining the property with nothing on it; advising that the property is 22 acres; advising that their client has been paying residential property taxes on the property since owning the property; indicating that, from that perspective, this property is recognized as a residential property; requesting that, given the special circumstances, recognition be given for the development area being proposed is not part of the Environmentally Significant Area, is not part of the feature or function of the property; outlining that there is opportunity develop; advising that, when this application originally went to the Upper Thames River Conservation Authority, a permit was issued for a single detached dwelling; indicating that the Upper Thames River Conservation Authority was provided with various reports and they did grant approval of the dwelling in a location that was further into the property than what they are currently proposing; noting that they have brought the dwelling out; indicating that she had discussions with M. Snowsell, Upper Thames River Conservation Authority, with respect to an extension on the permit; indicating that she was advised that, once they complete the rezoning process, there is no reason that the permit can be reissued based on the information that they had provided to the Upper Thames River Conservation Authority in the past; realizing that the Upper Thames River Conservation Authority has come forward with concerns at this time; requesting that it be acknowledged that there was opportunity for it at some point; requesting acknowledgement that nothing has changed on the site; reiterating that there is no difference in the site; advising that the Upper Thames River Conservation Authority thought that the lands were zoned but based on that, all of the reports are still the same; reiterating that they are asking the Committee to understand and recognize that this is a special circumstance and allow something to happen with this property; suggesting that we cannot just leave 22 acres to sit sterilized with nothing occurring on it so we have to look at the opportunities, what we can do and in a way that has the least amount of impact on the environmental area and hopefully, over the long term, will have a benefit to it; and, advising that part of the conditional permit that was issued by the Upper Thames River Conservation Authority did require the applicant to provide the final details of the geotechnical study to define where the dwelling is to be located and will assess that in relation to the slopes on the property.

- Mark Snowsell, Land Use Regulation Officer, Upper Thames River Conservation Authority – providing comment with respect to the involvement of the Upper Thames River Conservation Authority through the Senior Planners report and the comments made by Ms. M. Doornbosch, Zelinka Priamo Ltd.; indicating that there is a fairly lengthy history of involvement with this property by several parties; advising that the Upper Thames River Conservation Authority involvement got started with the cutting of the trees and the laying down of gravel for a driveway back into the property off of Elviage Drive; indicating that this was an activity that required involvement by the Upper Thames River

Conservation Authority and the City of London to come up with a restoration plan with the owner at the time; advising that they are dealing with different owners; advising that all parties have been acting in good faith but they have seen different proposals come forward over time; advising that, as recently as August, 2009, they were still looking at and discussing with Kaizen Homes, a proposal to look at the development of the area that has been referenced as agricultural, which straddles the eastern property line to approximately half way back in on the property on that east side; indicating that, almost exactly one year later, they were advised that a building application had been received by the City of London that dealt with a single family residential dwelling up in the extreme northeast corner of the subject lands; advising that they were surprised by this as they had not heard anything from the previous year; reiterating that, in 2009, there was still the notion of a rather ambitious attempt to try to get over the deeply incised wooded ravine that traverses a good portion of the property; indicating that, a year later they were informed of an application that was apparently supported by additional studies and reports; advising that, up until that point, they had not seen; advising that, the more you look at something, the more you find; noting that additional study had been done; indicating that the Upper Thames River Conservation Authority issued a conditional permit pending additional information being provided; reiterating that they were trying to act in good faith with the applicant to try to see whether there was an opportunity as they continued to move their proposed building envelope and septic envelope from further in the property to closer to the clearing that had been established back in 2004; advising that there were changes in the application; advising that the application that you are seeing referenced on the mapping tonight encroaches much less than some of the original proposals that they have seen; advising that, as of right now, they have to acknowledge the fact that on different occasions in the 2009/2010 period, including right on the application form that they received, they were working on the impression that there was no planning approval required for this, that it was simply a building permit; indicating that they were encouraged to try to get on with their review in a timely fashion because there was a building permit pending with plans provided; indicating that this is important to keep in mind as background information; advising that the moment that it became apparent that there was planning approval required, they were hesitant to try to advance the building permit any further; indicating that terms and conditions were laid out in a conditional approval letter that, in essence, had to be parked to allow the planning process to unfold; advising that they have been active participants in that planning process; indicating that new information has been provided; advising that there are still some outstanding questions related to the geotechnical report; acknowledging that, as you move the building envelope closer to the laneway, you are creating a building envelope that is less disruptive; noting that there are still natural heritage concerns that have been expressed by both the City of London, the Upper Thames River Conservation Authority, the Environmental and Ecological Planning Advisory Committee, among others; reiterating that there is a lot of history to this site as has been stated already; and, advising that they have provided correspondence to the Planning staff that reflects the current situation.

- Petronella Westeinde, 3645 Bostwick Road – indicating that she was invited to visit this site as she is a member of Friends of Dingman Creek; advising that when she walked down the driveway, it is steeply sloped on all sides; indicating that for an Environmentally Significant Area or a creek to be protected, nothing can be built right up to it; advising that the photographs do not show how the land slopes; and requesting that the Committee makes the right decision.
- Anita Caveney, Nature London – advising that Nature London does not support this proposal; and expressing support for the Staff recommendation, the Environmental and Ecological Planning Advisory Committee comments, the Upper Thames River Conservation Authority comments that this application should be refused.
- Gary Smith, 141 Meadowlily Road South – advising that they have similar concerns in his neighbourhood with regard to the protection of Environmentally Significant Areas and Provincially Significant Wetlands and the sometimes strange rationale that is used to see if the

development cannot be pushed right to the edge of the slope; advising that he would like to see the typical respects for environmental guidelines and management rules that apply to the planning policies and the environmental policies of the City which requires greater buffers than are reflected in this plan; indicating that there is a significant watershed with regard to the Dingman Creek area that is involved; advising that he has not seen in the maps shown tonight are the three or four small tributaries that are located right alongside where this development proposal is; advising that those streams and tributaries would be affected in terms of their water quality and their water; and, indicating that the septic systems are not perfect and often times, damage is done and it takes years to find out that a septic system is toxifying a creek. (2014-D14A)

Voting Record:

Motion Passed

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

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

IV. ITEMS FOR DIRECTION

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. ADJOURNMENT

The meeting adjourned at 7:06 PM