

Planning and Environment Committee

Report

The 5th Meeting of the Planning and Environment Committee
February 18, 2020

PRESENT: Councillor M. Cassidy (Chair), J. Helmer, A. Hopkins, S. Turner, A. Kayabaga

ABSENT: Mayor E. Holder

ALSO PRESENT: J. Adema, G. Bailey, G. Dales, B. Debbert, M. Feldberg, K. Gonyou, P. Kokkoros, G. Kotsifas, H. Lysynski, H. McNeely, B. O'Hagan, M. Pease, L. Pompilii, M. Ribera, C. Saunders, M. Tomazincic and P. Yeoman

The meeting was called to order at 4:02 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Turner

Seconded by: A. Hopkins

That Items 2.1 to 2.3, inclusive, BE APPROVED.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.1 Limiting Distance (No Build) Agreement between The Corporation of the City of London and MJ London Properties Inc. (515 Burbrook Place)

Moved by: S. Turner

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to a limiting distance (no-build) agreement between The Corporation of the City of London and MJ London Properties Inc., for the property located at 515 Burbrook Place:

a) the proposed limiting distance agreement appended to the staff report dated February 18, 2020 for the property at 515 Burbrook Place between The Corporation of the City of London and MJ London Properties Inc. BE APPROVED; and,

b) the proposed by-law appended to the staff report dated February 18, 2020 BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to approve the limiting distance agreement between The Corporation of the City of London and MJ London Properties Inc., for the property located at 515 Burbrook Place, and to delegate authority to the Managing Director, Environmental and Engineering Services and City

Engineer to execute the agreement on behalf of The Corporation of the City of London as the adjacent property owner. (2020-D04)

Motion Passed

- 2.2 Application - Removal of Holding Provision (h-53) - 435 Callaway Road (Formerly 365 Callaway Road) (H-9138)

Moved by: S. Turner
Seconded by: A. Hopkins

That, on the recommendation of the Director, Development Services, based on the application by Wastell Homes, relating to the property located at 435 Callaway Road (formerly 365 Callaway Road), the proposed by-law appended to the staff report dated February 18, 2020 BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 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 R5/R6 Special Provision (h-53/R5-3(19)/R6-5(53)) Zone TO a Residential R5/R6 Special Provision (R5-3(19)/R6-5(53)) Zone to remove the (h-53) holding provision. (2020-D09)

Motion Passed

- 2.3 Community Improvement Plan Loan Deferral in Downtown and Old East Village due to Road Construction

Moved by: S. Turner
Seconded by: A. Hopkins

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to updating the guidelines for financial incentive programs permitted through the Downtown and Old East Village Community Improvement Plans to allow for the deferral of loan repayments during road construction:

- a) the proposed by-law amendment appended to the staff report dated February 18, 2020 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to amend By-law C.P.-1467-175, as amended, being "A by-law to establish financial incentives for the Downtown Community Improvement Project Areas", to delete the existing Schedule 1 and replace with the new Schedule 1; and,
- b) the proposed by-law amendment appended to the staff report dated February 18, 2020 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to amend By-law C.P.-1468-176, as amended, being "A by-law to establish financial incentives for the Old East Village Community Improvement Project Area", to delete the existing Schedule 1 and replace with the new Schedule 1. (2020-D19)

Motion Passed

3. Scheduled Items

- 3.1 Request for Council Resolution, under section 45(1.4) of the Planning Act, 1990 - 1331 Hyde Park Road

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

That, the following actions be taken with respect to the property located at 1331 Hyde Park Road:

a) on the recommendation of the City Clerk, the report dated February 18, 2020 and entitled "Request for Council Resolution, under section 45(1.4) of the *Planning Act, 1990* – 1331 Hyde Park Road" BE RECEIVED for information; and,

b) the Managing Director, Development Services and Compliance and Chief Building Official BE AUTHORIZED to accept a Minor Variance application by L. Kirkness, Kirkness Consulting, for the property located at 1331 Hyde Park Road;

it being noted that the Planning and Environment Committee heard a verbal delegation from L. Kirkness, Kirkness Consulting, with respect to this matter. (2020-D09)

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga
Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Turner

Seconded by: A. Kayabaga

Motion to grant delegation status to Mr. L. Kirkness, Kirkness Consulting.

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga
Absent: (1): E. Holder

Motion Passed (5 to 0)

3.2 Application - 1600/1622 Hyde Park Road and 1069 Gainsborough Road (Z-9067)

Moved by: J. Helmer

Seconded by: A. Hopkins

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Hyde Park Investments Inc., relating to the property located at 1600/1622 Hyde Park Road and 1069 Gainsborough Road:

a) the proposed by-law appended to the staff report dated February 18, 2020 BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Business District Commercial (BDC) Zone TO a Holding Business District Commercial Special Provision (h-18*BDC(_)) Zone;

b) the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

i) providing for 7 storey massing along Hyde Park Road that includes a step-back above the second storey and 8 storey massing along Gainsborough Road;

ii) providing for appropriate rhythm, materials and fenestration;

iii) providing ground floor commercial space with transparent glazing and principal entrances close to and facing Hyde Park Road;

iv) providing ground floor residential units with individual entrances and patio spaces close to and facing Gainsborough Road that can be converted to commercial /retail spaces if there is a demand in the future; and,

v) parking lot layout including accommodation of appropriate driveway alignments across North Routledge Park for future development applications;

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 2014 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Main Street Commercial Corridor designation;
- the recommended amendment conforms to the in-force policies of The London Plan; and,
- the subject lands represent an appropriate location for mixed-use residential intensification, at the main intersection of the Hyde Park Village Core and the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. (2020-D09)

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga
Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: A. Hopkins
Seconded by: A. Kayabaga

Motion to open the public participation meeting.

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga
Absent: (1): E. Holder

Motion Passed (5 to 0)

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

Motion to close the public participation meeting.

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga
Absent: (1): E. Holder

Motion Passed (5 to 0)

3.3 (ADDED) 3rd Report of the London Advisory Committee on Heritage

Moved by: J. Helmer

Seconded by: A. Kayabaga

That, the following actions be taken with respect to the 3rd Report of the London Advisory Committee on Heritage, from its meeting held on February 12, 2020:

a) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the proposed Property Standards Amendment with respect to Vacant Heritage Buildings with the caveat that references to "vacant heritage building" be changed to "vacant Heritage Designated Properties"; it being noted that the LACH is interested in obtaining a list of current vacant Heritage Listed Properties; it being further noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage, from O. Katolyk, Chief Municipal Law Enforcement Officer, with respect to this matter, was received;

b) the following actions be taken with respect to the application, under Section 42 of the *Ontario Heritage Act*, seeking retroactive approval for alterations to the property located at 938 Lorne Avenue, within the Old East Heritage Conservation District:

i) the retroactive approval for the porch alterations and the approval for the proposed porch alterations at 938 Lorne Avenue, within the Old East Heritage Conservation District, BE PERMITTED with terms and conditions:

- all exposed wood be painted; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

ii) the retroactive approval for the roofing material change at 938 Lorne Avenue, within the Old East Heritage Conservation District, BE PERMITTED;

it being noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage, from M. Greguol, Heritage Planner, with respect to this matter, was received;

c) on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 33 of the *Ontario Heritage Act* seeking retroactive approval for alterations to roof of the property located at 1058 Richmond Street, By-law No. L.S.P.-3155-243, BE REFUSED; it being noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage, from K. Gonyou, Heritage Planner, with respect to this matter, was received;

d) on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval to remove the existing wooden windows and replace with vinyl windows on the property located at 40 and 42 Askin Street, By-law No. L.S.P.-2740-36 and Wortley Village-Old South Heritage Conservation District, BE REFUSED; it being noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage, from K. Gonyou, Heritage Planner and the verbal delegation from P. Scott, with respect to this matter, were received;

e) up to \$100.00 from the 2020 London Advisory Committee on Heritage (LACH) BE APPROVED for LACH members to attend the 13th Annual London Heritage Awards Gala on March 5, 2020; it being noted that the information flyer, as appended to the agenda, with respect to this matter, was received;

f) C. Lowery, Planner II, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusions of the Heritage Impact Assessment (HIA) associated with the proposed development at 435, 441 and 451 Ridout Street North as the HIA has not adequately addressed the following impacts to the adjacent and on-site heritage resources and attributes:

- the HIA is adequate as far as history of the subject lands is concerned, however, insufficient consideration has been given to the importance of the subject lands and adjacent properties to the earliest beginnings of European settlement of London;
- the HIA gives inconsiderate consideration to the importance of the on-site buildings being representatives of remaining Georgian architecture;
- the HIA gives insufficient consideration given to London's Downtown Heritage Conservation District Guidelines (DHCD) and further efforts should be made in reviewing the proposal with the Eldon House Board;
- the HIA gives insufficient consideration given to the impacts on surrounding neighbouring heritage resources (Forks of the Thames, Eldon House, Old Courthouse and Gaol); it being noted that the Historic Sites and Monuments Board of Canada (HSMBC) refers to impacts of the viewscape of the complex as a whole (which is highly visible from a distance) and the DHCD Guidelines state that the historic context, architecture, streets, landscapes and other physical and visual features are of great importance; it being further noted that the DHCD ranks the site as 'A' and 'H' which require the most stringent protection and new construction should 'respect history' and 'character-defining elements' should be conserved and it should be 'physically and visually compatible';
- the HIA gives insufficient consideration to views and vistas associated with proximity between the new building and the existing on-site buildings (no separation); it being noted that the 'heritage attributes' of the Ridout Street complex include its view and position and the HIA gives insufficient consideration to the visual barrier to and from the Thames River and Harris Park; it being further noted that views, vistas, viewscapes and viewsheds are recognized as important heritage considerations in the statements of the DHCD and HSMBC documents and the designating by-law;
- the HIA gives insufficient consideration to impacts of the proposed building height on both the on-site and adjacent heritage resources; it being noted that the proposed 40 storey height minimizes the historical importance of these buildings; it being further noted that the shadow study does not adequately address the effect on Eldon House, including its landscaped area, given that the development is directly to the south;
- the HIA gives insufficient consideration to the potential construction impacts to on-site and adjacent heritage resources; it being noted that, given the national importance of the subject lands, it is recommended that Building Condition Reports and Vibration Studies be undertaken early in the process to determine the feasibility of the development;
- the HIA gives insufficient consideration to the transition/connection between the tower and the on-site and adjacent heritage resources; it being noted that the LACH is concerned that the design of the 'base, middle and top' portions of the tower fail to break up the development proposal and have little impact on its incongruity;
- the LACH is of the opinion that the use of white horizontal stripes on the tower structure does not mitigate the height impacts and the

'curves' detract from the heritage characteristics of the on-site and adjacent heritage resources, also, the proposed building materials, with the exception of the buff brick, do not adequately emphasize differentiations with the on-site heritage resources (notably the extensive use of glass); and,

- the HIA gives insufficient consideration to how the existing on-site heritage buildings will be reused, restored and integrated as part of the development proposal;

it being noted that the Working Group Report appended to the 3rd Report of the London Advisory Committee on Heritage, with respect to the tower proposal at 435, 441 and 451 Ridout Street is included to provide further information; and,

- g) clauses 1.1, 2.5, 3.1 to 3.6, inclusive, 4.1, 5.1 and 5.2 BE RECEIVED for information;

it being noted that the Planning and Environment Committee heard a verbal delegation from M. Whalley, London Advisory Committee on Heritage, with respect to the above-noted matters.

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga
Absent: (1): E. Holder

Motion Passed (5 to 0)

4. Items for Direction

4.1 3rd Report of the Advisory Committee on the Environment

Moved by: S. Turner

Seconded by: A. Hopkins

That, the following actions be taken with respect to the 3rd Report of the Advisory Committee on the Environment, from its meeting held on February 5, 2020:

- a) the Energy Sub-Committee Report appended to the 3rd Report of the Advisory Committee on the Environment BE FORWARDED to the Cycling Advisory Committee for consideration;
- b) the attached Advisory Committee on the Environment 2020 Work Plan BE APPROVED;
- c) clause 5.6 BE REFERRED to the Advisory Committee review being undertaken; it being noted that clause 5.6 reads as follows:

"the City Clerk BE REQUESTED to change the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with non-voting positions for a faculty or graduate student in a relative discipline, such as environmental studies, sustainability or geography; it being noted that the Advisory Committee on the Environment (ACE) found that the existing positions were not able to participate and, therefore, the ACE would like to widen the field of possible candidates in order to be able to benefit from university expertise";
- d) the request for delegation from L. Brown, Chair, Blue Community London, as appended to the agenda, with respect to the Blue Community Project, BE APPROVED for the March 4, 2020 Advisory Committee on the Environment meeting; it being noted that the delegate will be given 15 minutes to speak;

e) the request for delegation from B. Vogel, Western University, dated January 28, 2020, with respect to the Climate Change Emergency Plan, BE APPROVED for the April 1, 2020 Advisory Committee on the Environment meeting; it being noted that the delegates will be given 15 minutes to speak;

f) clauses 1.1, 2.1, 3.1 to 3.3, inclusive, 4.2, 5.1 to 5.4, inclusive, and 5.9 BE RECEIVED for information.

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga
Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Turner

Seconded by: A. Hopkins

Motion to refer clause d) to the Advisory Committee review being undertaken; it being noted that clause 5.6 reads as follows:

"the City Clerk BE REQUESTED to change the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with non-voting positions for a faculty or graduate student in a relative discipline, such as environmental studies, sustainability or geography; it being noted that the Advisory Committee on the Environment (ACE) found that the existing positions were not able to participate and, therefore, the ACE would like to widen the field of possible candidates in order to be able to benefit from university expertise;"

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga
Absent: (1): E. Holder

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

None.

6. Adjournment

The meeting adjourned at 5:08 PM.