

**15TH REPORT OF THE**  
**PLANNING AND ENVIRONMENT COMMITTEE**

Meeting held on July 31, 2017, commencing at 4:01 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:** M. van Holst (Acting Mayor); Councillor J. Zaifman; I. Abushehada, G. Belch, L. Dent, P. Kokkoros, G. Kotsifas, A. MacLean, B. O'Hagan, N. Pasato, M. Pease, M. Ribera, C. Saunders, J.-A. Spence, M. Tomazincic, S. Wise, J. Yanchula and P. Yeoman.

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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. STAFF REPORT - Property located at a portion of 1800 Cedarhollow Boulevard - Cedarhollow Subdivision Phase 4 (H-8696)

That, on the recommendation of the Senior Planner, Development Services, based on the application of Cedar Hollow Developments Ltd., relating to the property located on a portion of 1800 Cedarhollow Boulevard, Cedarhollow Subdivision, Phase 4, (39T-03518), the proposed by-law appended to the staff report dated July 31, 2017, BE INTRODUCED at the Municipal Council meeting to be held on August 22, 2017, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning FROM a Holding Residential R1 (h\*R1-3) Zone TO a Residential R1 (R1-3) Zone to remove the "h" holding provision. (2017-D09)

Motion Passed

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

3. STAFF REPORT - Property located at 66 Byron Avenue (Z-8616)

That, on the recommendation of the Managing Director, Planning and City Planner, the report dated July 31, 2017 entitled "Application By: Doug Lansink, 66 Byron Avenue East" relating to the decision of the Ontario Municipal Board with respect to this matter, BE RECEIVED for information. (2017-D15)

Motion Passed

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

4. STAFF REPORT - Property located at 2332 Wickerson Road - Phase 1 and 2 (H-8700/H-8750)

That, on the recommendation of the Senior Planner, Development Services, based on the application of Wickerson Hills Development Inc., relating to the property located at 2332 Wickerson Road, the proposed by-law appended to the staff report dated July 31, 2017, BE INTRODUCED at the Municipal Council meeting to be held on August 22, 2017, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h.h-100. R1-4) Zone, a Holding Residential R1 Special Provision (h.h-100. R1-4(7)) Zone, a Holding Residential R1 (h.h-37.h-100. R1-4) Zone, a Holding Residential R1 Special Provision (h.h-37.h-100. R1-4(7)) Zone and a Holding Residential R1 (h.h-82.h-100. R1-4) Zone TO a Residential R1 (R1-4) Zone, a Residential R1 Special Provision (R1-4(7)) Zone, a Holding Residential R1 (h-37.R1-4) Zone, a Holding Residential R1 Special

Provision (h-37.R1-4(7)) Zone and a Holding Residential R1 (h-82.R1-4) Zone to remove the h and h-100 holding provisions. (2017-D09)

Motion Passed

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

5. STAFF REPORT - Property located at Wickerson Hills Subdivision - Phase Two (39T-08507)

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Wickerson Hills Development Inc., for the subdivisions of land over Part of Lot 48, Concession 1, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the west side of Wickerson Road between Southdale Road West and Byron Baseline Road, municipally known as 2332 Wickerson Road:

- a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Wickerson Hills Development Inc., for the Wickerson Hills Subdivision, (39T-08507) appended to the staff report dated July 31, 2017 as Schedule "A", BE APPROVED;
- b) the applicant BE ADVISED that the Director, Development Finance, has summarized the claims and revenues appended to the staff report dated July 31, 2017 as Schedule "B";
- c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated July 31, 2017 as Schedule "C"; and,
- d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2017-D12)

Motion Passed

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

6. STAFF REPORT - Property located at 2150 Oxford Street East (H-8801)

That, on the recommendation of the Senior Planner, Development Services, based on the application by Dancor Construction Limited, relating to lands located at 2150 Oxford Street East, the proposed by-law appended to the staff report dated July 31, 2017, BE INTRODUCED at the Municipal Council meeting to be held on August 22, 2017, to amend Zoning By-law Z.-1, (in conformity with the Official Plan), to change the zoning on a portion of the lands FROM a Holding Light Industrial (h-199\*h-200\*LI1/LI2/LI4/LI5) Zone TO a Light Industrial (LI1/LI2/LI4/LI5) Zone to remove the holding (h-199 and h-200) provisions for Phase 3. (2017-D09)

Motion Passed

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

7. STAFF REPORT - Strategic Plan Progress Variance Report

That, on the recommendation of the City Manager, with the concurrence of the Managing Director, Planning and City Planner and the Managing Director, Environmental and Engineering Services and City Engineer, the report dated July 31, 2017 entitled "Strategic Plan Progress Variance" BE RECEIVED for information. (2017-C08)

Motion Passed

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

8. STAFF REPORT - Limiting Distance (No-Build) Agreement Between the Corporation of the City of London and Jose Pereira (320 Phyllis Street)

That on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to a limiting distance (no-build) agreement between The Corporation of the City of London and Jose Pereira, for the property located at 320 Phyllis Street:

- a) the proposed by-law appended to the staff report dated July 31, 2017, BE INTRODUCED at the Municipal Council meeting to be held on August 22, 2017, to delegate authority to the Managing Director, Planning and City Planner to execute, on behalf of The Corporation of the City of London, as the adjacent property owner, a limiting distance (no-build) agreement for the subject lands; and,
- b) the Managing Director, Development and Compliance Services and Chief Building Official, BE AUTHORIZED to execute, on behalf of The Corporation of the City of London, as the Approving Municipality, the limiting distance (no-build) agreement noted in part a) above, for the subject lands. (2017-D15)

Motion Passed

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

### III. SCHEDULED ITEMS

9. PUBLIC PARTICIPATION MEETING - Properties located at 150 Dundas Street and 153 Carling Street - Request for Demolition of a Heritage Designated Property

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the Chief Building Official BE ADVISED that the Municipal Council permits the demolition of the building located at 150 Dundas Street/153 Carling Street, in the Downtown Heritage Conservation District, pursuant to Section 42(1) of the *Ontario Heritage Act* subject to the following terms and conditions:

- a) the proposed development concept outlined in the Appendix to the February 2017 Heritage Impact Statement appended to the staff report dated July 31, 2017 as Appendix D, BE ENDORSED in principle and details be refined and submitted as part of a complete Heritage Alteration Permit application with approval authority delegated to the City Planner;
- b) the applicant BE REQUIRED to post a bond or provide a certificate of insurance as a guarantee that adjacent buildings will be protected during demolition and construction; and,
- c) prior to any demolition, photo documentation of the exterior details of the existing building BE COMPLETED by the applicant and submitted to Planning Services;

it being noted that the Planning and Environment Committee reviewed and received clause 7 of the 8th Report of the London Advisory Committee on Heritage relating to this matter from its meeting held on July 25, 2017;

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-R01/P10D)

Motion Passed

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

## Voting Record:

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

10. PUBLIC PARTICIPATION MEETING - Properties located at 150 Dundas Street and 153 Carling Street

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Rygar Properties Limited, relating to the properties located at 150 Dundas Street and 153 Carling Street:

- a) the proposed by-law appended to the staff report dated July 31, 2017, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 22, 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 Downtown Area (h-3\*DA1\*D350) Zone TO a Downtown Area Special Provision Bonus (DA1(\_\_\_\_)\*D350\*B-\_\_\_\_) Zone subject to the completion of a development agreement that substantively implements the site and building design appended to the staff report dated July 31, 2017 as Appendix "1"; it being noted that the Bonus Zone shall be implemented through one or more agreements to provide for a mixed-use apartment building of 85m (278 ft) with an increased density of up to 1,498 units per hectare in return for the provision of the following facilities, services, and matters:
  - i) a high quality development which substantively implements the site plan and elevations appended to the staff report dated July 31, 2017 as Appendix "1", with minor revisions at the discretion of the Managing Director, Planning and City Planner;

Base

- A) a modern interpretation of an art-deco architectural style podium design which is sensitive to, and responds to, the surrounding heritage features and implements the design criteria of the Downtown Heritage Conservation District including a 5m tower setback for the majority of the podium;
- B) a ground floor design that includes large proportions of clear glazing as well as stone veneer and granite materials with separate direct entrances to individual commercial units to Dundas Street and Carling Street with a generous ground floor to ceiling height to activate the street and create a vibrant pedestrian realm;
- C) permanent architecturally integrated canopies above the ground floor entrances to differentiate the building base and provide overhead protection from natural elements;
- D) the provision of an outdoor common amenity area for the residents located on the top of the third level of the building (fourth floor terrace);
- E) a ramp from Carling Street to the lower level bicycle storage facilities for convenient bicycle access; and,
- F) a decorative treatment of the loading door along Carling Street;

Middle

- G) a point-tower architectural style with tower floor-plate of less than 800m<sup>2</sup> to minimize the overall mass, visual impact and sunlight disruption of the tower;
- H) a tower that utilizes a high proportion of vision glass and spandrel glass (window-wall) as the primary form of cladding for the tower, to mitigate the overall visual building mass and provide a light and refined appearance in the city skyline;

Top

- I) the use of building step-backs and variation in massing to define the building cap and completely conceal the mechanical and elevator penthouse within the overall architectural design of the top of the building to contribute to a dynamic downtown skyline;

## ii) Dundas Place

the contribution to My Dundas Place for the provision of facilities, services, programming, public art or other matters that will provide for positive project enhancements including:

- J) the financial contribution of funding in the amount of 1% of the construction value up to \$250,000, to be provided at the time of site plan approval, or
- K) the provision of 465m<sup>2</sup> (5,000 sq ft) of storage space, in a form and configuration to the satisfaction of the City, for a long-term lease not less than 15 years, at a cost to the City of \$1.00 per annum;

- b) the Site Plan Approval Authority BE REQUESTED to consider the implementation of the facilities, services, and matters described in the above clause a) i) in addition to the following wind mitigation through the site plan approval process for the fourth floor outdoor terrace:

- i) the integration of vertical wind screen/barriers at least 1.6m above the walking surface, extending 2m outward located along the east 4.5m tower setback on the fourth floor terrace;
- ii) the integration of vertical wind screens/barriers at least 2m above the walking surface, extending 3m outward located along the west 4.5m tower setback on the fourth floor terrace; and,
- iii) the provision of 1.6m tall wind screens for the northeast and southeast corners of the roof to protect outdoor seating at these locations on the fourth floor terrace;

it being noted that the Planning and Environment Committee reviewed and received a communication dated July 27, 2017 from A. Oudshoorn, Assistant Professor, Arthur Labatt Family School of Nursing, 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 further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the *Provincial Policy Statement (PPS), 2014*, which promotes intensification, redevelopment and a compact form in strategic locations to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents;
- the recommended amendment is consistent with the policies of the *Provincial Policy Statement, 2014* which requires planning authorities to facilitate pedestrian and non-motorized movement by promoting a land use pattern, density and a mix of uses that serve to minimize the length

and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes;

- the recommended amendment supports the objectives of the Downtown Area designation of the City of London Official Plan which encourages growth in the residential population of the downtown through high density residential development and design features which serve to enhance the pedestrian environment;
- the recommended amendment will allow for the proposed development including the required increase to density, through a bonus zone which requires that the ultimate form of development be consistent with the site plan and elevations appended to the amending by-law. Should the applicant not satisfy all of the provisions of the bonus zone, the increased density will not be permitted;
- the recommended amendment will facilitate an enhanced form of development which includes an architecturally defined base, middle and top with the base serving to frame the pedestrian realm at a human-scale, the middle to provide for step-backs and variation in the massing of the proposed structure to reduce the visual impact of the tower and provide for effective integration with the surrounding built context of the downtown, and a visually attractive cap on the tower which screens all mechanical elements and enhances the City skyline;
- the recommended bonus zone provides for a density of 1,498 units per hectare in return for a series of design related matters and contributions in accordance with Section 19.4.4 of the Official Plan; and,
- the recommended amendment maintains the spirit and intent of the Downtown Heritage Conservation District and other relevant Council approved Guideline Documents which provide direction for development in the Downtown. (2017-D09)

Motion Passed

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

Voting Record:

Motion to open the public participation meeting.

Motion Passed

YEAS: T. Park, M. Cassidy, A. Hopkins, S. Turner, M. van Holst (5)

NAYS: J. Helmer (1)

Motion to close the public participation meeting.

Motion Passed

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

11. PUBLIC PARTICIPATION MEETING - Group Home Type 1 Uses with Regards to Distance Separation Regulations of the Zoning By-law (Z-8779)

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the Zoning By-law for Group Home Type 1 uses and the use of separation distance regulations within the by-law to regulate the location of Group Home Type 1 uses:

- a) the proposed by-law appended to the staff report dated July 31, 2017 as APPENDIX "A" BE INTRODUCED at Municipal Council meeting to be held on August 22, 2017 to amend the Zoning By-law No Z-1, (in conformity with the Official Plan), TO amend Section 4.8 Group Homes, General Provisions of Zoning By-law No. Z-1 by removing regulations related to a 250 metre (820 feet) separation distance for Group Home Type 1 uses; and,

- b) the Civic Administration BE DIRECTED to initiate a review of Group Home Policies and Regulations and seek further public input in refining regulations and definitions for Group Homes and Supervised Care Facilities in the City, as well as any other necessary definition and policy changes; it being noted that these changes would implement action and requests from community agencies supporting peoples with developmental disabilities as well as implement direction in the Council adopted London Plan;

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

- a communication from C. Butler, 863 Waterloo Street; and,
- a communication dated July 25, 2017 from A. Watt, Community Living London;

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

- Group Home Type 1 uses provide accommodation, primarily to persons with developmental disabilities so that they can live inclusive and viable lives within all of London's neighbourhoods. Existing regulations that place separation distance requirements for Group Home Type 1 uses have created adverse effects to the establishment and operation of these uses;
- in considering the recent experiences and actions of several Ontario Municipalities in relation to group home uses and zoning regulations imposing separation distance for these uses, Council should consider amendments to the City's approach for regulating these uses. There is no standard or land use planning evidence that supports a need for a 250 metre (820 feet) separation distance between Group Home Type 1 uses. Removing separation distance requirements for group home type 1 uses should not create any negative impacts or nuisances. Group homes are required to be located in a dwelling unit that is no different than any other house in a neighbourhood. Most residents of a Group Home Type 1 use do not drive so parking and traffic should not be an issue. Form and density are also not likely to generate any impacts as occupancy is still controlled and must occur within a single detached, semi, duplex or triplex dwelling;
- the recommended amendment and direction for further review and amendments are consistent with, and will serve to implement, the policies of the Provincial Policy Statement, 2014 (2014 PPS), which emphasizes the need to plan communities in a manner that supports persons with disabilities (PPS1.1.1(f), 1.4.3);
- the recommended amendment and direction for further review and amendments are consistent with the policies of the Official Plan by encouraging the inclusion of group homes in all residential designations. Recognizing the distinction between the two types of Group Homes permitted in the Zoning By-law, the intent of the Official Plan is maintained by retaining regulations that prevent the concentration of Group Home Type 2 uses. Amendments relating to separation distance provisions within the Official Plan will be considered as part of the ongoing review of Group Homes and Supervised Residences policies and regulations in the City of London;
- the recommended amendment and direction for further review and amendments are consistent with, and will serve to implement, the policies of the London Plan;
- the recommended amendment and direction for further review and amendments will protect the City of London from potential challenges brought forward through The Ontario *Human Rights Code*, which provides for rights and opportunities for all people without discrimination on a number of grounds, including disability;

- the recommended amendment and direction for further review and amendments will protect the City of London from potential challenges brought forward through Section 15 of the *Canadian Charter of Rights and Freedoms*, which guarantees equal treatment before and under the law and equal benefit of the law without discrimination based on various grounds, including mental and physical disabilities. All laws must be consistent with the Charter to be held in force and effect; and,
- the recommended amendments and direction for further review and amendments are consistent with the general intent of Zoning By-law No. Z-1, which provides regulations for all forms of Group Homes, Supervised Residences and land uses. Zoning By-law regulations and Official Plan policies relating to separation distances shall be maintained for Group Home Type 2 uses, pending any future review by Civic Administration. (2017-D09)

Motion Passed

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

Voting Record:

Motion to open the public participation meeting.

Motion Passed

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

Motion to close the public participation meeting.

Motion Passed

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

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

##### 12. COUNCILOR MEMBER SUBMISSION - Bill C-45 Potential Local Impacts

That the Civic Administration BE REQUESTED to undertake the following actions with respect to Bill C-45 (the Cannabis Act):

- a) review international best practices in relation to municipal zoning for cannabis sellers/dispensaries as well as local regulatory policies;
- b) consult with provincial officials about the Province of Ontario's approach to regulation of cannabis, and with the Middlesex-London Health Unit and the London Police Service about their respective approaches to regulation of cannabis once it is legalized; and,
- c) report back to the Municipal Council in early 2018 with options to be put in place once legalization is approved by the federal government.

Motion Passed

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

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

##### 13. PEC Deferred List

That the Civic Administration BE DIRECTED to update the Deferred Matters List to remove any items that have been addressed by the Civic Administration.

Motion Passed

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



**VI. CONFIDENTIAL**

*(Confidential Appendix enclosed for Members only.)*

The Planning and Environment Committee convened in camera from 5:49 PM to 6:00 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 application by Rygar Corporation Inc., for the properties located at 150 Dundas Street and 153 Carling Street.

**VII. ADJOURNMENT**

The meeting adjourned at 6:56 PM.