

21ST REPORT OF THE
BUILT AND NATURAL ENVIRONMENT COMMITTEE

Meeting held on September 12, 2011, commencing at 4:03 p.m.

PRESENT: Councillor W. J. Polhill (Chair), Councillors J. L. Baechler, D. Brown, J. Swan and S. White and H. Lysynski (Secretary).

ALSO PRESENT: Mayor J. Fontana and Councillor M. Brown; and Councillors J. P. Bryant, P. Hubert and P. Van Meerbergen (all part-time), P. McNally, D. Ailles, G. Belch, J. Braam, P. Christiaans, K. Dawtrey, A. Dunbar, J. M. Fleming, B. Henry, P. Kokkoros, B. Krichker, A. MacLean, A. Macpherson, S. Maguire, C. Parker, C. Saunders, C. Smith, R. Standish, M. Tomazincic and J. Yanchula.

I YOUR COMMITTEE RECOMMENDS:

Anaergia: Non-Disclosure Agreement

1. (1) That, on the recommendation of the Executive Director-Planning, Environmental and Engineering Services, the following actions be taken with respect to the Anaergia Non-Disclosure Agreement, the attached proposed By-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting to be held on September 19, 2011 to:

- (a) approve the Non-Disclosure Agreement with Anaergia; and,
- (b) authorize the Mayor and the City Clerk to execute the Agreement noted in part (a), above. (2011-W13-00)

Urban Parkette in Talbot Village Subdivision - Tender 11-83

2. (4) That, on the recommendation of the Executive Director, Planning, Environmental and Engineering Services, the following actions be taken with respect to the urban parkette in the Talbot Village Subdivision:

- (a) the tender submitted by Frank Van Bussel & Son Ltd., 3 Ilderbrook Circle, Ilderton, Ontario N0M 2A0, in the amount of \$139,589.44, excluding HST, **BE ACCEPTED**; in being noted that the bid submitted by Frank Van Bussel & Son Ltd., was the lowest bid of five bids and meets the terms, conditions and specifications in all areas.
- (b) the funding for this purchase **BE APPROVED** as set out in the Sources of Financing Report attached hereto as Appendix "A";
- (c) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this contract;
- (d) the approval hereby given **BE CONDITIONAL** upon the Corporation entering into a formal contract, having a purchase order or contract record relating to the subject matter of this approval; and,
- (e) the future additional annual operating costs for the Talbot Village Park in the amount of \$13,000.00 **BE CONSIDERED** as a commitment from available assessment growth in 2012, subject to final budget approval. (2011-D19-00)

Grant Towards the Revitalization of the Red Antiquities Building - 129 Wellington Street

3. (5,21) That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the provision of a grant, in the amount of \$50,000, towards the revitalization initiative of the Red Antiquities Building, which is consistent with the SoHo Community Improvement Plan and the associated incentive programs, relating to the Antiquities Building located at 129 Wellington Street:

- (a) the attached By-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on September 19, 2011 to; and,
 - (i) authorize and approve an agreement between Pathways Skill Development & Placement Centre and The Corporation of the City of London; and,

- (ii) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this contract;
- (b) the funding for this municipal allocation **BE APPROVED** as set out in the Sources of Financing Report attached hereto as Appendix "A";

it being noted that the Built and Natural Environment Committee received the attached communication dated September 8, 2011 from L. Culford, Chair, Pathways Skill Development and J. Manness, Chair, Heritage London Foundation, with respect to this matter. (2011-F12-00)

Payment of
Funds Given to
the City for EA
Studies – Old
Victoria
Stormwater
Management
Ponds

4. (6,22) That on the recommendation of the Director Development Finance, the following actions be taken with respect to deposits submitted by resident landowners related to the costs of Environmental Assessment (EA) studies undertaken for storm/drainage and stormwater management servicing works for land development within the identified Old Victoria catchment area:

- (a) the deposit amounts **BE RETURNED** to those who provided the deposits; it being noted that the City Services Reserve Fund will bear the costs of financing the study from this point forward;
- (b) that, prior to paying any amount referred to in paragraph (a) above, Civic Administration **BE DIRECTED** to take all necessary steps to obtain from all claimants of the funds, appropriate written directions, releases and indemnities, to the satisfaction of the City Solicitor;
- (c) the Source of Financing for the above-noted claims, attached to this report as Appendix 'A', **BE APPROVED**; and,
- (d) the Civic Administration **BE DIRECTED** to review similar circumstances and report back to a future meeting of the appropriate standing Committee with respect to the findings and potential budget implications.

Amendments to
the Traffic and
Parking By-law

5. (7) That, on the recommendation of the Acting Director, Roads & Transportation, the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on September 19, 2011 for the purpose of amending the Traffic and Parking By-law (P.S. 111), to correct typographical errors and to address traffic safety, operations and parking concerns on Bathurst Street, Jalna Boulevard, South Carriage Road and Wonderland Road North. (2011-S09-00)

Fox Hollow
Development
Area Stormwater
Management
Facility No. 1
Land Purchase
(ES3019)

6. (9) That, on the recommendation of the Managing Director of Development Approvals Business Unit, the following actions be taken with respect to the Fox Hollow Development Area Stormwater Management Facility No. 1 (ES3019-11):

- (a) an offer of purchase in the amount of \$1,369,279.61, located at 1602 Sunningdale Road, being Parts 1, 3, 7, and 8 on Reference Plan 33R-18005, **BE ENDORSED** for the acquisition of 6.1ha of land required for the Fox Hollow Development Area Stormwater Management Facility No. 1;
- (b) a parkland dedication of Parts 2 and Part 5 of Reference Plan 33R-18005 **BE ENDORSED** and **BE ELIGIBLE** for future land dedication against the development of the associated draft plan for the 1602 Sunningdale Road area;
- (c) a condition to sell and dedicate lands to the City **BE ADDED** to the consent decision for the severance of the lands located at 1602 Sunningdale Road, to provide a storm water management block and parkland to the City;
- (d) Stanton Brothers Ltd. **BE COMPENSATED** an amount of \$13,788.33, excluding HST, relating to the establishment of the Fox Hollow Development Area Stormwater Management Facility No. 1 block;

- (e) the financing for this project **BE APPROVED**, as set out in the Sources of Financing Report attached hereto as Appendix "A"; and,
- (f) Civic Administration **BE DIRECTED** to report back at a future meeting of the Built and Natural Environment Committee with a recommended procedure to provide compensation for engineering and other consulting costs, incurred by the host landowner in relation to City Services Reserve Fund financed stormwater management facilities for projects that are relevant or of value to the City. (2011-W10-00)

Ayerswood
Development
Corp. – Site Plan
Application – 940
Springbank Drive

7. (12,23) That, a special meeting of the Built and Natural Environment Committee **BE HELD** on Monday, September 19, 2011 at 3:30 p.m., to receive a report from Civic Administration with respect to the application of Ayerswood Development Corp. relating to the site plan application for the property located at 940 Springbank Road, with said report to address:

- (a) appointing the Municipal Council as the approval authority for this application;
- (b) providing a summary of the Civic Administration's review of the application; and,
- (c) the Civic Administration's position;

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

- an information report, dated September 12, 2011, from the City Solicitor;
- the corrected second page of the information report, dated September 12, 2011, from the City Solicitor;
- a Municipal Council resolution adopted at its meeting held on June 20, 2011; and,
- the site plan and development agreement that was submitted to the Built and Natural Environment Committee, at its meeting held on June 16, 2011. (2011-D25-00)

Heritage
Alteration Permit
Application -
Wortley Wellness
Centre Inc. – 119
Wortley Road

8. (13) That, on the recommendation of the London Advisory Committee on Heritage, the Heritage Alteration Permit Application of Wortley Wellness Centre Inc. requesting permission for a portico addition and gable alterations to the designated heritage property located at 119 Wortley Road **BE APPROVED**; it being noted that the Heritage Planner has reviewed the proposed alterations and has advised that the impact of such alterations on the heritage features of the property identified in the reasons for designation are appropriate for the style and age of the building; it being further noted that the London Advisory Committee on Heritage did not hear a presentation from the Property Manager for this property.

Heritage
Alteration Permit
Application - C.
Mamo – 335 St.
James Street

9. (13) That, on the recommendation of the London Advisory Committee on Heritage, the Heritage Alteration Permit Application of C. Mamo requesting permission for a dormer addition to the designated heritage property located at 335 St. James Street **BE APPROVED; SUBJECT TO** the applicant using hardy board for the dormer addition; it being noted that the Heritage Planner has reviewed the proposed addition and has advised that the impact of such alteration on the heritage features of the property identified in the reasons for designation is negligible.

Springbank
Fountain –
Dearness Home

10. (13) That clause 3 of the 9th Report of the London Advisory Committee on Heritage having to do with the request to relocate the Springbank Fountain, **BE REFERRED** to the Heritage Planner for further consideration.

Clause 3 reads as follows:

"That, on the recommendation of the London Advisory Committee on Heritage, the Civic Administration **BE REQUESTED** to relocate the Springbank fountain, currently located at the Dearness Home, to an appropriate location or safely store, until an alternate appropriate location can be found, as the fountain is a

significant remnant of London's history; it being noted that the London Advisory Committee on Heritage received a communication dated August 16, 2011 from S. Harding, 1462 Trafalgar Street, with respect to this matter."

D. Russell – 24
The Ridgeway

11. (13) That, on the recommendation of the London Advisory Committee on Heritage, the Director of Building Controls and Chief Building Official **BE ADVISED** that the London Advisory Committee on Heritage (LACH) does not support the designation of the property located at 24 The Ridgeway; it being noted that the LACH requested that all salvageable heritage aspects of the property be retained.

Heritage
Alteration Permit
Application -
2126555 Ontario
Inc./ T.
McGregor-
Temple – 79
Ridout Street
South

12. (13) That, on the recommendation of the London Advisory Committee on Heritage, the Heritage Alteration Permit Application of 2126555 Ontario Inc. / T. McGregor-Temple requesting permission for an alteration to the designated heritage property located at 79 Ridout Street South **BE APPROVED; SUBJECT TO** the replacement of the slate shingles with a material that resembles the slate roof; it being noted that the Heritage Planner has reviewed the proposed alteration and has advised that the impact of such alteration on the heritage features of the property identified in the reasons for designation is acceptable.

Dirt Bikes in
ESA's

13. (13) That clause 6 of the 9th Report of the London Advisory Committee on Heritage asking the Civic Administration to establish a policy to prohibit dirt bikes in Environmentally Significant Areas **BE REFERRED** to the Upper Thames River Conservation Authority ESA Management Team.

Clause 6 reads as follows:

"That the Civic Administration **BE ASKED** to establish a policy to prohibit dirt bikes in Environmentally Significant Areas; it being noted that the London Advisory Committee on Heritage was advised by J. O'Neil that an article was published in The Londoner with respect to people using dirt bikes in Meadowlily Woods."

Sarnia Road
Bridge Plaque

14. (13) That, on the recommendation of the London Advisory Committee on Heritage, the Civic Administration **BE ADVISED** that the London Advisory Committee on Heritage has reviewed and approved, in principle, the attached proposed wording of the Sarnia Road Bridge plaque.

City of London –
Modifications to
Section 19.7.1 –
Applications for
Consent (O-
7883)

15. (14,24) That, on the recommendation of the Director of Land Use Planning and City Planner, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on September 19, 2011 to amend the Official Plan to clarify Section 19.7.1, "Applications for Consent", such that final consent will not be granted until any required zoning by-law amendment or minor variances associated with the application for consent has been dealt with and is in full force and effect; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-G05-00/D09-00)

Demolition
Application – D.
Russell – 24 The
Ridgeway

16. (15) That the following actions be taken with respect to the demolition application of D. Russell for the residential property located at 24 The Ridgeway:

- (a) on the recommendation of the Director, Land Use Planning and City Planner, the above-noted demolition permit **BE ISSUED**; and,
- (b) the property owners **BE REQUESTED** to permit the London Advisory Committee on Heritage to photograph the heritage features of the property prior to its demolition;

it being noted that the LACH discussed this matter and indicated that it did not wish to designate the property under the *Ontario Heritage Act*; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D10-00)

1307918 Ontario Limited (Helen Wilson) – 763 Colborne Street (Z-7916)

17. (16,25) That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the application of 1307918 Ontario Limited (Helen Wilson) relating to the property located at 763 Colborne Street:

- (a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands **FROM** a Residential (R2-2) Zone which permits single, semi, duplex dwellings and converted dwelling maximum 2 units **TO** a Residential R3 Special Provision (R3-1 () Zone to permit the above use and a three unit converted dwelling with a lot frontage of 9.75m, a 4.5m front yard setback, a 0m north interior side yard setback, a 1.4m interior side yard setback and 1 parking space, **BE REFUSED**, as the requested Zoning By-law amendment is not consistent with the Official Plan as follows:
- the North London/Broughdale Neighbourhood policies of the Official Plan require that multiple unit residential development is directed to those areas within the Oxford, Richmond and Adelaide Street corridors that are designated Multi-Family, High and Multi-Family, Medium Density Residential;
 - the current zoning for this area is appropriate, promotes neighbourhood stability, and allows redevelopment of residential properties in a manner which is compatible with the surrounding neighbourhood, consistent with the Provincial Policy Statement;
 - the requested amendment has the potential to create impacts on the abutting land owners resulting from the introduction of a multiple unit residential development into a stable residential area;
 - the requested amendment could set a further precedent for additional multiple unit residential uses and erode the residential character of the area;
 - the proposed amendment would constitute “spot” zoning, and is not considered appropriate in isolation from the surrounding neighbourhood; and,
 - for the foregoing reasons, the requested Zoning By-law amendment is not consistent with the Official Plan;
- (b) subject to Policy 19.1.1. of the Official Plan, the subject lands **BE INTERPRETED** to be located within the “Low Density Residential” designation;

it being noted that the Built and Natural Environment Committee reviewed and received the attached communication dated September 9, 2011 from J. McGuffin, Monteith Brown Planning Consultants, with respect to this matter;

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

- J. McGuffin, Monteith Brown Planning Consultants, on behalf of the applicant – see attached presentation; advising that at the pre-application meeting in March, 2011, Mr. McGuffin met with staff and received a favourable response to the proposed application; advising that the only concern expressed was the parking; indicating that he was advised that at the pre-consultation meeting that a zoning by-law amendment would be required and the staff requested that the tree in front of the property be retained; advising that the concerns received by the neighbours were illegal parking and student housing; indicating that the Provincial Policy Statement charges municipalities with finding infill housing; enquiring as to how the staff can ask the Council to ask for something different than what he was asked for in the pre-consultation meeting; advising that this is not spot zoning and that the application will not set a precedent; advising that his client purchased the property in June of 2010 and has spent \$65,000 in improvements, including an interlocking brick driveway and a new storage shed.

- D. Bale, 776 Colborne Street – expressing opposition to the application; indicating that he is happy that the property has been improved to a degree; advising that no one is sanguine about the property being rezoned; advising that there are usually three vehicles parked in front of the house; indicating that it may be true that there is a plan in place for a shared driveway in the back; advising that if you increase the dwelling numbers, you will have more people parking; advising that Mr. McGuffins' map indicates that the parking is straddling the boundary; advising that all the businesses are on Oxford Street; advising that approving the application will drive a wedge into the neighbourhood and that it is setting an unfortunate precedent. (2011-D11-08)

Beaufort Street,
Irwin Street,
Gunn Street and
Saunby Street
Neighbourhood
Planning Options

18. (17) That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to potential actions that can be taken to stop infill and intensification in the Irwin Street, Gunn Street, Saunby Street and Beaufort Street area:

- (a) the Civic Administration **BE DIRECTED** to seek out a potential source of financing in the amount of up to \$30,000 to retain a Planning Consultant to conduct the planning study and prepare the associated planning amendments in keeping with the study; it being noted that the Planning Division does not have resources to conduct the planning study and there is no source of financing available in the Planning Division budget to pay for consulting services; and,
- (b) subject to appropriate funding being established, the Civic Administration **BE DIRECTED** to initiate the following course of action to manage infill and intensification:
 - (i) retain a Planning Consultant to prepare a planning study for the Essex Street Area (bounded by the Canadian Pacific Railway to the south, the Thames River to the east, the University of Western Ontario and Thames River to the north, and Platt's Lane to the west); it being noted that this plan will consolidate the recommendations of the Essex Street Study prepared in March 1995, where appropriate, and may include a master plan and policies to direct future development within the context of the Great Near-Campus Neighbourhoods Strategy;
 - (ii) consider initiating Official Plan amendments to implement the recommendations of the planning study, as identified in part (i) above; and,
 - (iii) consider adding zoning regulations in conformity with the Official Plan, as amended, as noted in clause (ii) above;
- (c) the Civic Administration **BE DIRECTED** to provide the Built and Natural Environment Committee with a presentation on the Great Near-Campus Neighbourhoods Strategy at its meeting to be held on September 26, 2011;

it being noted that the Built and Natural Environment Committee heard a verbal presentation from J. Corcoran, 43 Gunn Street, with respect to this matter. (2011-D11-00)

Kenmore Homes
(London) Inc. –
255 South
Carriage Road
and 1331 Hyde
Park Road (39T-
08502/Z-
7489/OZ-7510)

19. (18,26) That a special meeting of the Built and Natural Environment Committee **BE HELD** on Monday, September 19, 2011 at 3:30 p.m., for the purpose of considering the following with respect to the application of Kenmore Homes (London) Inc. relating to the Subdivision Draft Plan approval, Official Plan and Zoning By-law amendments to properties located at 255 South Carriage Road and 1331 Hyde Park Road:

- (a) a revised report from the Civic Administration;

- (b) R. Knutson, Knutson Development Consultants Inc. will bring forward a communication with respect to the following:
- (i) the rationale for redesignating lands fronting Hyde Park Rd from Multi-family Medium Density Residential to a Commercial land use designation;
 - (ii) the justification for maintaining the lot sizes as originally proposed;
 - (iii) a comparison of his clients original subdivision design and staffs proposed redesign with specific rationale as to which design is preferable; and,
 - (iv) requests for any changes to the draft plan, any of the draft plan conditions, the requested Official Plan amendment and/or Zoning By-law amendment;

it being noted that the Built and Natural Environment Committee received the attached communications dated September 9, 2011 from R. Knutson, Knutson Development Consultants Inc., with respect to this matter. (2011-D11-04/D26-03)

Demolition
Application – S.
Copp – 13-15
York Street

20. (19,27) That, notwithstanding the recommendation of the Director, Land Use Planning and City Planner, with the concurrence of the applicant, the request for the demolition of the listed heritage property at 13-15 York Street **BE REFERRED** to the Civic Administration for further discussion with the applicant; it being noted that the Built and Natural Environment Committee received the attached communication dated September 12, 2011, with respect to this matter. (2011-D10-00)

OMB Appeal No.
438

21. (Add) That the Civic Administration **BE DIRECTED** to provide a report with respect to how the Ministry of Natural Resource's mapping was missed relating to OMB Appeal No. 438 and Sifton Properties Limited extension of the draft plan of subdivision at a special meeting of the Built and Natural Environment Committee **BE HELD** on Monday, September 19, 2011 at 3:30 p.m.

II YOUR COMMITTEE REPORTS:

Agreement with
Horticultural
Trades
Association Inc. -
Future
Enhancement -
Veterans
Memorial
Parkway

22. (2,20) That the Built and Natural Environment Committee reviewed and received an information report from the Executive Director-Planning, Environmental and Engineering Services, with respect to an agreement between the Corporation of the City of London and the Horticultural Trades Association Incorporated, acting as Landscape Ontario for future enhancement of the Veterans Memorial Parkway. (2011-L03-00)

Fall 2011
Landscape
Enhancement
Project for the
Veterans
Memorial
Parkway

23. (3) That the Built and Natural Environment Committee reviewed and received an information report, dated September 12, 2011, from the Executive Director of Planning, Environmental and Engineering Services, with respect to the fall 2011 landscape enhancement project for the Veterans Memorial Parkway. (2011-S08-00)

Brochures

24. (8) That the Built and Natural Environment Committee reviewed and received an information report, dated August 31, 2011, from the Director, Wastewater and Treatment, with respect to sewer use brochures. (2011-W10-00)

Building Division
Monthly Report -
July 2011

25. (10) That the Built and Natural Environment Committee reviewed and received the monthly report from the Director of Building Controls relating to Building Activity and Inspector Workloads for July 2011. (2011-D06-00)

9th Report of
EEPAC

26. (11) That the Built and Natural Environment Committee reviewed and received the 9th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on August 18, 2011. (See Report attached.)

9th Report of
LACH

27. (13) That the Built and Natural Environment Committee heard a verbal presentation from J. O'Neil, Acting Chair, London Advisory Committee on Heritage (LACH), and reviewed and received clauses 8 to 24, inclusive, of the 9th Report of the London Advisory Committee on Heritage. (See Report attached.)

Communication with Residents – Repair/ Replacement Work in Neighbourhoods

28. (28) That the Built and Natural Environment Committee (BNEC) received the attached communication dated September 7, 2011 from Councillor M. Brown with respect to a request for residents to be informed when repair or replacement construction work is being completed in the area. The BNEC asked the Civic Administration to undertake this initiative.

Disclosure of Pecuniary Interest – Councillor D. Brown

29. That Councillor D. Brown disclosed the following pecuniary interests, with this report:

- (a) clause 5, having to do with amendments to the Traffic and Parking By-law, by indicating that her employer owns property on York Street near Thames Street;
- (b) clause 20, having to do with the demolition application of S. Copp relating to the properties located at 13-15 York Street, by indicating that her employer leases land adjacent to the subject property; and,
- (c) clause 27, having to do with clause 17 of the 9th Report of the London Advisory Committee on Heritage relating to the property at 11 York Street by indicating that her employer leases land adjacent to the subject property.

Disclosure of Pecuniary Interest – Councillor S. White

30. That Councillor S. White disclosed a pecuniary interest in clause 19 of this report having to do with Beaufort Street, Irwin Street, Gunn Street and Saunby Street Neighbourhood Planning Options, by indicating that her employer owns property and has an office that Councillor White occasionally works out of an office on Gunn Street.

Confidential Matters

31. That the Built and Natural Environment Committee (BNEC) passed the following resolution prior to moving in camera from 4:43 p.m. to 5:35 p.m.:

“That the Built and Natural Environment Committee move in camera to consider the following:

- (a) potential litigation with respect to a proposed payment of monies given to the City in 2006 for the purpose of engaging a consultant to undertake a Municipal Class Environmental Assessment for storm/drainage and stormwater management servicing works for land development within the Old Victoria total catchment area, including matters before administrative tribunals, affecting the municipality or local board;
- (b) advice that is subject to solicitor-client privilege, including communications necessary for that purpose regarding a proposed payment of monies given to the City in 2006 for the purpose of engaging a consultant to undertake a Municipal Class Environmental Assessment for storm/drainage and stormwater management servicing works for land development within the Old Victoria total catchment area; and,
- (c) litigation or potential litigation, including matters before administrative, tribunals, affecting the municipality of local board, with respect to a proposed payment of monies given to the City in 2006 for the purpose of engaging a consultant to undertake a Municipal Class Environmental Assessment for storm/drainage and stormwater management servicing works for land development within the Old Victoria total catchment area, including matters before administrative tribunals, affecting the municipality or local board.”

The BNEC is submitting a confidential report to the Municipal Council regarding this matter. (See Confidential Appendix to the 21st Report of the Built and Natural Environment Committee enclosed for Council Members only.)

The meeting adjourned at 9:00 p.m.