

Planning and Environment Committee

Report

13th Meeting of the Planning and Environment Committee
August 13, 2018

PRESENT: Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park
ABSENT: Mayor M. Brown
ALSO PRESENT: Councillors J. Morgan, M. van Holst and J. Zaifman; I. Abushehada, J. Adema, A. Anderson, G. Barrett, M. Corby, M. Elmadoon, J.M. Fleming, M. Knieriem, P. Kokkoros, G. Kotsifas, H. Lysynski, T. Macbeth, H. McNeely, L. Mottram, N. Pasato, M. Pease, M. Ribera, C. Saunders, J. Smolarek, M. Sundercock, M. Tomazincic, R. Turk, S. Wise and P. Yeoman

The meeting was called to order at 4:00 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that Councillor T. Park disclosed a pecuniary interest in clause 3.4 of this Report, having to do with the property located at 391 South Street, by indicating that her family owns property in the area.

2. Consent

Moved by: J. Helmer
Seconded by: T. Park

That Items 2.1 to 2.3, inclusive and 2.5 to 2.8, inclusive and 2.10 to 2.15, inclusive, BE APPROVED.

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

Motion Passed (5 to 0)

2.1 Update on Regulations for the Promoting Affordable Housing Act, 2016 (Inclusionary Zoning)

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to Inclusionary Zoning for the delivery of affordable housing:

- a) the staff report dated August 13, 2018 entitled "Update on Regulations for the *Promoting Affordable Housing Act, 2016* (Inclusionary Zoning) BE RECEIVED for information;
- b) the Civic Administration BE DIRECTED to report back to the Planning and Environment Committee outlining options and approaches to implement Inclusionary Zoning in London, following consultation with the London Home Builders Association and the London Development Institute; and,
- c) the Civic Administration BE DIRECTED to prepare a draft Municipal Assessment Report to establish a framework for policies for Inclusionary Zoning. (2018-S11)

Motion Passed

2.2 Local Planning Appeal Tribunal Process Report

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, and the Managing Director, Development and Compliance Services and Chief Building Official, with the concurrence of the City Clerk and Solicitor II, the following actions be taken with respect to the Local Planning Appeal Tribunal process:

- a) the staff report dated August 13, 2018, entitled "Local Planning Appeal Tribunal Process Report" BE RECEIVED for information; and,
- b) the Civic Administration BE DIRECTED to initiate the processes outlined as noted in clause a) above. (2018-L01)

Motion Passed

2.3 ReThink Zoning Terms of Reference

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, the staff report dated August 13, 2018 entitled "ReThink Zoning Terms of Reference" and the draft Terms of Reference BE RECEIVED for information and BE CIRCULATED to stakeholders, agencies and the public for the purposes of receiving comments; it being noted that the final Terms of Reference will be brought before a future meeting of the Planning and Environment Committee for approval following the consultations with stakeholders, agencies and the public. (2018-C01A)

Motion Passed

2.5 Process to Consider Privately-Initiated Applications for Official Plan Amendments

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the City Clerk, the staff report dated August 18, 2018, entitled "Process to Consider Privately-initiated Applications for Official Plan Amendments" BE RECEIVED for information. (2018-D09)

Motion Passed

2.6 Planning Services and Development Services Application Fees and Charges Update

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner and the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to the Planning Services and Development Services application fees and charges review:

- a) the staff report dated August 13, 2018, entitled “Planning Services and Development Services Application Fees and Charges update” regarding the Planning Services and Development Services fee review BE RECEIVED for information; and,
- b) this item BE REMOVED from the Planning and Environment Committee Deferred Matters list (Item #3 of the May 28, 2018 PEC report); it being noted that a public participation meeting will be held at the Strategic Priorities and Policy Committee on September 17, 2018, with respect to this matter. (2018-F21)

Motion Passed

2.7 Application - Creekview Subdivision - Phase 3 - Special Provisions (39T-05512)

Moved by: J. Helmer
 Seconded by: T. Park

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 Landea North Developments Inc. and Landea Developments Inc., for the subdivision of land over Part of Lot 22, Concession 5, (Township of London), City of London, County of Middlesex, situated on the south side of the Sunningdale Road West, west of Wonderland Road, municipally known as 1196 Sunningdale Road West:

- a) the Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Landea North Developments Inc. and Landea Developments Inc., for the Creekview Subdivision, Phase 3 (39T-05512) appended to the staff report dated August 13, 2018 as Appendix “A”, BE APPROVED;
- b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated August 13, 2018 as Appendix “B”;
- c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated August 13, 2018 as Appendix “C”; and,
- d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2018-D09)

Motion Passed

2.8 Application - West 5 Subdivision - Phase 3 - Special Provisions (39T-14503)

Moved by: J. Helmer
 Seconded by: T. Park

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 Sifton Properties Limited, for the subdivision of land over Part of Lots 49 and 50, Concession B, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the north side of Oxford Street West, east of Riverbend Road, west of Kains Road, and south of Shore Road, municipally known as 1300 Riverbend Road:

- a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited, for the West 5 Subdivision, Phase 3 (39T-14503) appended to the staff report dated August 13, 2018 as Appendix "A", BE APPROVED;
- b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated August 13, 2018 as Appendix "B";
- c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated August 13, 2018 as Appendix "C"; and,
- d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2018-D09)

Motion Passed

2.10 Application - 2313 and 2373 Callingham Drive - Removal of Holding Provision (H-8929)

Moved by: J. Helmer
 Seconded by: T. Park

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Town & Country Developments Inc., relating to the properties located at 2313 and 2373 Callingham Drive, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R4 (h•R4-6) Zone TO a Residential R4 (R4-6) Zone to remove the "h" holding provision. (2018-D09)

Motion Passed

2.11 Application - 1826 and 1854 Oxford Street West - Removal of Holding Provisions (h and h-11) (H-8895)

Moved by: J. Helmer
 Seconded by: T. Park

That, on the recommendation of the Planner II, Development Planning, based on the application of Oxford West Gateway Inc., c/o Laverne Kirkness, relating to the properties located at 1826 and 1854 Oxford Street West, the proposed by-law appended to the staff report dated August 13, 2018 BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 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 Community Shopping Area Special Provision (h*h-11*CSA5(6)) Zone TO a Community Shopping Area Special Provision (CSA5(6)) Zone to remove the h. and h-11 holding provisions. (2018-D09)

Motion Passed

2.12 Application - 164 Sherwood Forest Square - Removal of Holding Provision (H-8913)

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Ben Cameron Consulting Inc., relating to the property located at 164 Sherwood Forest Square, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 to amend Zoning By-law Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R8 Special Provision (h-5•h-11•h-179•R8-4(26)) Zone TO a Residential R8 Special Provision (R8-4(26)) Zone to remove the h-5, h-11, and h-179 holding provisions. (2018-D09)

Motion Passed

2.13 Application - 728, 730, 742 and 744 Dundas Street - Removal of Holding Provision (h-67) (H-8925)

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Senior Planner, Development Services, based on the application by Indwell Community Homes, relating to lands located at 728, 730, 742 and 744 Dundas Street, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 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 Business District Commercial Special Provision (h-67•BDC(19)•D250•H46•B-12) Zone TO a Business District Commercial Special Provision (BDC(19)•D250•H46•B-12) Zone to remove the h-67 holding provision. (2018-D09)

Motion Passed

2.14 Application - 1100 Upperpoint Boulevard/1854 Oxford Street West - Removal of Holding Provisions (h and h-209) (H-8906)

Moved by: J. Helmer
Seconded by: T. Park

That, on the recommendation of the Manager, Development Planning, based on the application by Sifton Properties Limited, relating to lands located at 1100 Upperpoint Boulevard, the proposed by-law appended to the staff report dated August 13, 2018 BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 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 R5 / Residential R6 / Residential R7 / Residential R8 (h.*h-209*R5-7/R6-5/R7 D75 H15/R8-4) Zone TO a Residential R5 / Residential R6 / Residential R7 / Residential R8 (R5-7/R6-5/R7 D75 H15/R8-4) Zone to remove the h and h-209 holding provisions. (2018-D09)

Motion Passed

2.15 Building Division Monthly Report for June 2018

Moved by: J. Helmer
Seconded by: T. Park

That the Building Division Monthly Report for the month of June, 2018 BE RECEIVED for information. (2018-F-21)

Motion Passed

2.4 Application - 1631-1649 Richmond Street

Moved by: M. Cassidy
Seconded by: T. Park

That, the Civic Administration BE AUTHORIZED to accept and process Zoning By-law Amendment and Official Plan Amendment applications submitted by Zelinka Priamo Ltd., for the properties located at 1631 to 1649 Richmond Street; it being noted that the Planning and Environment Committee heard a verbal presentation and reviewed and received a communication dated July 26, 2018, from H. Froussios, Senior Associate, Zelinka Priamo Ltd., with respect to these matters. (2018-D09)

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

Motion Passed (5 to 0)

Additional Votes:

Moved by: T. Park
Seconded by: J. Helmer

That H. Froussios, Zelinka Priamo Ltd., BE GRANTED delegation status with respect to this matter.

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

Motion Passed (5 to 0)

2.9 Application - 2427 Daisy Bend and 3025 Doyle Drive - Removal of Holding Provisions (H-8907)

Moved by: T. Park
Seconded by: J. Helmer

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 2427 Daisy Bend and 3025 Doyle Drive, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 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 R5/R6 (h•h-54•R5-4/R6-5) Zone TO a Residential R5/R6 (R5-4/R6-5) Zone to remove the h and h-54 holding provisions. (2018-D09)

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

Motion Passed (5 to 0)

3. Scheduled Items

- 3.1 Delegation - L. Kirkness, Kirkness Consulting Inc. - Application - 2156 Highbury Avenue North

Moved by: T. Park
Seconded by: M. Cassidy

That, the Civic Administration BE AUTHORIZED to accept and process Zoning By-law Amendment and Official Plan Amendment applications by Chinmaya Mission (Canada), for the property located at 2156 Highbury Avenue North, to add a Neighbourhood Facility zone to the subject property in order to permit a Place of Worship; it being noted that the Planning and Environment Committee heard a verbal presentation from L. Kirkness, Kirkness Consulting, with respect to this matter. (2018-D09)

Yeas: (3): M. Cassidy, J. Helmer, and T. Park

Nays: (2): S. Turner, and A. Hopkins

Motion Passed (3 to 2)

- 3.2 Delegation - C. Linton, Developro - Capital Works Claim - Riverbend Meadows Phase 3 (33M-654)

Moved by: A. Hopkins
Seconded by: J. Helmer

That, on the recommendation of the Director, Development Services, the request for additional payment on the Capital Works Budget claim under 33M-654 Riverbend Meadows Phase 3 BE DISMISSED and no further action BE TAKEN as the original claim amount has been paid out in accordance with the Subdivision Agreement provisions; it being noted that the Planning and Environment Committee heard a verbal presentation from C. Linton, Developro Land Services Inc., with respect to this matter.

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

Motion Passed (5 to 0)

- 3.3 Public Participation Meeting - Application - 131 King Street (Z-8902)

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of York Development, relating to the property located at 131 King Street:

- a) the comments received from the public during the public engagement process appended to the staff report dated August 13, 2018 as Appendix "A" BE RECEIVED;
- b) Planning staff BE DIRECTED to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act, R.S.O 1990, c.P. 13*;

it being noted that staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the staff evaluation to be presented at a future public participation meeting;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09)

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

Motion Passed (5 to 0)

Additional Votes:

Moved by: A. Hopkins

Seconded by: M. Cassidy

Motion to open the public participation meeting.

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

Absent: (1): Mayor M. Brown

Motion Passed (5 to 0)

Moved by: A. Hopkins

Seconded by: M. Cassidy

Motion to close the public participation meeting.

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

Absent: (1): Mayor M. Brown

Motion Passed (5 to 0)

3.4 Public Participation Meeting - 391 South Street (Z-8803)

Moved by: J. Helmer

Seconded by: M. Cassidy

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application by The Corporation of the City of London, relating to the property located at 391 South Street, the proposed by-law appended to the staff report dated August 13, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2018 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 Residential R7/ Residential R9/ Regional Facility (h-5*R7*D150*H30/R9-7*H30/RF) Zone TO a holding Residential R8 Special Provision Bonus (h-__*R8-4(__)*B-__) Zone and a holding Residential R9 Special Provision Bonus (h-__*R9-3(__)*H30*B-__) Zone; it being noted that the (B-__) Bonus Zone shall be implemented through one or more agreements to provide for an apartment building height maximum of 23 storeys or 80m (262 ft) with an increased density of up to 705 units per hectare in return for the provision of the following facilities, services, and matters:

- a) a high quality development which substantively implements the site plan and renderings as appended to the staff report dated August 13, 2018 as Schedule "1" to the amending by-law, with minor revisions except where described in more detail below:

Lower Podium

- i) ensuring that brick is the primary material used to clad the lower podium portion of the building;
- ii) ensuring ground floor units facing the Riverfront Promenade and South Street include individually accessible and externally lockable front door entrances;
- iii) ensuring ground floor units provide walkways that lead to: a City sidewalk, the courtyard, the River Promenade, and the mid-block connection;
- iv) providing for elevated ground floor patios where possible, in order to provide for privacy and increase the livability of the ground floor units;
- v) ensuring the principle entrances into the apartment buildings are prominent and easily identifiable by: introducing a break in the rhythm of massing, including a high level of clear glazing, or through the incorporation of canopies;
- vi) ensuring high quality design of the south elevation with individual unit entrances and private amenity courtyard spaces oriented to the Riverfront Promenade, and avoid blank walls to provide a positive edge with active uses facing the promenade;
- vii) providing a green roof treatment and/or amenity space on top of the lower podium roof;
- viii) provision of all above-ground structured parking within the building entirely screened by active uses;

Courtyard

- i) ensuring that the Colborne Building is appropriately integrated with the proposed courtyard by including entrances, patios, and active ground floor uses;
- ii) utilizing similar materials, treatments and patterns (ie- paving, aerial string lights between new building and Colborne Building, etc) as the proposed SoHo Heritage Square to the north in the design of the proposed courtyard;
- iii) maintaining the vista to the Children's War Memorial Hospital Building from the courtyard, by relocating any artifacts such as the nurse's residence arch from the north of the courtyard to elsewhere in the courtyard;

Upper Podium

- i) incorporating brick is encouraged on the mid-rise (eight storey) portions of the building;
- ii) ensuring that the material and colour palette provides for a cohesive design between all elements of the development including the lower podium, towers, top of towers, and the Colborne Building;

Tower

- i) provision of slender point towers with floor plates less than 800m²;
- ii) ensuring the design of the top of the towers provides interest to the skyline and is well integrated with the design language of the overall development;
- iii) offsetting heights of 19 storeys on the north tower and 23 storeys on the south tower;

- b) conservation, retention and adaptive re-use of the existing heritage designated Colborne Building;
- c) provision of a publicly accessible open space courtyard which substantively implements the concept landscape plan appended to the staff report dated August 13, 2018 as Schedule “2” to the amending by-law, which features:
 - i) a publicly accessible connection over private lands from the SoHo Civic Space to the Riverfront Promenade;
 - ii) enhanced landscaping with the use of trees, shrubs, and various raised planting features;
 - iii) decorative paving reminiscent of the former Hospital uses;
 - iv) provision of publicly accessible seating areas;
 - v) provision of publicly accessible art pieces in accordance with the Public Art policies in section 20.6.3.3 of the Old Victoria Hospital Lands Secondary Plan through the installation of hospital artifacts; and,
- d) provision of two levels of underground parking;

it being pointed out that at the public participation meeting associated with these matters, 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 adaptive reuse of the existing Colborne Building is consistent with the Provincial Policy Statement, as it encourages a sense of place and preserves important built heritage;
- the recommended amendment conforms to the Old Victoria Hospital Secondary Plan and facilitates the development of one of the Four Corners and a High Rise Residential block, and contributes to the creation of a vibrant mixed-use node;
- the recommended bonus zone provides for an increased density and height in return for a series of bonusable facilities, services and matters that benefit the public in accordance with Section 20.6.3.3 of the Old Victoria Hospital Lands Secondary Plan; and,
- the recommended amendment is appropriate for the site and context, and will implement the vision of the Old Victoria Hospital Secondary Plan on the City-owned lands, and be a catalyst for revitalization of the overall SoHo community. (2018-D09)

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Motion Passed (4 to 0)

Additional Votes:

Moved by: M. Cassidy
Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (2): T. Park, and Mayor M. Brown

Motion Passed (4 to 0)

Moved by: M. Cassidy
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (2): T. Park, and Mayor M. Brown

Motion Passed (4 to 0)

3.5 Public Participation Meeting - 2427 Daisy Bend and 3025 Doyle (39CD-18509)

Moved by: T. Park
Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited, relating to the lands located at 2427 Daisy Bend and 3025 Doyle Drive:

- a) the Approval Authority BE ADVISED that the following issues were raised by the public at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the properties located at 2427 Daisy Bend and 3025 Doyle Drive:
 - i) the installation of townhomes across from single existing family residences;
 - ii) concerns with respect to the proposed wrought iron fence;
 - iii) requesting a stone wall instead of a wrought iron fence;
 - iv) requesting trees, such as Blue Spruce, to be planted;
 - v) requesting the applicant work with the neighbours;
 - vi) requesting a wider circulation for Notices; and,
 - vii) requesting privacy when they sit on their front porches;
- b) the Approval Authority BE ADVISED that the following issues were raised by the Planning and Environment Committee members at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the properties located at 2427 Daisy Bend and 3025 Doyle Drive:
 - i) requesting boulevard trees be planted;

c) the Approval Authority BE ADVISED that the following issues were raised by the public at the public meeting with respect to the Site Plan Approval application relating to the property located at 2427 Daisy Bend and 3025 Doyle Drive:

- i) concerns with respect to the proposed wrought iron fence;
- ii) requesting a stone wall instead of a wrought iron fence;
- iii) requesting boulevard trees, such as Blue Spruce, to be planted;
- iv) requesting the applicant work with the neighbours;
- v) requesting a wider circulation for Notices; and,
- vi) requesting privacy when they sit on their front porches;

d) the Approval Authority BE ADVISED that the following issues were raised by the Planning and Environment Committee members at the public meeting with respect to the Site Plan Approval application relating to the property located at 2427 Daisy Bend and 3025 Doyle Drive:

- i) requesting boulevard trees be planted;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09)

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

Motion Passed (5 to 0)

Additional Votes:

Moved by: M. Cassidy
Seconded by: A. Hopkins

Motion to open the public participation meeting.

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

Absent: (1): Mayor M. Brown

Motion Passed (5 to 0)

Moved by: M. Cassidy
Seconded by: T. Park

Motion to close the public participation meeting.

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

Absent: (1): Mayor M. Brown

Motion Passed (5 to 0)

3.6 Public Participation Meeting - 1146-1156 Byron Baseline Road (Z-8847)

Moved by: A. Hopkins
Seconded by: M. Cassidy

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2186121 Ontario Inc., relating to the properties located at 1146-1156 Byron Baseline Road:

a) the Local Planning Appeal Tribunal BE ADVISED that Municipal Council recommends that the request to amend Zoning By-law No. Z-1 to change the zoning of the subject property FROM a Residential R1 (R1-7) Zone TO a Residential R8 Special Provision (R8-4(_)) Zone, to permit a 4-storey (15 metre) apartment building BE REFUSED for the following reasons:

- i) the requested Zoning By-law Amendment is not consistent with the Provincial Policy Statement;
- ii) the requested Zoning By-law Amendment does not conform to the 1989 Official Plan; and,
- iii) the requested Zoning By-law Amendment does not conform to The London Plan;

b) the Local Planning Appeal Tribunal BE ADVISED that Municipal Council recommends that in the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, that the Local Planning Appeal Tribunal BE REQUESTED to withhold its Order(s) approving the application until such time as the Tribunal has been advised by the City Solicitor that:

- i) the proposed Zoning By-law Amendment is in a form satisfactory to the City Planner and City Solicitor;
- ii) a hydrogeological report has been completed and all necessary mitigation measures have been implemented to the satisfaction of the City Engineer;
- iii) a Site Plan application has been made and a Site Plan Agreement has been entered into between the City and the owner following a public Site Plan review process;

c) the City Solicitor BE DIRECTED to provide legal and planning or expert witness representation at the Local Planning Appeal Tribunal hearing in support of Municipal Council's position;

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

- a communication dated July 27, 2018, from K. and J. White, 126 October Crescent;
- a communication dated July 30, 2018, from T. and R. Wolf, 399 Lansing Avenue;
- a communication from R. Toft, 34 September Lane;
- a communication dated July 30, 2018, from J. Lee and J. Burkell, 1158 Byron Baseline Road; and,
- a communication from I. and J. Clark, 1044 Griffith Street;

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

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

- the requested Zoning By-law Amendment is not consistent with the Provincial Policy Statement;
- the requested Zoning By-law Amendment does not conform to the 1989 Official Plan; and,

- the requested Zoning By-law Amendment does not conform to The London Plan. (2018-D09)

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

Motion Passed (5 to 0)

Additional Votes:

Moved by: M. Cassidy
 Seconded by: A. Hopkins

Motion to open the public participation meeting.

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

Absent: (1): Mayor M. Brown

Motion Passed (5 to 0)

Moved by: M. Cassidy
 Seconded by: A. Hopkins

Motion to close the public participation meeting.

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

Absent: (1): Mayor M. Brown

Motion Passed (5 to 0)

4. Items for Direction

4.1 7th Report of the Trees and Forests Advisory Committee

Moved by: T. Park
 Seconded by: M. Cassidy

That, the following actions be taken with respect to the 7th Report of the Trees and Forests Advisory Committee from its meeting held on July 25, 2018:

a) the Civic Administration BE ADVISED of the following comments from the Trees and Forests Advisory Committee with respect to the Parks and Recreation Master Plan:

- it should be ensured that trees continue to populate the City of London as it is “The Forest City” and more trees should be planted in shared recreation spaces;
- it is recommended that a shade policy be created as a task item and implemented under the Parks and Recreation Master Plan;
- selective tree species should be planted in parks and recreation areas to assist with safer shaded areas;
- older trees should be kept and maintained as much as possible and all trees should be properly maintained (watering, trimming, etc.);
- citizens of the City of London should be engaged with respect to what is being done to protect and encourage trees and forests in their area;
- tree-related communities (i.e., ReForest London) should be allowed to use parks and recreation facilities to hold events;

- the Parks and Recreation Master Plan should explicitly recognize the importance of park spaces play in the local environment and that park spaces should be designed in such a way as to enhance the environmental benefits they offer; and,
- it is recommended that a Naturalization Policy be included as a task item under the Parks and Recreation Master Plan;

b) the Civic Administration BE ADVISED of the following comments of the Trees and Forests Advisory Committee with respect to the City of London Tree Protection By-law:

- there should be a standardized form as part of the application package for both the “Arborist Report” and the “Arborist Opinion”;
- the by-law should include a minimum canopy target of 51% of irreversible die back;
- the definition of “Pest” should be revised to include an infestation causing detrimental and irreversible damage to the direct health of a tree;
- the distinctive tree size should be reduced to 25 cm for a permit;
- the definition of “Replacement Tree” should be revised to clarify that “native” is required and that “shade” and “large growing tree” are synonymous;
- golf courses should be added to the exemption list in Section 5 of the by-law; and,
- wildlife values and interests within a tree should be considered more carefully with respect to provincial and federal Acts and Regulations and tied back to the by-law process to ensure a consistent approach;

it being noted that the communication appended to the 7th Report of the Trees and Forests Advisory Committee from the Tree Protection By-law Working Group, with respect to this matter, was received; and,

c) clauses 1.1, 2.1, 3.1, 3.2 BE RECEIVED.

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

Motion Passed (5 to 0)

4.2 8th Report of the Environmental and Ecological Planning Advisory Committee

Moved by: T. Park
Seconded by: M. Cassidy

That, the following actions be taken with respect to the 8th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on July 19, 2018:

- a) the Working Group comments appended to the 8th Report of the Environmental and Ecological Planning Advisory Committee, relating to the Parks and Recreation Master Plan review BE REFERRED to the Civic Administration for review and consideration; it being noted that the Environmental and Ecological Planning Advisory Committee is willing to assist with the review of the Parks and Recreation Master Plan;
- b) the following actions be taken with respect to the Environmental Impact Study and Hydrogeological Study, relating to the properties located at 3070 Colonel Talbot Road and 3645 Bostwick Road:

i) a Working Group BE ESTABLISHED, consisting of S. Levin (lead), R. Trudeau and I. Whiteside to review the Environmental Impact Study and Hydrogeological Study, relating to the properties located at 3070 Colonel Talbot Road and 3645 Bostwick Road; and,

ii) the Division Manager, Environmental & Engineering Services, BE REQUESTED to provide a status update on the Dingman Creek Subwatershed study;

it being noted that the Environmental and Ecological Planning Advisory Committee reviewed and received a Notice of Planning application, revised Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments from N. Pasato, Senior Planner, with respect to this matter;

c) clauses 1.1, 3.1, 3.2, 5.3, 5.4, 6.1 and 6.2 BE RECEIVED.

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

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

None.

6. Confidential (Enclosed for Members only.)

Solicitor-Client Privilege/Litigation/Potential Litigation

Moved by: T. Park

Seconded by: M. Cassidy

The Planning and Environment Committee convened in Committee, In Closed Session, from 7:44 PM to 7:50 PM, with respect to the following matter:

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Local Planning Appeal Tribunal, and for the purpose of providing instructions and directions to officers and employees of the Corporation.

7. Adjournment

The meeting adjourned at 7:51 PM.