

25TH REPORT OF THE
BUILT AND NATURAL ENVIRONMENT COMMITTEE

Meeting held on October 17, 2011, commencing at 4:10 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: Councillors M. Brown, J. P. Bryant, P. Hubert and H. L. Usher, M. Hayward, P. McNally, C. Abromaitis, D. Ailles, G. Barrett, J. Braam, H. Chapman, P. Christiaans, A. Drost, A. Dunbar, J. M. Fleming, M. Henderson, B. Henry, O. Katolyk, P. Kokkoros, G. Kotsifas, E. Lalande, J. Leunissen, J. Lucas, L. McDougall, N. Musicco, J. Page, C. Parker, C. Smith, R. Standish, M. Tomazincic, B. Warner, T. Wellhauser, R. Welker, J. Yanchula and P. Yeoman.

I YOUR COMMITTEE RECOMMENDS:

Hudson Boat Works – 2519 Fanshawe Park Road East (H-7950)

1. (1,24) That, on the recommendation of the Director of Development Planning and the Managing Director of Development Approvals, based on an application by Hudson Boat Works relating to the property located at 2519 Fanshawe Park Road East, the attached proposed by-law **BE INTRODUCED** at a future meeting of the Municipal Council 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 Light Industrial Special Provision (h-42*L11(5)) Zone **TO** remove the “h-42” holding provision.

Sifton Properties Limited – 1451 Wharncliffe Road South – Andover Trails Subdivision Phase 3 (39T-05506)

2. (2) That, on the recommendation of the Director of Development Planning and Managing Director, Development Approvals Business Unit, based on the application of Sifton Properties Ltd. relating to the property located at 1451 Wharncliffe Road South, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on October 24, 2011 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.R1-5) Zone, **TO** a Residential R1 (R1-5) Zone to remove the holding provision. (2011-D26-05)

Whitney Engineering Ltd. – 751 Fanshawe Park Road West (H-7904)

3. (3) That, on the recommendation of the Director of Development Planning, based on the application of Whitney Engineering Inc. relating to the property located at 751 Fanshawe park Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on October 24, 2011 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*R1-4) and Holding Residential R5/R6 (h*h-54*R5-4/R6-5) Zone **TO** Residential R1 (R1-4) and Holding Residential (h-54*R5-4/R6-5) Zone to remove the “h” holding provision. (2011-D11-05)

Auburn Developments – 2062 Denview Avenue

4. (4,25) That, on the recommendation of the Director of Development Planning, the following actions be taken with respect to the application of Auburn Developments relating to the property located at 2062 Denview Avenue:

- (a) the attached proposed by-laws **BE INTRODUCED** at a future Municipal Council meeting to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands as follows:
- (i) **FROM** a Holding Residential R1 (h*R1-4) Zone **TO** a Residential R1 (R1-4) Zone;
 - (ii) **FROM** a Holding Special Provision R1 (h*R1-3(7)) and Holding Residential R1 (h*R1-3) Zone **TO** a Residential R1 (R1-3) Zone and a Special Provision Residential (R1-3(7)) Zone; and a R5/R6/R7 (R5-3/R6-5/R7*H12*D50) Zone; and,
 - (iii) **FROM** a Holding Residential R1 (h*R1-3) Zone, a Holding Special Provision Residential/Residential R1/R2 (h*R1-3(7)/R2-3) and a Holding Residential R5/R6/R7 (h*R5-3/R6-5/R7*H12*D50) **TO** a Residential R1 (R1-3) Zone, a Special Provision Residential/Residential R1/R2 (R1-3(7)/R2-3) and a Residential R5/R6/R7 (R5-3/R6-5/R7*H12*D50); to remove the “h” holding provision; and,

- (b) the introduction of the above-noted by-law **BE SUBJECT TO** the satisfaction of the Civic Administration as to the execution of the related subdivision agreement. (2011-D11-02)

City of London –
1607, 1609
(eastern
portion), 1611,
1615, 1619,
1623, 1627,
1631, 1635,
1639, 1643,
1649 and 1653
Richmond
Street (OZ-
7965)

5. (5,26) That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the application by the City of London relating to the properties located at 1607, 1609 (eastern portion), 1611, 1615, 1619, 1623, 1627, 1631, 1635, 1639, 1643, 1649 and 1653 Richmond Street, on the west side of Richmond Street between Hillview Boulevard and Shavian Boulevard:

- (a) the Civic Administration **BE DIRECTED** to retain a transportation planning consultant to prepare a traffic impact assessment to assist with area transportation policies and development conditions; it being noted that the Civic Administration will continue to work with the community to alleviate their concerns where feasible; and,
- (b) the Civic Administration **BE DIRECTED** to report back to the appropriate Standing Committee with respect to:
 - (i) the costs associated with the storm sewer capacity improvements required to accommodate the proposed development between Hillview Avenue and Shavian Boulevard which represents a significant increase in development density; and,
 - (ii) to identify a sources of financing to undertake these works in 2012;

it being noted that the Civic Administration have initiated an application for Official Plan and Zoning By-law amendments for these lands and are preparing a Master Plan to be considered for adoption as a Guideline Document to the Official Plan;

it being further noted that a concurrent Site Plan application for the lands at 1631, 1635 and 1639 Richmond Street will be presented at a future public meeting of the appropriate Standing Committee for consideration, together with the proposed Official Plan and Zoning By-law amendments. (2011-D11-02)

Insurance
Bureau of
Canada –
Municipal
Flooding Risk
Assessment
Initiative

6. (7) That, on the recommendation of the Director of Wastewater and Treatment, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on October 24, 2011 to approve a Non-Disclosure Agreement with the Insurance Bureau of Canada for purposes of participating in a Municipal Flooding Risk Assessment initiative and to authorize the Mayor and the City Clerk to execute the Agreement. (2011-L10-00)

Contract Award
– 2011
Decommission-
ing of Historical
Production
Wells – Project
EW3754

7. (8) That, on the recommendation of the Director of Water & City Engineer, the following actions be taken with respect to the award of the contract for the 2011 decommissioning of historical production wells (Project EW3754):

- (a) the proposal submitted by Davidson Well Drilling Limited, 147 North Street West, in the amount of \$164,400.00, excluding H.S.T., **BE ACCEPTED**; it being noted that the City is exercising the second (2) year of a three (3) year term contract (Tender No. 10-97) awarded to Davidson Well Drilling Limited in 2010 and that all original unit prices have been maintained; it being further noted that this is the second year of a three year term contract, where the City has the sole discretion to renew the contract for one additional term based on the price and performance;
- (b) the financing for this project **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 project;
- (d) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract or issuing a purchase order for the material to be supplied and the work to be done relating to this project; and,

- (e) the Mayor and City Clerk **BE AUTHORIZED** to execute any contract or other documents, if required, to give effect to these recommendations. (2011-F13-00)

Increase in
Engineering
Fees – Elgin
Middlesex
Pumping
Station –
Pumping
Upgrades to the
City of London –
Project EW3540

8. (9) That, on the recommendation of the Director of Water & City Engineer, the following actions be taken with respect to increasing the scope of work and provision of engineering services for the Elgin Middlesex Pumping Station Pump Upgrades Project (EW3540):

- (a) the engineering fees for AECOM Canada Ltd., 410 – 250 York Street, Citi Plaza, London, Ontario, N6A 6K2, **BE INCREASED**, in the amount of \$93,181.00 to a revised total of \$157,784.00, excluding H.S.T., for this project; it being noted that the scope change is driven by revised design criteria, but will result in annual hydro cost savings of almost 20%;
- (b) the financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached hereto as Appendix "A"; it being noted that the request for a funding increase is within the existing funding allocation for the project;
- (c) the consulting fees for the project **BE IN ACCORDANCE** with the estimate, on file, based upon the Fee Guideline for the Professional Engineering Services, recommended by the Ontario Society of Professional Engineers and in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy; and,
- (d) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this project; it being noted that the Corporation previously entered into a formal contract with AECOM Canada Ltd. to undertake the preliminary design and design of this project, and this work is an extension of that contract. (2011-F17-00)

The Hermitage
Club – 1040
and 1036
Commissioners
Road West (Z-
7952)

9. (12) That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of the Hermitage Club relating to the property located at 1040 and 1036 Commissioners Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on October 24, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands **FROM** a Residential R5/Residential R8 (R5-3/R8-4) Zone which permits medium density residential development in the form of cluster townhouses and low rise apartments and a Commercial Recreation (CR) Zone which permits commercial recreation establishments **TO** a Residential R5 Special Provision/Residential R8 (R5-3(_)/R8-4) Zone to allow an existing single detached dwelling with a 14.9m lot frontage, a 1.0 metre minimum east interior side yard setback and a 3.0 metre minimum front yard setback and a Commercial Recreation Special Provision (CR(_)) Zone to permit a commercial recreational use with a 0.0 metre west interior side yard setback and a 0.0 metre front yard setback; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-03)

City of London –
1366 Huron
Street and 1295
Webster Street
(Z-7927)

10. (13,27) That, on the recommendation of the Director of Land Use Planning & City Planner, the following actions be taken with respect to the application of the City of London relating to portions of the properties located at 1366 Huron Street and 1295 Webster Street:

- (a) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting to be held on October 24, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property **FROM** a Neighbourhood Facility (NF) Zone which permits churches and elementary schools **TO** a Neighbourhood Facility (NF1) Zone which permits community centres, day care centres, libraries, private schools, fire stations, private club, police station, churches and elementary schools; and,

- (b) the Civic Administration **BE DIRECTED** to address the following design considerations through the process of designing and constructing this project:
- (i) locate the driveway access to parking along the eastern property boundary;
 - (ii) ensure pedestrian entrance has a direct connection to public sidewalk;
 - (iii) locate parking along the eastern and southern edges of the site;
 - (iv) use building massing to identify pedestrian entrance separate from garage/fire truck entrance;
 - (v) ensure building elevations clearly identify building base, middle and top;
 - (vi) use a limited palette of complementary building materials, such as brick and stone; and,
 - (vii) design/surface vehicle access and parking areas so as to 'read' as forecourt/plaza spaces rather than exclusively as driveway;

it being noted that the Built and Natural Environment Committee reviewed and received a communication dated October 9, 2011 from W. Ludwig, 1359 Webster Street, with respect to this matter;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-02)

Growth
Management
Implementation
Strategy (GMIS)
– 2012 Annual
Review and
Update

11. (14,28, Added,Added) That, on the recommendation of the Executive Director of Planning, Environmental & Engineering Services, the following actions be taken with respect to the implementation of the Official Plan growth management policies applicable to the financing of growth-related infrastructure works as outlined in the Growth Management Implementation Strategy (GMIS) update:

- (a) the attached GMIS (Appendix "C") **BE APPROVED**;

it being noted that:

- (i) this strategy will provide direction on future development applications;
- (ii) the GMIS will be used in setting the final 2012 Capital Program for growth infrastructure and will be re-examined in 2013; and,
- (iii) the GMIS is identified as a Guideline Document as set out in Section 19.2.2 of the Official Plan;

- (b) Projects T69 (Foxhollow SWMF) and T80 (Riverbend SWMF) **BE REFERRED** to the Civic Administration for further consultation with related Developers, with a report back to the appropriate Standing Committee within 60 days; and,

- (c) the Civic Administration **BE ASKED** to report back to the appropriate Standing Committee on the inclusion of Project T67B (Old Victoria SWMF) within 60 days within the GMIS;

it being noted that the following communication was received in support of the GMIS Report:

- The Urban League of London, dated October 17, 2011, as included in the Built and Natural Environment Committee (BNEC) Added Communications.

it being also noted that the following communications were received in opposition to the GMIS Report:

- P. Sergautis, Extra Realty Limited, dated October 17, 2011, as included in the BNEC Communications; and,
- R. Zelinka, Zelinka Priamo Ltd., dated October 17, 2011, attached, included in the BNEC Added, Added Communications.

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. Kennedy, London Development Institute – advising that the GMIS was last updated in June, 2010; advising that LDI representatives met with Civic Administration in February, 2011 and did not receive a first draft until September, 2011; indicating that he is speaking from an industry perspective; advising that they received the final update last Thursday and reviewed the document over the weekend; advising that a number of questions that they raised have been addressed; recommending that a formal process is developed to review the GMIS on an annual basis; expressing concern that some of the costs of the projects will increase with phasing and that the LDI has had discussions with the industry with respect to phasing; enquiring as to how it was determined which projects are to be delayed and which projects were moved ahead of schedule; indicating that the Municipal Servicing and Financing Agreement needs to be finalized; reiterating that there needs to be deadlines, consultation with industry and increased communication; and advising that timing is a key component.
- B. Stratford, R. W. Stratford Consulting – advising that he is representing the property owners of Fox Hollow SWM Pond; indicating that the staff advised the property owners that the SWM pond would be constructed in 2012 and now the ponds are being phased; indicating that he has a problem with the GMIS being approved with the deferral of the SWM ponds; advising that it is difficult to understand the timing if not certain about phasing dates and boundaries; requesting that the phased works be left as they are and asking Staff come back with phasing timelines and funding; advising that he supports phasing but they are left dangling with the process; expressing concern with the timing; and advising that this may change things on paper but it may not change the project.
- P. Masschelein, Sifton Properties Limited – advising that the City and the industry need to talk about phasing; advising that they have 2 ponds that have been maintained as projects for 2012 and indicating that if these projects can be phased, that is great, but if they can't, these projects have been in place for years and there are unique conditions; advising that they have people ready to move in but are unable to; advising that a deferral would cause problems; advising that there are 350-400 lots for one SWM pond; advising that this is his third time addressing the Old Victoria Area; advising that an area plan was completed in 2006/2007; advising that this was all completed before the implementation of the GMIS; advising that the initial GMIS has not changed; indicating that they are looking at areas of London to invest in; indicating that this is a unique circumstance as functional and detailed designs would commence and development could proceed; advising that the area has not been serviced; advising that there are families with one member who commutes to other cities along the 401; indicating that this development is a mid to upper level development that backs onto the River; indicating that great planning and visioning work has been done in this area; advising that they received a Council resolution asking Staff to report back in August and that August comes and goes with no response; advising that the River Bend EA has not been done in 3 years; indicating that the Old Victoria Area is a great area for investment; indicating that the estimated revenues are \$12,000,000; advising that all of the infrastructure is there; indicating that people may move to the communities outside of London; indicating that this is a great opportunity for London; realizing that a committee has been established to deal with the Municipal Servicing and Financing Agreement, which will work for commercial property, but not residential property; advising that the GMIS is the next mechanism for change; realizing that there is a lot of commercial activity planned for Highbury Avenue; and requesting that project TS67 (Old Victoria SWM No. 2) be bumped to 2012 as they are ready for the project.
- B. R. Card, on behalf of Sifton Properties Limited – expressing concern with project T67; advising that he is generally in agreement with the staff recommendation; advising that Sifton is expecting to see financing for the Old Victoria Project; indicating that the City has invested a lot of money in

the southwest area of the city; and that Sifton is prepared to register a new subdivision and need to be able to have a SWM pond; indicating that Sifton has a commitment to spend at least \$5,000,000; advising that this is exciting as it targets different owners than the Summerside subdivision; indicating that he expected to be able to address this matter before now and that the project is too important to be deferred; realizing that the Committee may be intending to approve the GMIS project tonight and asking that this project be included; and requesting that the Old Victoria subdivision be considered with this matter as the project has been around for years and needs to proceed in 2012.

- S. Levin, on behalf of the Urban League of London – advising that the Urban League of London has been involved in London’s growth since the 1990’s; indicating that the GMIS is a growth financing strategy; supporting Staff’s recommendation of Option #1; indicating that the question becomes how much new capacity the Council wants to add as most of these works have a non-growth component; requesting that projects that aren’t in the DC Study not be added; advising that the DC Study may not be able to support the payments in option #3; advising that some of the same mistakes are being made that the 2003 Council made; noting that with the Sifton Project and Tributary C, it is interesting to talk about the EA not being completed; advising that Tributary C is a cold water tributary; and advising that the really challenging part is how you advance projects in the GMIS today and then say no to the next project.
- S. Cornwell, Zelinka Priamo Ltd – representing Tridon Group Limited and the Thames Village Joint Venture; advising that they have been involved in the process; indicating that they helped put together the EA report; advising that there is an undersupply of residential lots in the east area of the City; and indicating that he would like to see the GMIS amended to allow them to go ahead with their plans.
- J. DeJong, Tridon Developments – advising that they have been working with families in the area and that there have been 4 stages of an archaeological review completed, noting that they are trying to put forward something that was complete; advising that London is losing families to smaller communities outside of London; advising that he would like to have been involved in the GMIS project in 2008; and indicating that they have completed pond work in other areas; the process has taken over 20 years and there is plenty of sewer capacity to proceed with the project. (2011-D18-00)

Old Victoria
Subdivision
Progression

12. (15) That, notwithstanding the recommendation of the Managing Director, Development Approvals Business Unit with respect to advancing the Old Victoria subdivision in the absence of any formal tool being approved, the Civic Administration **BE DIRECTED** to continue to work with the technical review team on the parameters for a possible Municipal Servicing and Financing Agreement that would ensure minimal risk to the taxpayer and be in the best interest of the taxpayer. (2011-D11-07/D26-06)

M. Garcia – 495
Oakridge Drive

13. (16,29) That, on the recommendation of the Director of Development Planning, the following actions be taken with respect to the site plan approval application of M. Garcia relating to the property located at 495 Oakridge Drive:

- (a) the Approval Authority **BE ADVISED** that there were no issues raised at the public participation meeting of the Built and Natural Environment Committee held with respect to the subject site plan application for the 7 single-detached cluster units at 495 Oakridge Drive;
- (b) the Approval Authority **BE ADVISED** that the Municipal Council supports the granting of approval of the attached site plan;
- (c) the Approval Authority **BE ADVISED** that the Municipal Council supports the granting of the Development Agreement Clauses proposed in the attached Appendix 1; and,
- (d) the applicant **BE ADVISED** that the Director, Development Finance has projected the attached claims and revenues;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D25-00)

Nadio Di Pando
– 1872 and
1874 Trafalgar
Street

14. (17) That, on the recommendation of the Director of Development Planning, the following actions be taken with respect to the site plan approval application of Nadio Di Pando relating to the property located at 1872 and 1874 Trafalgar Street:

- (a) the Approval Authority **BE ADVISED** that at the public meeting of the Built and Natural Environment Committee held with respect to this matter, the following issues were raised:
 - (i) concern that the application proceeds in its original form; and,
 - (ii) neighbours developed illnesses and rashes when the former structure was demolished and removed;
- (b) the Approval Authority **BE ADVISED** the Municipal Council supports the granting of the approval of the attached site plan and elevations for one (1) duplex dwelling at 1872 and a second duplex dwelling at 1874 Trafalgar Street subject to the site plan being green-line amended to include a sidewalk, and acceptance of site servicing drawings and the Civic Administration consulting with the applicant to add a buffer to the property to the west of the application;
- (c) the Approval Authority **BE ADVISED** that the Municipal Council supports the granting of the Development Agreement Clauses proposed in the staff report; and,
- (d) the applicant **BE ADVISED** that the Director, Development Finance has projected the attached claims and revenues;

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

- D. McRae, 1804 Trafalgar Street – enquiring as to what restrictions or conditions are being put on the application; requesting that what is being proposed is what is built; advising that the neighbours had rashes and some were ill when the property was demolished; and indicating that the last meeting was improperly proposed.
- N. DePando, Applicant – disagreeing that it was misrepresented the first time. (2011-D25-00)

Cedar Auto of
London Ltd. –
2170
Wharnccliffe
Road South (Z-
7944)

15. (19,30) That, notwithstanding the recommendation of the Director of Land Use Planning and City Planner, to introduce a by-law to amend Zoning By-law No. Z.-1, the application of Cedar Auto of London Ltd., relating to a portion of the subject land located at 2170 Wharnccliffe Road South, **BE REFERRED** to the Civic Administration for further consideration and to address Mr. D. K. Bluhm's concerns;

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

- S. Cornwell, Zelinka Priamo Ltd., representing the applicant – advising that there is a technical matter with the holding provision (h-80) that isn't workable; advising that they need sanitary and storm sewer services before the start of construction; and suggesting that a reasonable solution can be reached to protect the drain located on the property.
- D. K. Bluhm, 2153 Wharnccliffe Road South – advising that he sent a communication to the City expressing the concerns of the homeowners across from the property; indicating that they were advised that it would not be used as a car lot; advising that people in that area still use wells and noting that the lights from the proposed use would shine in their houses. (2011-D11-02)

16. (20,31) That, notwithstanding the recommendation of the Director of Building Controls, the following actions be taken with respect to the proposed amendments to the Sign and Canopy By-law as it relates to construction signs and real estate signs, such amendments to be revised as follows:

- (a) the attached, revised, proposed By-law (Appendix 6) **BE INTRODUCED** at the Municipal Council meeting to be held on October 24, 2011 to amend the Sign & Canopy By-law for Construction and Real Estate Advertising Signs; it being noted that the Built and Natural Environment Committee requested the following additional amendments to the draft by-law:
 - (i) increase the permitted sign coverage area from 5% to 10%; and,
 - (ii) allow the sign to be displayed for 365 days per calendar year;
- (b) the Civic Administration **BE DIRECTED** to enforce the Sign & Canopy By-law, relating to all signs throughout the City (including banner signs and construction signs) as per Council Policy 13(2) "Enforcement by City Personnel", or any successor Council policy; and,
- (c) the Civic Administration **BE ASKED** to report back to the 2012 Budget with an appropriate sign fee structure that is comparable to other municipalities;

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

- E. Simms, London Property Management Association – advising that she does not support the proposed staff amendments; advising that it hurts the industry to have a restriction on advertising signs at this time due to the high vacancy rates; advising that the size of sign allowed is too small; indicating that allowing signs to be posted for 210 days a year is not enough and enquiring as to why you would want to restrict the amount of time that signs can be placed on buildings; indicating that signs should be allowed to be posted year round; indicating that the by-law is unreasonable; and requesting that if the by-law is passed, to please allow one year for compliance.
- G. Brommett, Farhi Holdings Corporation – advising that London is on the cusp of change; enquiring as to why this was on the last BNEC Agenda under consent items; enquiring as to why some members of Council indicated that the passing of the Sign & Canopy by-law was a done deal; indicating that she has not heard any data on the number of complaints; indicating that the city is full of other types of signs, such as those on the LTC buses; noting that those signs are distracting while she is driving; and requesting the Committee refer the by-law back to staff for further consideration.
- S. Trosow, 43 Mayfair Drive – advising that there is an overabundance of signs downtown; expressing puzzlement as to why people think there is a connection between the economy and large signs; and indicating that we don't need huge signs.
- S. Farhi, Farhi Holdings Corporation – indicating that if you have 700,000 square feet leased at \$10.00 a square foot, you have \$7,000,000 in revenue coming in and at 5% tax on commercial buildings, that is \$3,500,000 in revenue for the City; advising that he travels for his business and cities such as New York have beautiful signs; indicating that London has the #1 vacancy rate in Canada; indicating that if the buildings are full, the signs are not necessary; advising that because of his signs, he has attracted two new businesses to London; enquiring as to why murals are allowed but signs are not; expressing agreement that tired looking signs should be replaced; advising that he took 600 pictures of signs and that if everyone paid \$30.00 per sign, it would be \$18,000 more revenue for the city; and expressing hope that the city will increase the size of signs to 10%. (2011-D24-00)

Linda Anne
Brand – 1240
Richmond
Street (Z-7949)

17. (21) That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Linda Anne Brand relating to the property located at 1240 Richmond Street, the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands **FROM** a Residential R1 Special Provision (R1-5(3)) Zone which permits one single detached dwelling subject to a special provision which restricts: maximum floor area; maximum floor area ratio; the minimum rear yard depth; and, restricts the location of parking areas **TO** a Residential R2 (R2-3) Zone to permit single detached dwellings; semi-detached dwellings; duplex dwellings; and converted dwellings (maximum 2 dwelling units) **BE REFUSED** for the following reasons:

- (i) the requested amendment is not consistent with the policies of the *Provincial Policy Statement, 2005* which encourage efficient development and land use patterns which sustain the financial well-being of the municipality;
- (ii) the requested amendment is not consistent with the Residential Intensification policies of the Official Plan;
- (iii) the requested amendment is not consistent with the intent of the North London/Broughdale Special Official Plan Policies which exist in this area to promote neighbourhood stability; and,
- (iv) the requested amendment constitutes “spot” zoning for a site that is not unique and does not have any special attributes which would warrant a site specific amendment;

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

- R. Knutson, on behalf of the applicant – advising that he was not aware of the legal history of this property; indicating that the report and appendices were filed in June, 2011 and that the staff report does not include any of this information; indicating that if the staff recommendation is approved, this file will go to the Ontario Municipal Board; requesting that the matter be adjourned and requesting the staff provide the planning justification report to Council; it being noted that the Civic Administration responded to the planning justification report statement made by Mr. Knutson; indicating that an honest mistake was made on page 255 as the application noted the current zoning is R1-5(3) and the zoning requested is R2-3; advising that this section of Richmond Street carries 35,000 cars a day; indicating that this property is three stories and the surrounding properties are two stories; advising that an addition was put on the property in 2004; indicating that the property is serviced by the lane on Raymond Avenue; noting that there are a lot of student rentals in the area; advising that the property is approximately 700 metres from the University of Western Ontario gates; indicating that the houses located across the street at 1235 to 1253 Richmond Street, were removed to build high rises; disagreeing with the statement that this application is not in conformity with the Provincial Policy Statement; advising that this is an urban area; noting that after reviewing the Official Plan and Broughdale policies, the application should be deemed to be in compliance; indicating that the property to the north will probably be demolished; and asking that staff be directed to prepare a by-law for this property.
- A. Rostis, 18 Mayfair Drive – indicating that he was here in the spring when the application was made to rezone four properties on the other side of the street, into a high rise; indicating that Mayor Fontana and Councillor Polhill argued that the application should be approved to protect the Broughdale area which consists of four streets; and advising that if you allow a duplex in a single-family residential zoned area, other neighbours will ask for rezoning as well.
- M. Blosch, 43 Mayfair Drive – advising that this is a precedent setting application and that even the application indicates this; advising that this was done illegally and now the owner is asking to change the law so that they can be in compliance with the law; advising that it is a big house because it was expanded; indicating that Marie came to City Hall and spoke to the Building Department because the addition was built on stilts, that the building is an eyesore, but she was advised to live with it as it

complies with the Building Code; expressing appreciation to the Planning Division Staff for working with the neighbours; requesting that intensification be done on a planned basis; indicating that the owner popped the roof up and added wings to add more bedrooms; indicating that there are now five bedrooms per duplex unit and soon everyone else will be doing this; requesting that the Broughdale Plan be followed; and expressing dismay that she has to come down to speak to this issue.

- S. Trosow, 43 Mayfair Drive – advising that he was hoping to hear more information on the application; enquiring as to whether or not the applicant has complied with the court order; enquiring as to why the city can't get into the property to see how many bedrooms are in the building; suggesting that there should be some compliance with the law; advising that the property owner has demonstrated time and time again that they don't need to comply with the law and that it isn't right.
- Mr. Irving, Resident, Raymond Avenue – indicating that it makes him sick to walk by this property; indicating that he has called at least 50 times about the amount of garbage and that there are a lot of cars parked on the property. (2011-D11-02)

Riverside
United Church –
675 Riverside
Drive (Z-7951)

18. (22,32) That, on the recommendation of the Director of Land Use Planning & City Planner, the following actions be taken with respect to the application of Riverside United Church relating to the property located at 675 Riverside Drive:

- (a) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting to be held on October 24, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property **FROM** a Residential (R1-10) Zone **TO** a Holding Neighbourhood Facility (h-())*NF) Zone to allow for the 'Church' use which would result in an expansion of the existing parking lot for the Riverside United Church resulting in approximately 36 additional parking spaces, in addition to permitted uses such as Elementary schools; it being noted that the (h-()) has been added to ensure that development takes a form compatible with the adjacent land uses so that the issues identified below as a condition of approval can be implemented; it being further noted that the "h-()" symbol shall not be deleted until an agreement is entered into for subject the lands with the City of London, and a lot grading plan, storm water servicing plan, landscape plan, a site plan and security sufficient to cover the works identified in these plans is provided to the satisfaction of the City of London; it being also noted that submitted plans are to show, at a minimum, the following:
- required road widening and location of accesses;
 - trees preserved, trees/vegetation to screen the view of the new parking area from Riverside Drive;
 - definition of pedestrian circulation in the parking area using contrasting paving materials or colors to distinguish between pedestrians and vehicle routes;
 - 6 foot high wood screen fence along all common property lines;
 - a landscaped buffer of at least 3m between the new parking area and the abutting residential properties to address privacy; and,
 - full cut-off lighting to reduce glare to the adjacent residential properties;
- (b) Mr. Zelinka's communication, dated September 12, 2011, **BE REFERRED** to the site plan approval process; and,
- (c) the Civic Administration **BE ASKED** to report back on the parking restrictions on Dunedin Drive at a future meeting of the Built and Natural Environment Committee;

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

- A. R. Patton, on behalf of the applicant – requesting approval of the application; indicating that he contacted Mr. Zelinka upon receipt of Mr.

Zelinka's communication; advising that the church is willing to work with the neighbour identified in Mr. Zelinka's communication as well as abutting owners in the neighbourhood; stating that churches perform more than a religious function; advising that the church would like to remain in the neighbourhood and be a good neighbour; and advising that there is sufficient room on the site plan to accommodate buffers to the neighbouring properties.

- G. Rutherford, 662 Warren Road – indicating that they share the border with 675 Riverside Drive; enquiring as to why the church needs more parking after 50 years; advising that there are never more than 50 cars parked on the street; the Bromley Avenue church doesn't have parking; indicating that the cars only park on the street for two hours on Sunday mornings; and indicating that there is no sense of security when you abut a parking lot not a residential property.
- L. Margison, 478 Dunedin Drive – advising that they have taken over the Hyde Park Church members as their church is closed; indicating that the Riverside United Church now has two services on Sunday; indicating that there is no increase in the number of parking spaces used on the street; advising that fencing, privacy, sound barriers and security are all issues that have been brought up; wondering if extra parking is necessary for a couple of hours; and suggesting that the money could be put to better use.
- C. Dalgity, 450 Dunedin Drive – indicating that they live across from the church; indicating that the proposed parking lot will abut five properties; noting that trees will need to be removed and neighbours are going to have to replace the trees themselves; and indicating that they have lived at their property for 20 years and that the church was busier years ago.
- R. Meadows, 469 Dunedin Drive – indicating that the church owns the property located at 665 Riverside Drive; indicating that the proposed loss of the residence on the property will mean a loss of tax revenue; indicating that the property values will decrease if the parking lot is put in; and enquiring as to the long-range plans of the church.
- K. Marsh, 656 Warren Road – advising that her property is L-shaped and if the parking lot is put in its proposed location and the church acquires a couple of other properties, her lot will be surrounded by a parking lot.
- M. Hunter, 647 Amberley Avenue – advising that he is a member of the church and is on their transportation committee; indicated that 50 parking spaces were lost with the elimination of parking on Dunedin Drive; and indicating that approximately 1,000 people attend the church.
- R. Wright, 455 Dunedin Drive – indicating that he lives on the north side of the egress and is adjacent to the church on two sides to the east and will have the parking lot; indicating that there have been no provisions for privacy or noise; indicating that the church has not approached him about his loss of enjoyment; indicating that he was advised at a church meeting that the parking lot will be expanded; advising that there are not many obstructions and that the cars in the parking lot will be able to see in to three or four backyards; and advising that he can't see a clear plan that addresses the neighbours' concerns.
- J. Newman, 780 Sunninghill Avenue – expressing concern with the removal of a house for the installation of a parking lot; indicating that Riverside Drive is a busy through street; advising that this sets a dangerous precedent for the commercialization of Riverside Drive and advising that she doesn't mind having people park in front of her house. (2011-D11-06)

II YOUR COMMITTEE REPORTS:

Sunningdale
Road – Interim
Maintenance
Strategy

19. (6) That the Built and Natural Environment Committee reviewed and received an information report from the Acting Director of Roads and Transportation with respect to the interim road maintenance strategy for Sunningdale Road. (2011-S08-00)

7th Report of
TAC

20. (10) That the Built and Natural Environment Committee reviewed and received the 7th Report of the Transportation Advisory Committee from its meeting held on October 4, 2011. (See Report attached.)

Building
Division Monthly
Report

21. (11) That the Built and Natural Environment Committee reviewed and received the Building Division Monthly Report for August, 2011 from the Director of Building Controls.

State of the
Downtown
Report 2011

22. (18) That the Built and Natural Environment Committee (BNEC) heard a verbal presentation from the Manager, City Planning and Research and reviewed and received an information report from the Director of Land Use Planning and City Planner with respect to State of the Downtown Report 2011. The BNEC asked the Civic Administration to consider the State of the Downtown Report 2011 in connection with the Downtown Master Plan. (2011-D07-00)

London
Property
Management
Association -
Application to
the Ontario
Superior Court
of Justice –
Court File No.
2263-2010

23. (23) That the Built and Natural Environment Committee reviewed and received an information report from the City Solicitor with respect to the Judgement of the Ontario Superior Court upholding By-law No. CP-19, the Residential Rental Units Licensing By-law. (2011-P10-00)

Confidential
Matters

24. That the Built and Natural Environment Committee (BNEC) passed the following resolution prior to moving in camera from 10: 23 p.m. to 10:35 p.m.:

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

- (a) litigation or potential litigation with respect to the appeals of Nortel Networks Limited and Nagata Auto Parts Canada Co., Ltd. to the Environmental Review Tribunal from an Order of the Director, Ministry of the Environment, Order No. 3250-8J4J3G, dated July 20, 2011 and a motion before the Ontario Superior Court of Justice, Court File No. 09-CL-7950;
- (b) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with the appeals of Nortel Networks Technology Corporation and Nortel Networks Limited to the Environmental Review Tribunal from an Order of the Director, Ministry of the Environment, Order No. DP-6548-7WJKV4, dated October 29, 2009 and a motion before the Ontario Superior Court of Justice, Court File No. 09-CL-7950; and
- (c) for giving directions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

The BNEC is submitting a confidential report to the Municipal Council regarding this matter. (See Confidential Appendix to the 25th Report of the Built and Natural Environment Committee enclosed for Council Members only.)

The meeting adjourned at 10:37 p.m.