

# Planning and Environment Committee

## Report

The 18th Meeting of the Planning and Environment Committee  
November 16, 2020

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

**ALSO PRESENT:** H. Lysynski, C. Saunders and J.W. Taylor

Remote Attendance: Councillors S. Hillier, S. Lehman and S. Lewis; J. Adema, A. Anderson, G. Bailey, G. Barrett, M. Feldberg, K. Gonyou, G. Kotsifas, J. Lee, D. MacRae, L. Marshall, L. Morris, B. O'Hagan, J. Parsons, D. Popadic, J. Raycroft, S. Rowland, K. Scherr, M. Schulthess, B. Somers, J-A. Spence, M. Tomazincic, B. Westlake-Power and P. Yeoman

The meeting is called to order at 4:04 PM, with Councillor M. Cassidy in the Chair; it being noted that the following Members were in remote attendance: Councillors A. Hopkins, J. Helmer, A. Kayabaga and S. Turner

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: E. Holder

Seconded by: A. Kayabaga

That Items 2.1 to 2.4, inclusive, BE APPROVED.

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

**Motion Passed (6 to 0)**

#### 2.1 Community Improvement Plans - Performance Measures and Indicators of Success

Moved by: E. Holder

Seconded by: A. Kayabaga

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to amending Community Improvement Plans to add performance measures and indicators of success:

a) the staff report dated November 16, 2020 entitled "Community Improvement Plans - Performance Measures and Indicators of Success" with respect to potential changes to the Downtown and the Old East Village Residential Development Charges Grant, Rehabilitation and Redevelopment Tax Grant, Upgrade to Building Code Loan, and Façade Improvement Loan BE RECEIVED for information; and,

b) the Civic Administration BE DIRECTED to circulate the staff report noted in part a) above for public review; it being noted that input received through the circulation will inform a recommendation on changes to the

grant and loan programs that will be presented at a future meeting of the Planning and Environment Committee.

**Motion Passed**

2.2 2019 Minor Variance Applications Considered by the Committee of Adjustment - Information Report

Moved by: E. Holder  
Seconded by: A. Kayabaga

That, on the recommendation of the Director, Development Services, the staff report dated November 16, 2020 entitled "2019 Minor Variance Applications Considered by the Committee of Adjustment - Information Report", relating to an overview of the nature of the 2019 Minor Variance applications received and considered in by the London Committee of Adjustment BE RECEIVED for information.

**Motion Passed**

2.3 Application - 3620 Southbridge Avenue 33M-785, Block 124 (P-9231)

Moved by: E. Holder  
Seconded by: A. Kayabaga

That, on the recommendation of the Director, Development Services, with respect to the application by Sifton Properties Ltd., the proposed by-law appended to the staff report dated November 16, 2020 BE INTRODUCED at the Municipal Council meeting to be held on November 24, 2020 to exempt Block 124, Plan 33M-785 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

**Motion Passed**

2.4 Application - 3740 Southbridge Avenue 33M-785, Block 130 (P-9232)

Moved by: E. Holder  
Seconded by: A. Kayabaga

That, on the recommendation of the Director, Development Services, with respect to the application by Sifton Properties Ltd., the proposed by-law appended to the staff report dated November 16, 2020 BE INTRODUCED at the Municipal Council meeting on November 24, 2020 to exempt Block 130, Plan 33M-785 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

**Motion Passed**

**3. Scheduled Items**

3.1 Public Participation Meeting - Not to be heard before 4:00 PM - Application -16035 Robins Hill Road (Z-9225)

Moved by: E. Holder  
Seconded by: J. Helmer

That, on the recommendation of the Director, City Planning and City Planner, the proposed by-law appended to the staff report dated November 16, 2020 with respect to the application by Dancor Construction Ltd., relating to the property located at 16035 Robin's Hill Road, BE INTRODUCED at the Municipal Council meeting to be held on November

24, 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 General Industrial (GI1) Zone and a General Industrial/Heavy Industrial (GI1\*H16/HI1\*H16) Zone TO a General Industrial Special Provision (GI1) Zone and a General Industrial Special Provision/Heavy Industrial Special Provision (GI1( )\*H16/HI1( )\*H16) 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 (PPS), 2020;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the policies of the General Industrial designation;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the policies of the Heavy Industrial Place Type; and,
- the recommended amendment will permit an appropriate use for the site which is compatible with the surrounding area and facilitates the continued operation and viability of the industrial area for current and future uses.

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

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: A. Kayabaga

Seconded by: S. Turner

Motion to open the public participation meeting.

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

**Motion Passed (6 to 0)**

Moved by: S. Turner

Seconded by: A. Hopkins

Motion to close the public participation meeting.

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

**Motion Passed (6 to 0)**

3.2 Public Participation Meeting - Not to be heard before 4:00 PM - New Proposed City of London Tree Protection By-law

Moved by: S. Turner

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to the proposed new Tree Protection By-law:

a) the proposed by-law appended to the staff report dated November 16, 2020 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on November 24, 2020 to repeal and replace Tree Protection By-law C.P.-1515 – 228 (Appendix "C") coming into effect after March 1, 2021;

b) the Civic Administration BE DIRECTED to submit as part of the 2022 update to the 2020-23 Multi-Year Budget process, a Business Case that would provide potential budgetary impacts should the Municipal Council wish to amend the definition of a Distinctive Tree as provided for in the Tree Protection By-law by reducing the size threshold from the current 50 cm diameter to 40 cm diameter; and,

c) the Civic Administration BE REQUESTED to undertake a review of the by-law and report back within five years;

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

- a communication dated November 11, 2020, from E. Gurkow, Congregation Beth Tefilah; and,
- a communication from A.M. Valastro, 1-133 John Street;

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.

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

**Motion Passed (6 to 0)**

Additional votes:

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

Motion to open the public participation meeting.

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

**Motion Passed (6 to 0)**

Moved by: E. Holder  
Seconded by: A. Kayabaga

Motion to close the public participation meeting.

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

**Motion Passed (6 to 0)**

#### 4. Items for Direction

##### 4.1 7th Report of the London Advisory Committee on Heritage 183 and 197 Ann Street

Moved by: E. Holder

Seconded by: A. Kayabaga

That on the recommendation of the Director, Development Services, the following actions be taken with respect to the properties located at 183 Ann Street and 197 Ann Street:

a) pursuant to section 35.2 of the Council Procedure By-law, the resolution of the Municipal Council meeting held on October 27, 2020 regarding part a) of clause 4.1 of the 16th Report of the Planning and Environment Committee related to the 7th Report of the London Advisory Committee on Heritage regarding the properties known as 183 Ann Street and 197 Ann Street BE RECONSIDERED to change the date on which the Civic Administration is to report back on this matter from November 30, 2020 to a future meeting of the Planning and Environment Committee as the applicant is proposing to alter the building design resulting in the need for consideration by the Civic Administration in order to bring forward recommendations with respect to proposed amendments to the Official Plan and Zoning By-law. Part a) of clause 4.1 reads as follows:

“a) clause 4.1 c) and d) of the 7th Report of the LACH BE REFERRED to the Civic Administration to report to the November 30, 2020 Planning and Environment Committee meeting relating to the properties located at 197 Ann Street and 183 Ann Street; it being noted that clause 4.1 c) and d) read as follows:

c) the resource known as 197 Ann Street BE DESIGNATED, pursuant to Part IV of the Ontario Heritage Act, based on the ~~attached~~ evaluation of the property including the Statement of Cultural Heritage Value or Interest; it being noted that the properties located at 175, 179, 183, and 197 Ann Street and 84 and 86 St. George Street have merged;

d) the resource known as 183 Ann Street BE DESIGNATED, pursuant to Part IV of the Ontario Heritage Act, based on the ~~attached~~ evaluation of the property including the Statement of Cultural Heritage Value or Interest;

it being noted that the properties at 175, 179, 183, and 197 Ann Street and 84 and 86 St. George Street have merged;”

b) subject to the approval of a) above, the Civic Administration BE DIRECTED to report back on clause 4.1 c) and d) of the 7th Report of the London Advisory Committee on Heritage related to the properties located at 183 Ann Street and 197 Ann Street to a future meeting of the Planning and Environment Committee after the Civic Administration has had adequate time to review the submission of an altered building design by the applicant; it being noted that clause 4.1 c) and d) read as follows:

"c) the resource known as 197 Ann Street BE DESIGNATED, pursuant to Part IV of the Ontario Heritage Act, based on the ~~attached~~ evaluation of the property including the Statement of Cultural Heritage Value or Interest; it being noted that the properties located at 175, 179, 183, and 197 Ann Street and 84 and 86 St. George Street have merged;

d) the resource known as 183 Ann Street BE DESIGNATED, pursuant to Part IV of the Ontario Heritage Act, based on the ~~attached~~ evaluation of the property including the Statement of Cultural Heritage Value or Interest;

it being noted that the properties at 175, 179, 183, and 197 Ann Street and 84 and 88 St. George Street have merged;”

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

- a communication from A.M. Valastro, 1 - 133 John Street; and,
- a petition dated November 12, 2020, from the North Talbot Community Association, signed by approximately 100 individuals.

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

**Motion Passed (6 to 0)**

## **5. Deferred Matters/Additional Business**

None.

### **5.1 (ADDED) 8th report of the London Advisory Committee on Heritage**

Moved by: J. Helmer

Seconded by: A. Hopkins

That the following actions be taken with respect to the 8th Report of the London Advisory Committee on Heritage from its meeting held on November 11, 2020:

a) the following actions be taken with respect to the Stewardship Sub-Committee Report, from its meeting held on October 28, 2020:

i) the following properties BE ADDED to the Register of Cultural Heritage Resources based on the cultural heritage information presented in the Cultural Heritage Assessment Report prepared by ASI:

- 171 Adelaide Street North
- 173 Adelaide Street North
- 86 Anderson Avenue
- 143 Arundell Street
- 145 Arundell Street
- 140 Dreaney Avenue
- 144 Dreaney Avenue
- 150 Dreaney Avenue
- 154 Dreaney Avenue
- 209 Egerton Street
- 10 Elm Street
- 1 Hamilton Road
- 92-98 Hamilton Road, 511-513/ Horton Street East
- 101 Hamilton Road
- 104 Hamilton Road
- 112 Hamilton Road
- 120 Hamilton Road
- 124 Hamilton Road
- 126 Hamilton Road
- 125-127-127/ Hamilton Road
- 250 Hamilton Road
- 260 Hamilton Road

- 274 Hamilton Road
- 276 Hamilton Road
- 280 Hamilton Road
- 328 Hamilton Road
- 342 Hamilton Road
- 345 Hamilton Road
- 349 Hamilton Road
- 349/ Hamilton Road
- 355 Hamilton Road
- 357 Hamilton Road
- 363 Hamilton Road
- 364-364A-364B Hamilton Road
- 366 Hamilton Road
- 367 Hamilton Road
- 371-373 Hamilton Road
- 407 Hamilton Road
- 414 Hamilton Road (96 Rectory Street)
- 416 Hamilton Road
- 423 Hamilton Road
- 465 Hamilton Road
- 519 Hamilton Road
- 523 Hamilton Road
- 541 Hamilton Road
- 547 Hamilton Road
- 556 Hamilton Road
- 560 Hamilton Road
- 592 Hamilton Road
- 583-585 Hamilton Road
- 601 Hamilton Road
- 612 Hamilton Road
- 645 Hamilton Road
- 658 Hamilton Road
- 664 Hamilton Road
- 689 Hamilton Road
- 709 Hamilton Road
- 721-725 Hamilton Road
- 735 Hamilton Road
- 737 Hamilton Road
- 741-743 Hamilton Road
- 749 Hamilton Road
- 751 Hamilton Road
- 783-783/ Hamilton Road
- 772 Hamilton Road
- 796 Hamilton Road
- 818 Hamilton Road (formerly 15 Glenwood Avenue)
- 870 Hamilton Road
- 867 Hamilton Road
- 873 Hamilton Road
- 875-881 Hamilton Road
- 885 Hamilton Road
- 887 Hamilton Road
- 504 Horton Street East
- 506 Horton Street East
- 508 Horton Street East
- 122 Inkerman Street
- 124 Inkerman Street
- 128 Inkerman Street
- 751 Little Hill Street
- 755 Little Hill Street
- 783 Little Hill Street
- 156 Madison Avenue
- 128 Mamelon Street

- 136 Mamelon Street
- 143 Mamelon Street
- 147 Mamelon Street
- 17 Marmora Street
- 19 Marmora Street
- 971 Ormsby Street
- 134 Price Street
- 138 Price Street
- 141 Price Street
- 145 Price Street
- 28 Redan Street
- 898 Trafalgar Street
- 180 William Street
- 184 William Street
- 192 William Street

it being noted that the Stewardship Sub-Committee does not recommended that the property located at 18 Elm Street be added to the Register of Cultural Heritage Resources as it was further evaluated through the completion of a Cultural Heritage Evaluation Report, and found not to have cultural heritage value or interest; and,

ii) the remainder of the above-noted Stewardship Sub-Committee Report BE RECEIVED;

b) on the recommendation of the Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the staff report dated, November 11, 2020, related to the request for designation of the heritage listed property located at 75 Langarth Street East:

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 the Statement of Cultural Heritage Value or Interest appended to the 8th Report of the London Advisory Committee on Heritage; and,

ii) should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property located at 75 Langarth Street East to be of cultural heritage value or interest, for the reasons outlined in the above-noted Statement of Cultural Heritage Value or Interest, 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;

c) clauses 1.1, 3.1 and 3.2 BE RECEIVED for information.

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

**Motion Passed (6 to 0)**

## **6. Confidential (Enclosed for Members only.)**

### **6.1 Solicitor-Client Privilege**

Moved by: A. Hopkins

Seconded by: S. Turner

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



### 6.1. Solicitor-Client Privilege

This report can be considered in a meeting closed to the public as the subject matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers or employees of the Corporation; the subject matter pertains to litigation, or potential litigation with respect to an appeal at the Conservation Review Board (“CRB”) , and for the purpose of providing instructions and directions to officers and employees of the Corporation.

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

**Motion Passed (6 to 0)**

The Planning and Environment Committee convenes, In Closed Session, from 6:07 PM to 6:24 PM.

### 7. **Adjournment**

The meeting adjourned at 6:26 PM.