

**11TH REPORT OF THE**  
**PLANNING AND ENVIRONMENT COMMITTEE**

Meeting held on June 6, 2017, commencing at 4:02 PM, in the Council Chambers, Second Floor, London City Hall.

**PRESENT:** Councillor T. Park (Chair) and Councillors M. Cassidy, J. Helmer, A. Hopkins and S. Turner and H. Lysynski (Secretary).

**ALSO PRESENT:** J. Adema, G. Barrett, M. Campbell, H. Chapman, C. Crossman, A. DeCicco, M. Elmadhoon, J.M. Fleming, S. Galloway, T. Grawey, N. Hall, A. MacLean, A. Macpherson, C. Parker, R. Patterson, L. Pompilii, M. Ribera, J-A. Spence, M. Tomazincic, B. Westlake-Power and J. Yanchula.

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**I. CALL TO ORDER**

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

**II. CONSENT ITEMS**

2. 5th Report of the Environmental and Ecological Planning Advisory Committee

That, the following actions be taken with respect to the 5th Report of the Environmental and Ecological Planning Advisory Committee (EEPAC) from its meeting held on May 18, 2017:

- a) the Working Group comments dated April 25, 2017 appended to the 5th Report of the EEPAC, related to the Eagle Ridge Phase 2 Environmental Impact Statement, BE FORWARDED to the Civic Administration for consideration;
- b) the following actions be taken with respect to the 2017 Environmental and Ecological Planning Advisory Committee (EEPAC) Work Plan:
- i) it BE NOTED that the EEPAC held a general discussion with respect to its 2017 Work Plan, including the potential of using meta-analysis to determine if constructed wetlands successfully replicate habitat for flora and fauna, as well as the fact that the EEPAC rarely gets reports on how applicants have fulfilled conditions of development related to natural heritage; and,
- ii) the Civic Administration BE REQUESTED to attend a future meeting of the EEPAC to provide information with respect to:
- A) the reconstructed wetland located at 905 Sarnia Road; and,
- B) the potential for the EEPAC to have a site visit to the reconstructed wetland located at 905 Sarnia Road;
- c) a Working Group, consisting of S. Levin (lead), A. Regehr and I. Whiteside, BE ESTABLISHED to review the application by Thames Village Joint Venture Corporation, relating to the properties located at 1738, 1742, 1752 and 1756 Hamilton Road and to report back at the next Environmental and Ecological Planning Advisory Committee meeting; it being noted that the EEPAC reviewed and received a Notice dated May 17, 2017, from L. Mottram, Senior Planner, with respect to this matter; and,
- d) clauses 1 to 5 and 8, BE RECEIVED.

Motion Passed

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

## 3. 6th Report of the Trees and Forests Advisory Committee

That the following actions be taken with respect to the 6th Report of the Trees and Forests Advisory Committee from its meeting held on May 25, 2017:

- a) the Civic Administration BE REQUESTED to review and report back with respect to construction concerns surrounding mature trees and proposed actions to manage and reduce construction concerns; it being noted that the Trees and Forests Advisory Committee received a verbal presentation and a communication dated April 24, 2017 from C. Morningstar with respect to this matter; and,
- b) clauses 1 and 3 to 11, BE RECEIVED.

Motion Passed

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

## 4. STAFF REPORT - Planning Services 18-24 Month Work Program

That, the following actions be taken with respect to the Planning Services 18-24 month work program:

- a) the Planning Services 18-24 month work program, BE RECEIVED; and,
- b) the Civic Administration BE DIRECTED to add a project to their 2 year work program to work with relevant community stakeholders, including the Hyde Park Business Association, to consider and identify any additional planning tools that may be applied to achieve the community's goals for the Hyde Park area and to report back at a future meeting of the Planning and Environment Committee; and,

it being noted that the Planning and Environment Committee reviewed and received a communication dated May 14, 2017, from D. Szpakowski, Executive Director, Hyde Park Business Association, with respect to the addition of a Hyde Park Area Community Improvement Plan to the Planning Services work program. (2017-A23)

Motion Passed

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

## 5. STAFF REPORT - Cedar Hollow Subdivision - Portion of 1800 Cedarhollow Boulevard (39T-03518)

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Cedar Hollow Developments Inc., for the subdivision of land over a portion of 1800 Cedarhollow Boulevard, (south of Fanshawe Park Road East and east of Cedarhollow Boulevard):

- a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Cedar Hollow Developments Inc., for the Cedar Hollow Subdivision, Phase 4, (39T-03518) appended to the staff report dated June 6, 2017 as Schedule "A", BE APPROVED;
- b) the applicant BE ADVISED that the Director, Development Finance, has summarized the claims and revenues as appended to the staff report dated June 6, 2017, as Schedule "B"; and
- c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2017-P12)

Motion Passed

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

6. STAFF REPORT - Property located at 3040 Pomeroy Lane (SP16-004)

That, in response to an appeal to the Ontario Municipal Board dated March 14, 2017, submitted by Ferreira Law, on behalf of Old Oak Properties Inc., in response to a non-decision by the City of London Approval Authority after 30 days from acceptance of a Site Plan application for lands located at 3040 Pomeroy Lane the following actions be taken:

- a) the Approval Authority and the Ontario Municipal Board BE ADVISED that the Municipal Council does not support the site plan application as it does not conform to Official Plan (Southwest Area Secondary Plan) policy 20.5.3.9(iii)(g), which stated, as of the date of the appeal, in part, that "for all office and apartment building development, parking shall be located underground in a structure integrated into the building"; and,
- b) the City Solicitor, the Managing Director, Development and Compliance Services and Chief Building Official and the Managing Director, Planning and City Planner, BE DIRECTED to provide legal and planning representation at the Ontario Municipal Board hearing to support the position of the Approval Authority. (2017-L01)

Motion Passed

YEAS: M. Brown, T. Park, M. Cassidy, J. Helmer, A. Hopkins, S. Turner (6)

Voting Record:

Motion to table the staff report with respect to the appeal to the Ontario Municipal Board by Old Oak Properties Inc., relating to the property located at 3040 Pomeroy Lane, to later in the meeting.

Motion Passed

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

7. STAFF REPORT - Building Division Monthly Report - April 2017

That the Building Division monthly report for the month of April, 2017 BE RECEIVED. (2017-A23)

Motion Passed

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

### III. SCHEDULED ITEMS

8. PUBLIC PARTICIPATION MEETING - Amendments to the Z-1 Zoning By-law - Shipping Containers and Trailers - City Wide (Z-8623)

That, on the recommendation of the Manager, Development Services, the following actions be taken with respect to the City initiated application relating to shipping containers and trailers:

- a) the attached, revised, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on June 13, 2017 to amend Sections 2 and 4 of Zoning By-law No. Z.-1, (in conformity with the Official Plan), to regulate the use of shipping containers and trailers as permanent and temporary uses, except for agricultural uses which are not subject to site plan control; and,
- b) the Civic Administration BE DIRECTED to monitor the impacts the above-noted proposed by-law will have on the use of shipping containers and trailers over the next twelve months to determine if any changes to the regulations are required;

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

it being noted that the Municipal Council approves this application as the proposed amendments address the City's and Industries' needs as it relates to the use of shipping containers and trailers as temporary and permanent uses. (2017-D09)

Motion Passed

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

Voting Record:

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

9. PUBLIC PARTICIPATION MEETING - Property located at 905 Adelaide Street North (Z-8743)

That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of Shahzia Khan Medicine Professional Corp., relating to the property located at 905 Adelaide Street North, the proposed by-law appended to the staff report dated June 6, 2017, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 13, 2017, 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 R2 (R2-2) Zone TO a Residential R2/Office Conversion Special Provision (R2-2/OC5(\_)) Zone;

it being noted that no individuals spoke at the public participation meeting associated with this matter;

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

- the recommended amendment is consistent with the 2014 Provincial Policy Statement which encourages intensification and redevelopment through the adaptive reuse of existing building stock; and promotes an appropriate range and a mix of land uses to support active modes of transportation and transit;
- the recommended amendment conforms to Official Plan policies for office conversions. The proposed office conversion is compatible with adjacent land uses and will retain the general form and character of the existing residential building to be converted;
- the recommended amendment is a reasonable interim step until comprehensive redevelopment is possible along Adelaide Street North in accordance with the London Plan. The recommended amendment will not affect the ability of the subject property to redevelop in accordance with The London Plan;
- the recommended amendment will facilitate the conversion of the existing single detached residential building to office uses in an area that is experiencing residential intensification and/or conversion to non-residential uses along Adelaide Street North; and,
- the recommended amendment will permit an office conversion in an existing built form and at an intensity that is consistent and compatible with the abutting single detached dwellings and the established low-rise, low-density residential neighbourhoods located on the east and the west side of Adelaide Street North; and,
- the proposed conversion is not expected to cause any serious adverse impacts for surrounding land uses. (2017-P09)

Motion Passed

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

Voting Record:

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

10. PUBLIC PARTICIPATION MEETING - Property located at 510 Central Avenue (SPA17-021)

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 by 2353034 Ontario Ltd. (Don de Jong), relating to the property located at 510 Central Avenue:

- a) the Approval Authority BE ADVISED that, at the public participation meeting of the Planning and Environment Committee held with respect to the application for Site Plan approval to permit the construction of a three storey, multiple dwelling, with a total of five (5) residential units at 510 Central Avenue and the offsite provision of one accessible parking spot provided on the adjacent 609 William Street, issues were raised with respect to the continual amendments to the proposed building design; it being noted that the public expressed support for the drawings provided at the June 6, 2017 Planning and Environment Committee meeting; and,
- b) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan application to permit the construction of a three storey, multiple dwelling, with a total of five (5) residential units at 510 Central Avenue and the offsite provision of one accessible parking spot provided on the adjacent 609 William Street;

it being pointed out that at the public participation meeting associated with this matter, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2017-D11)

Motion Passed

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

Voting Record:

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

11. PUBLIC PARTICIPATION MEETING - Properties located at 3350 and 3460 Morgan Avenue (Z-8738)

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Revera Inc., relating to the properties located at 3350 and 3460 Morgan Avenue:

- a) the proposed by-law appended to the staff report dated June 6, 2017, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 13, 2017 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Community Shopping Area Special Provision (h•h-11•h-63•h-82•h-95•h-100•h-105•h-135•CSA5(3)) Zone TO a Holding Residential R7 (h•h-11•h-21•h-63•h-82•h-95•h-100•h-105•h-135•R7•D27•H8) Zone; and,
- b) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
  - i) locate parking in the rear and/or side yards of the Continuum-of-Care Facility, and screen any parking areas that are visible from the public street;
  - ii) the design of the amenity space (in front of the building) should respond to the curved street. Consider developing the landscape treatment, including any fencing or landscaped wall, to enhance the street edge;
  - iii) include articulated building facades and rooflines, and use a coordinated, high quality material palette;
  - iv) ensure windows are proportional to the facades they are on, and minimize large blank walls;
  - v) ensure a strong pedestrian connection between the main building entrance and the public sidewalk on Morgan Avenue; and,
  - vi) the development of the site be generally in keeping with the revised site plan appended to the staff report dated June 6, 2017, as Appendix "B";

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

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

- the recommended amendment is consistent with the 2014 Provincial Policy Statement which encourages a range and mix of land uses, and directs municipalities to permit all forms of housing required to meet the needs of current and future residents, including special need requirements;
- the recommended amendment is consistent with the policy direction in the London Plan that envisions Shopping Areas becoming mixed-use areas. The proposed development is in keeping with the planned form and intensity of Shopping Areas;
- the recommended amendment conforms to the 1989 Official Plan, and will implement the Community Commercial Node policies. Community facilities, such as the proposed Continuum-of-Care Facility, are permitted through Zoning By-law Amendments;
- the Southwest Area Secondary Plan does not provide specific policy direction or guidance for lands in the Commercial designation in the Central Longwoods Residential Neighbourhood that would supersede the Community Commercial Node policies in the Official Plan. The proposed development is consistent with the Urban Design policies in the Southwest Area Secondary Plan; and,
- the subject site is an appropriate size and configuration to accommodate the proposed use in keeping with the standard Residential R7 Zone regulations. (2017-D09)

Motion Passed

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

Voting Record:

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

12. PUBLIC PARTICIPATION MEETING - Deleting Section 4.18.5 of Zoning By-law Z-1 to permit Amplified Music, Dancing on Patios City Wide (Z-8763)

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the City of London, relating to entertainment permitted on outdoor patios associated with a restaurant or tavern in the City of London:

- a) the proposed by-law appended to the staff report dated June 6, 2017, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 13, 2017 to delete Section 4.18 5) and renumber the following subsections of the General Provisions Section of Zoning By-law Z-1, (in conformity with the Official Plan), to permit amplified music, dancing or other forms of entertainment; it being noted that Noise By-law (PW-12) regulates noise levels and hours of operation and can provide regulations therein to address specific locations and situations; and,
- b) replacement pages 66 and 67, together with the other edits the Municipal Council requested to the Music, Entertainment and Culture District Feasibility Study, BE PRESENTED at a future meeting of the Strategic Priorities and Policy Committee (SPPC), to document comprehensively the City's Music, Entertainment and Culture District strategy; it being noted that pages 63 to 65 have already been referred by the SPPC;

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

- a communication from M. Wayne, Brewmaster, Refined Fool Brewing Co.;
- a communication dated May 16, 2017, from T. Holden and The Law of Averages;
- a communication dated May 29, 2017, from J. Pastorius, Old East Village BIA Manager;
- a communication from F. Smith, Roots Music Director; and,
- a communication from S. Franke, by e-mail;

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

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

- outdoor patios on private property established after July 1993 are not permitted to have amplified music or dancing; it being noted that this prohibition does not apply to outdoor patios on private property established before adoption of Zoning By-law Z-1, thus zoning permissions for private outdoor patios regarding amplified music and

- dancing are inconsistent across the city; and,
- the proposed zoning by-law amendment creates zoning consistency in this particular regulation, which would be applicable to all property owners who operate patios associated with a restaurant or tavern in the City of London; it being noted that this action would implement one part of the strategy [“Permitted Activities on Private Patios”] in the Music, Entertainment and Culture District Feasibility Study approved by Council on March 21, 2017. (2017-D09)

Motion Passed

YEAS: M. Brown, T. Park, M. Cassidy, J. Helmer, A. Hopkins, S. Turner (6)

Voting Record:

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

YEAS: M. Brown, T. Park, M. Cassidy, J. Helmer, A. Hopkins, S. Turner (6)

13. PUBLIC PARTICIPATION MEETING - Wonderland Road Community Enterprise Corridor Land Use Designation in the Southwest Area Secondary Plan (O-8731)

That, based on the application of the Corporation of the City of London, relating to the lands that are currently within the Wonderland Road Community Enterprise Corridor designation in the Southwest Area Secondary Plan, the attached, revised, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on June 13, 2017, to amend the Southwest Area Secondary Plan policies for the Wonderland Road Community Enterprise Corridor to implement the policy direction of The London Plan by revising the policies to reflect the direction of the Shopping Area Place Type; it being noted that specific changes that are recommended include:

- a) reducing maximum and minimum permitted residential intensity;
- b) reducing the maximum office floor area per building; and,
- c) re-formatting the policies to be structured by use, intensity and form;

it being noted that the Planning and Environment Committee reviewed and received a communication dated June 4, 2017, from J. Harbell and M. Bassani, Stikeman Elliott, with respect to this matter;

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

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

- reducing residential intensities will encourage high density residential development in strategic locations elsewhere in the city that support rapid transit, while still permitting a sufficient level of intensity along Wonderland Road to achieve the vision of an urban neighbourhood within a suburban context;
- reducing the maximum office floor area per-building to permit up to medium scale office uses along Wonderland Road while supporting The London Plan policies that encourage large scale office uses to locate Downtown; and,



- restructuring the policies to clearly address use, intensity, and form aligns with the format of The London Plan and is better suited to facilitate the mixed use development patterns that are desirable along Wonderland Road. (2017-D09)

Motion Passed

YEAS: M. Brown, T. Park, M. Cassidy, J. Helmer, A. Hopkins, S. Turner (6)

Motion to open the public participation meeting.

Motion Passed

YEAS: M. Brown, T. Park, M. Cassidy, J. Helmer, A. Hopkins, S. Turner (6)

Motion to close the public participation meeting.

Motion Passed

YEAS: M. Brown, T. Park, M. Cassidy, J. Helmer, A. Hopkins, S. Turner (6)

Motion to approve an amendment to remove the maximum commercial floor area.

Motion Failed

YEAS: M. Brown, J. Helmer, A. Hopkins (3)

NAYS: T. Park, M. Cassidy, S. Turner (3)

#### **IV. ITEMS FOR DIRECTION**

None.

#### **V. DEFERRED MATTERS/ADDITIONAL BUSINESS**

None.

#### **VI. CONFIDENTIAL**

*(Confidential Appendix enclosed for Members only.)*

The Planning and Environment Committee convened in camera from 8:26 PM to 8:34 PM after having passed a motion to do so, with respect to the following matter:

- C-1. A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, as it relates to an appeal to the Ontario Municipal Board with respect to an application by Old Oak Properties Inc., relating to the property located at 3040 Pomeroy Lane.

Motion Passed

YEAS: T. Park, J. Helmer, A. Hopkins, S. Turner (4)

#### **VII. ADJOURNMENT**

The meeting adjourned at 10:16 PM.