

Planning and Environment Committee

Report

The 20th Meeting of the Planning and Environment Committee
November 18, 2019

PRESENT: Councillors A. Hopkins (Chair), J. Helmer, M. Cassidy, P. Squire, S. Turner, Mayor E. Holder

ALSO PRESENT: J. Adema, M. Elmadhoon, M. Feldberg, J.M. Fleming, K. Gonyou, H. Lysynski, T. Macbeth, L. Maitland, H. McNeely, B. O'Hagan, C. Parker, M. Pease, L. Pompillii, C. Saunders, C. Smith, J. Taylor, M. Tomazincic, M. Vivian and P. Yeoman

The meeting was called to order at 4:01 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Turner

Seconded by: J. Helmer

That Items 2.1 to 2.3, inclusive, BE APPROVED.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

2.1 Review of Delegated Authority for Heritage Alteration Permits

Moved by: S. Turner

Seconded by: J. Helmer

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the revised "Delegated Authority for Heritage Alteration Permits By-law," appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend By-law C.P.-1502-129 being "A by-law to delegate certain authority of Municipal Council to consent to or grant permits for alterations to heritage designated properties", to clarify the process for Heritage Alteration Permits. (2019-R01)

Motion Passed

2.2 Application - 3260 Singleton Avenue (H-9119)

Moved by: S. Turner

Seconded by: J. Helmer

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to the property located at 3260 Singleton Avenue, the proposed by-law appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 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 Special Provision R5/R6/R7/R8 (h-54*h-71*h-100*h-105*h-136*R5-7(8)*R6-5(48)*R7(20)D75H13*R8-4(32) Zone TO a Residential Special Provision R5/R6/R7/R8 (R5-7(8)*R6-5(48)*R7(20)D75H13*R8-4(32) Zone to remove the holding provisions. (2019-D09)

Motion Passed

2.3 Application - 660 Sunningdale Road East - Applewood Subdivision Phase 2 - Special Provisions 39T-09501-2

Moved by: S. Turner

Seconded by: J. Helmer

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited, for the subdivision of land over Part Lot 13, Concession 6, situated on the north side of Sunningdale Road East, west of Adelaide Street North, municipally known as 660 Sunningdale Road East:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited, for the Applewood Subdivision, Phase 2 (39T-09501) appended to the staff report dated November 18, 2019 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 November 18, 2019 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 November 18, 2019 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. (2019-D09)

Motion Passed

3. Scheduled Items

3.1 Public Participation Meeting - Allowing "Farm Gate Sales" on Lands within the Urban Growth Boundary (Z-9060)

Moved by: J. Helmer

Seconded by: M. Cassidy

That, on the recommendation of the Managing Director, City Planning and City Planner, the following actions be taken with respect to the City-wide zoning by-law amendment initiated by the City of London:

a) the proposed by-law appended to the staff report dated November 18, 2019 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to add a new "Farm Gate Sales" definition in Section 2 Definitions and amend Section 49.2 1) of the Urban Reserve (UR) Zone to allow Farm Gate Sales as a permitted use in the Urban Reserve (UR1) Zone; and,

b) the Civic Administration BE DIRECTED to initiate a zoning by-law amendment to permit the sales of produce grown on a residential property (direct food sales) on more occasions than the current limitation of up to two times per year;

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

- a communication dated October 21, 2019 from A. Williams, 595 Sherene Terrace; and,
- a communication dated November 4, 2019 from P. Shand, Chairperson, Middlesex London Food Policy Council;

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 to Zoning By-law Z.-1 is consistent with the Provincial Policy Statement (2014);
- the recommended amendment to Zoning By-law Z.1 conforms to the 1989 Official Plan, including the policies of the Urban Reserve land use designation and to The London Plan, including the policies of the Food Systems chapter and the Future Growth Place Type, and provides for appropriate uses on these sites; and,
- the recommended amendment to Zoning By-law Z.-1 will allow the sales of agricultural products from farms located within the Urban Growth Boundary. (2019-D09)

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

Nays: (1): E. Holder

Motion Passed (5 to 1)

Additional Votes:

Moved by: M. Cassidy

Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

Moved by: S. Turner

Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

3.2 Public Participation Meeting - Application - 2498, 2500, 2510 Main Street (Z-9105)

Moved by: J. Helmer

Seconded by: E. Holder

That, on the recommendation of the Director, Development Services, based on the application by 9398562 Canada Inc., relating to the properties located at 2498, 2500, 2510 Main Street, the proposed by-law appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject properties FROM a Business District Commercial (BDC) Zone TO a Business District Commercial Special Provision (BDC (*)H10*D60) Zone;

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 approves this application for the following reasons:

- the requested amendment is consistent with the policies of the 2014 Provincial Policy Statement that encourage efficient development and land use patterns, the identification of appropriate locations for mixed use intensification and re-development, and facilitate compact forms of development;
- the requested amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Business District Commercial policies as it directs the Commercial/Office uses along the Main Street frontage and townhouse uses to the rear yard;
- the requested amendment conforms to the in-force policies of The London Plan, including but not limited to Main Street Place Type policies as it is a coordinated and comprehensive application for intensification; and,
- the requested amendment is consistent with The London Plan, Main Street Place Type policies as it will permit intensification in a mix used form and discourages intensification in a low density residential form. (2019-D09)

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

Additional Votes:

Moved by: M. Cassidy

Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

Moved by: E. Holder

Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

3.3 Public Participation Meeting - Application - 666-670 Wonderland Road North (Z-9093)

Moved by: J. Helmer
Seconded by: S. Turner

That, on the recommendation of the Director, Development Services, based on the application by JFK Holdings, relating to the property located at 666-670 Wonderland Road North, the proposed by law appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(1)) Zone TO a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(__)) Zone;

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, 2014;
- the recommended amendment conforms to the in-force policies of the (1989) Official Plan, including but not limited to the Auto-Oriented Commercial Corridor designation; and,
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Transit Village Place Type. (2019-D09)

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

Additional Votes:

Moved by: J. Helmer
Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

Moved by: S. Turner
Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

3.4 Public Participation Meeting - Bird Friendly Development

Moved by: J. Helmer

Seconded by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to bird-friendly development and instituting a limited light period for the City of London:

a) the proposed by-law appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend By-law C.P.-1455-541, as amended, entitled the "Site Plan Control Area By-law" to add the following to Schedule 1:

i) Section 2

A) 2.1 Objectives – a new objective for bird-friendly design of a development site;

ii) Section 8

A) Section '8.1 Objectives - a new objective to read: "All lighting should be limited to, and directed towards, the area requiring illumination so as to reduce skyglow and light pollution and thereby promote bird-friendly development."; and,

B) Section '8.2 Yard Lighting' – adding a new requirement for full cut-off and have zero up light lighting;

b) the Civic Administration BE DIRECTED to further public consultation and provide for consideration future proposed Site Plan Control By-law Amendments to address other possible bird-friendly design criteria, including the possible use of visual markers on glass treated high-rise buildings for Council consideration; and,

c) the Civic Administration BE DIRECTED to undertake a public awareness campaign on creating visual markers, treating glass, and muting the reflection of glass on buildings to ensure buildings are less dangerous for birds, and the promotion of a limited lit period coinciding with bird migrations in spring (approx. March to June) and fall (approx. August to November) migratory seasons, respectively;

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. (2019-D11)

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

Additional Votes:

Moved by: S. Turner
Seconded by: E. Holder

Motion to open the public participation meeting.

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

Absent: (1): P. Squire

Motion Passed (5 to 0)

Moved by: S. Turner
Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

4. Items for Direction

4.1 11th Report of the Advisory Committee on the Environment

Moved by: M. Cassidy
Seconded by: P. Squire

That the following actions be taken with respect to the 11th Report of the Advisory Committee on the Environment, from its meeting held on November 6, 2019:

a) the following actions be taken with respect to Gas Tax Distribution:

- i) the '8.0 - Recommendations' section of the Cycling Master Plan Review Working Group Report of the Cycling Advisory Committee, dated October 16, 2019, BE ADDED to the December 2019 agenda of the Advisory Committee on the Environment (ACE) for discussion;
- ii) a representative from Financial Planning and Policy BE INVITED to attend the ACE meeting in January 2020 to give a brief outline of the City of London budget process and the new business cases that are being brought forward; and,
- iii) the presentation appended to the 11th Report of the Advisory Committee on the Environment, from A. Dunbar, Manager, Financial Planning and Policy, with respect to Gas Tax Distribution, BE RECEIVED for information;

b) the following actions be taken with respect to the Advisory Committee on the Environment (ACE) Terms of Reference:

- i) the City Clerk BE REQUESTED to fill the existing vacancies in the ACE membership in order to allow the ACE to fulfill its full potential given the short term of two years to make solid recommendations to the Municipal Council; and,

clause b) ii) BE REFERRED back to the Advisory Committee on the Environment for further consideration; it being noted that part b) ii) reads as follows:

- “ii) the City Clerk BE REQUESTED to remove the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them

with a Representative from Western University, with no department specified.”; and,

c) clauses 1.1, 3.1 to 3.7, inclusive, 4.1, 5.1, 5.2 and 5.4 BE RECEIVED for information.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

Additional Votes:

Moved by: S. Turner

Seconded by: E. Holder

Motion to refer clause b) ii) back to the Advisory Committee on the Environment for further consideration; it being noted that clause b) ii) reads as follows:

“ii) the City Clerk BE REQUESTED to remove the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with a Representative from Western University, with no department specified.”

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

4.2 Draft Affordable Housing Community Improvement Plan and Key Considerations for Program Guidelines (O-9099)

Moved by: M. Cassidy

Seconded by: E. Holder

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the draft Affordable Housing Community Improvement Plan (CIP):

a) the draft Affordable Housing Community Improvement Plan BE CIRCULATED to stakeholders including market housing developers, non-profit housing developers, housing agencies and the general public for additional consultation; and,

b) the above-noted report BE RECEIVED for the purposes of identifying key principles of the draft Affordable Housing Community Improvement Plan and program guidelines;

it being noted that a public participation meeting of the Planning and Environment Committee will be scheduled in January, 2020 to consider the final Affordable Housing Community Improvement Plan and Program Guidelines; and,

it being further noted that the Affordable Housing Community Improvement Plan has been identified within the 2019-2023 Council Strategic Plan and a business case for the incentive programs under the CIP will be submitted for evaluation through the 2020 Multi-Year Budget process;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated November 14, 2019 from C. Butler, 863 Waterloo Street, with respect to this matter. (2019-S11)

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder
Motion Passed (6 to 0)

5. Deferred Matters/Additional Business

5.1 (ADDED) 11th Report of the London Advisory Committee on Heritage

Moved by: J. Helmer
Seconded by: S. Turner

That, the following actions be taken with respect to the 11th Report of the London Advisory Committee on Heritage, from its meeting held on November 13, 2019:

a) on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval and approval for alterations to property at 562 Dufferin Avenue, within the East Woodfield Heritage Conservation District, BE PERMITTED with the terms and conditions:

- only natural wood with a painted finish be used for the half timbering;
- the new stucco of the half timbering maintain a rough texture, per the existing stucco cladding; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from K. Gonyou, Heritage Planner, was received with respect to this matter;

b) on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval and approval for alterations to property at 504-506 Maitland Street, within the West Woodfield Heritage Conservation District, BE PERMITTED with the terms and conditions:

- sash (hung) windows be used for the gable windows;
- the cedar shakes proposed for the gable cladding be rectangular and regular in shape and installation;
- all exposed wood, including porch posts and railings/guards, cedar shakes, board and batten, and tongue and groove siding, be painted;
- the Heritage Planner be circulated on the Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from K. Gonyou, Heritage Planner, was received with respect to this matter;

c) J. Michaud, Landscape Architect, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the current design for the Lorne Avenue Park Project and encourages a Cultural Heritage Interpretive Sign to be implemented into the above-noted project; it being noted that the presentation appended to the 11th Report of the London

Advisory Committee on Heritage from J. Michaud, Landscape Architect, with respect to this matter, was received;

d) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage concurs with the findings of the Cultural Heritage Evaluation Reports (CHERs), as appended to the agenda, with respect to the properties located at 327, 331 and 333 Wellington Road; it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from M. Morris, Major Projects, with respect to this matter, was received;

e) B. Debbert, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street, as it relates to the Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 84-86 St. George Street and 175-197 Ann Street; it being noted that the LACH submits the following comments with respect to the HIA:

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London, e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th Century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments;

it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from M. Tovey, with respect to this matter, was received;

f) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the request for designation of the heritage listed property at 36 Pegler Street:

- i) notice BE GIVEN under the provisions of Section 29(3) of the *Ontario Heritage Act, R.S.O. 1990, c. O. 18*, of Municipal Council's intention to designate the property to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report; and,
- ii) should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property at 36 Pegler Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report BE INTRODUCED at a future meeting of Municipal Council immediately following the end of the appeal period;

it being noted that should an appeal to Municipal Council's notice of intention to designate be received, the City Clerk will refer the appeal to the Conservation Review Board;

it being further noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from K. Gonyou, Heritage Planner, with respect to this matter, was received;

g) the Managing Director, Planning and City Planner BE ADVISED that the London Advisory Committee on Heritage is supportive of the proposed by-law, as appended to the staff report dated November 13, 2019, with respect to a review of Delegated Authority for Heritage Alteration Permits; it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from K. Gonyou, Heritage Planner, with respect to this matter, was received;

h) L. Mottram, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage is not satisfied by the research and assessment presented in the Heritage Impact Statement (HIS) for the properties located at 1018-1028 Gainsborough Road as it relates to the Public Meeting Notice, dated October 2, 2019, from L. Mottram, Senior Planner, with respect to a Zoning By-law Amendment for the properties located at 1018-1028 Gainsborough Road, as the impacts of the proposed development were not adequately considered by the above-noted HIS;

i) the following actions be taken with respect to the Heritage Planners' Report, submitted by K. Gonyou, L. Dent and M. Greguol, Heritage Planners:

i) the expenditure of up to \$20.00 per person from the 2019 London Advisory Committee on Heritage (LACH) budget BE APPROVED for L. Fischer and K. Waud to attend the Heritage Matters in Conversation bus tour on November 28, 2019; it being noted that the LACH has sufficient funds in its 2019 budget to cover this expense;

ii) the expenditure of up to \$100.00 from the 2019 LACH Budget BE APPROVED for refreshments at the Stewardship Sub-Committee meeting, hosting the Western University Public History Program presentations; it being noted that the LACH has sufficient funds in its 2019 budget to cover this expense and has done for previous, similar meetings; and,

iii) the above-noted Heritage Planners' Report BE RECEIVED for information; and,

j) clauses 1.1, 2.5, 3.1 to 3.3, inclusive, 3.5, 4.1, 5.4, 5.5 and 5.7, BE RECEIVED for information.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

Motion Passed (6 to 0)

6. Confidential

The Planning and Environment Committee convene, In Closed Session, for the purpose of considering the following:

6.1. Solicitor-Client Privilege/Litigation or Potential Litigation

A matter pertaining to litigation or potential litigation with respect to appeals to the Ontario Municipal Board, continued as the Land Use Planning Appeals Tribunal, arising out of the London Plan; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose and for the purpose of providing instructions and directions to external legal counsel, officers and employees of the Corporation with respect to appeals to the Ontario Municipal Board, continued as the Land Use Planning Appeals Tribunal, arising out of the London Plan.

The Planning and Environment Committee convenes, In Closed Session, from 6:18 PM to 7:10 PM.

7. Adjournment

The meeting adjourned at 7:11 PM.