

14TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on June 18, 2013, commencing at 4:05 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Councillor B. Polhill (Chair), Councillors D.G. Henderson, P. Hubert and S. White and H. Lysynski (Secretary).

ABSENT: Councillor N. Branscombe.

ALSO PRESENT: Mayor J.F. Fontana, Councillors J.L. Baechler, M. Brown, J.P. Bryant, J.B. Swan and H.L. Usher, J.P. Barber, G. Barrett, J. Braam, J. Bruin, M. Corby, B. Coxhead, M. Elmadhoon, J.M. Fleming, S. Galloway, T. Grawey, B. Henry, M. Johnson, P. Kokkoros, G. Kotsifas, B. Krichker, A. MacLean, S. Meksula, A. Riley, M. Ribera, C. Saunders, C. Smith and J. Yanchula.

I. DISCLOSURES OF PECUNIARY INTEREST

1. That it BE NOTED that no pecuniary interests were disclosed.

II. CONSENT ITEMS

2. Properties located at 3 and 5 Front Street (H-8187)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, based on the application of Sorin Marinescu, relating to the properties located at 3 and 5 Front Street, the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013 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 R3 Special Provision (h-5.h-80.h-121.R3-2(7)) Zone and a Holding Residential R3 Special Provision (h-5. h-80. h-121.R3-2(8)) Zone TO a Residential R3 Special Provision (R3-2(7)) Zone and a Residential R3 Special Provision(R3-2(8)) Zone to remove the "h-5", "h-80" and "h-121", holding provisions. (2013-D14B)

3. Property located at 2095 Coronation Drive (H-8159)

Recommendation: That, on the recommendation of the Manager, Development Planning, based on the application of Banman Developments (West) Inc., relating to the property located at 2095 Coronation Drive, the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of 2095 Coronation Drive FROM a Holding Residential R5 Special Provision (h. h-5 R5-5(2)) Zone TO a Residential R5 Special Provision (R5-5(2)) Zone to remove the h. and h-5 holding provisions. (2013-D14B)

4. Property located at 433 Hyde Park Road (H-8168)

Recommendation: That, on the recommendation of the Manager, Development Planning, based on the application of 1873739 Ontario Limited, relating to the property located at 433 Hyde Park Road, the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of 433 Hyde Park Road FROM a Holding Residential R5 Special Provision (h-5 • R5-1(4)) Zone TO a Residential R5 Special Provision (R5-1(4)) Zone to remove the "h-5" holding provision. (2013-D14B)

5. Properties located at 12-27 Northcrest Drive

Recommendation: That, on the recommendation of the Manager, Development Services and Planning Liaison, in response to the letter of appeal to the Ontario Municipal Board, dated April 15, 2013, submitted by Keith Thompson, relating to the minor variance application concerning 12-27 Northcrest Drive, the following actions be taken:

- a) the Ontario Municipal Board BE ADVISED that the Municipal Council supports the decision of the Committee of Adjustment to grant the minor variance; and,
- b) the City Solicitor and Managing Director, Development and Compliance Services and Chief Building Official BE DIRECTED to provide legal and planning representation at the Ontario Municipal Board Hearing to support the Committee of Adjustment's decision. (2013-D13)

6. Property located at 138 John Street

Recommendation: That, on the recommendation of the Senior Planner, Development Services, in response to the letter of appeal to the Ontario Municipal Board, dated February 4, 2013, submitted by Anna Maria Valastro, relating to the minor variance application concerning 138 John Street, the City Solicitor and Managing Director, Development and Compliance Services and Chief Building Official BE DIRECTED to provide legal and planning representation at the Ontario Municipal Board hearing to support the Committee of Adjustment's decision on the following basis:

- a) the existing dwelling unit will maintain only five bedrooms maximum under Section 45(2) of the Planning Act; and,
- b) the proposed second storey addition will only have a maximum of three bedrooms, as per the Near Campus Neighbourhood Area By-law, as adopted by the Municipal Council;

it being noted that the Planning and Environment Committee reviewed and received a communication, dated June 5, 2013, from E. Di Trolio, President, North Talbot Community Association, with respect to this matter. (2013-L01)

7. Property located on the north side of Bradley Avenue, east of Highbury Avenue (39T-92020-E)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Percy Zaifman Holdings Limited, Zagjo Holdings Limited, Sabel Holdings Limited, Jackson Land Corp. and Jackson Summerside Land Corp., relating to the property located on the north side of Bradley Avenue, east of Highbury Avenue:

- a) the Approval Authority BE REQUESTED to approve a three (3) year extension to Draft Plan Approval for the residential plan of subdivision, as red-line amended, SUBJECT TO the attached revised conditions; and,
- b) the financing for the project BE APPROVED in accordance with the "Estimated Claims and Revenues Report" provided as Schedule "B" 39T-02020-E to the associated staff report, dated June 18, 2013;

it being noted that the Planning and Environment Committee reviewed and received a communication, dated June 13, 2013, from E. Wszol, Development Engineering (London) Limited, with respect to this matter. (2013-D12)

8. General Provisions of the Subdivision Agreement

Recommendation: That, on the recommendation of the Manager of Development Services and Planning Liaison, the proposed Standard Subdivision Agreement Template, provided as Appendix "A" to the associated staff report,

dated June 18, 2013, BE CIRCULATED to the London Development Institute, the London Homebuilders Association and other interested parties for review and comment, and be brought back to a future Planning and Environment Committee meeting for consideration, no later than August, 2013. (2013-D12)

9. Building Division Monthly Report for April 2013

Recommendation: That the Building Division Monthly Report for April 2013 BE RECEIVED. (2013-D06)

10. Properties located at 600, 650 and 670 Industrial Road (H-8103)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of City of London, relating to the properties located at 600, 650 and 670 Industrial Road, the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Light Industrial (h*h-118*h-119*LI2(18)/LI5(3)) and Holding Light Industrial (h*h-118*h-119*LI2(18)/LI4(6)/LI5(3)) Zone TO a Holding Light Industrial (h*h-119*LI2(18)/LI5(3)) and Holding Light Industrial (h*h-119*LI2(18)/ LI4(6)/LI5(3)) Zone to remove the holding provision. (2013-D14B)

11. Properties located at 595 and 607 Industrial Road

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, an amendment to Zoning By-law No. Z.-1 to reflect flood lines changed by the Pottersburg Creek Subwatershed remediation work BE INITIATED for the properties located at 595 and 607 Industrial Road. (2013-D14A)

12. Properties located at 275, 277 and 281 Thames Street

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the report dated June 18, 2013, relating to the demolition requests for the properties located at 275, 277 and 281 Thames Street, BE RECEIVED. (2013-R01)

III. SCHEDULED ITEMS

13. Properties located at 1351, 1357 and 1369 Hyde Park Road (O-8077/Z-8157)

Recommendation: That, the following actions be taken with respect to the application of Fanshawe Park Motors, relating to the properties located at 1351, 1357 and 1369 Hyde Park Road:

- a) the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend the Official Plan to permit main street commercial uses on 1369 Hyde Park Road by changing the Official Plan land use designation FROM "Multi-Family, Medium Density Residential" TO "Main Street Commercial Corridor";
- b) the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend the Official Plan to permit main street commercial uses on the west part of 1351 and 1357 Hyde Park Road, with a special provision to permit an automobile repair garage, change the Official Plan land use designation FROM "Multi-Family, Medium Density Residential" TO "Main Street Commercial Corridor" and to add a Special Policy to Chapter 10 to permit an automobile repair garage; and,

- c) the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, as amended in part b), above), to change the zoning on the west part of 1351 and 1357 Hyde Park Road FROM an Urban Reserve (UR3) Zone, which permits existing dwellings, agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation use, kennels, private outdoor recreation clubs and riding stables TO a Holding Business District Commercial Special Provision (h*BDC2()) Zone, to permit animal hospitals, apartment buildings, with any or all of the other permitted uses on the first floor, bake shops, clinics, commercial recreation establishments, commercial parking structures and/or lots, converted dwellings, day care centres, dry cleaning and laundry plants, duplicating shops, emergency care establishments, existing dwellings, financial institutions, grocery stores, laboratories, Laundromats, libraries, medical/dental offices, offices, personal service establishments, private clubs, restaurants, without a drive-through facility, retail stores, service and repair establishments, studios, video rental establishments, lodging house class 2, cinemas, and brewing on premises establishment, food store, animal clinic, convenience store, post office, convenience service establishments, dwelling units, bed and breakfast establishments, antique store, assembly halls, churches, community centres, funeral homes, institutions, schools, and fire halls and to add a special provision to permit an automobile repair garage with a reduced front yard setback AND change the zoning on the east part of 1351 and 1357 Hyde Park Road FROM an Urban Reserve (UR3) Zone, which permits existing dwellings, agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation use, kennels, private outdoor recreation clubs and riding stables TO a Holding Residential R1 Special Provision (h*h-100* R1-13(6)) Zone on the east portion of 1351 and 1357 Hyde Park Road to permit one single-detached dwelling per lot with a minimum lot frontage of 9 metres and a minimum lot area of 270 m² with special provisions for reduced front and exterior side yards SUBJECT TO holding provisions being applied to ensure the orderly development of lands and the adequate provision of municipal services and appropriate access;

it being noted that the Planning and Environment Committee reviewed and received a communication, dated February 12, 2013, from D. Szpakowski, 2013 President, Hyde Park Business Association, with respect to this matter;

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

- Ric Knutson, Knutson Development Consultants Inc., on behalf of Fanshawe Motors – expressing support for the staff recommendation.
- Donna Szpakowski, 2013 President, Hyde Park Business Association – expressing support for the application; and advising that the Hyde Park Business Association unanimously supports the granting of the Chapter 10 Special Provision to Fanshawe Motors. (2013-D14A)

14. Properties located at 600, 650 and 670 Industrial Road (Z-8104)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, based on the application of the City of London, relating to the property located at 600, 650 and 670 Industrial Road, the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Light Industrial (LI2), Holding Light Industrial (h*LI6), Holding Light Industrial (h*h-118*h-119*LI2(18)/LI5(3)), and Holding Light Industrial (h*h-118*h-119*LI2(18)/LI4(6)/LI5(3)) Zone, which permits a broad range of industrial, commercial and offices uses TO an Open Space (OS4) Zone to match the realignment of the Pottersburg Creek regulatory flood lines;

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

- Ric Knutson, Knutson Development Consultants Inc. – expressing support for the staff recommendation. (2013-D14A)

15. Property located at 2237 Wharnccliffe Road South (Z-8163)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Craig and Maria White, relating to the property located at 2237 Wharnccliffe Road South:

- a) the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at a future Municipal Council meeting once OPA 541 (Southwest Area Plan), as adopted by the Municipal Council and applied to these lands, comes into full force and effect, 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 Arterial Commercial Special Provision (h-17*AC1(3)) Zone, which permits accessory dwelling units, converted dwellings, day care centres, emergency care establishments, existing dwellings, group home type 2, lodging house class 2, professional and service offices, studios, clinics, medical/dental offices and a wellness centre TO a Holding Arterial Commercial Special Provision (h-17*AC1(__)) Zone, to permit office and retail store uses along with the current permitted uses and recognize the existing 0.5m interior side yard setback; it being noted that the special provision will also limit the permitted uses to the existing building and limit the gross floor area of an addition for office and retail store uses to a maximum of 65m² (700 sq. ft.); and,
- b) the request to amend Zoning By-law No. Z.-1, to change the zoning of the subject property FROM a Holding Arterial Commercial Special Provision (h-17*AC1(3)) Zone, which permits accessory dwelling units, converted dwellings, day care centres, emergency care establishments, existing dwellings, group home type 2, lodging house class 2, professional and service offices, studios, clinics, medical/dental offices and a wellness centre TO an Arterial Commercial (AC4(__)) Zone, to permit the uses in the AC zone variation, animal hospitals, dwelling units above the first floor, bake shops, catalogue stores, clinics, convenience service establishments, duplicating shops, food stores, financial institutions, home and auto supply stores, medical/dental offices, offices, personal service establishments, printing establishments, restaurants, eat-in, retail stores, service and repair establishments, studios, video rental establishments, and a brewing on premises establishment, BE REFUSED for the following reasons:
 - i) the AC zone is intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan;
 - ii) several of the proposed uses in the AC4 zone are not permitted under the proposed medium density residential designation of the Southwest Area Plan; and,
 - iii) adequate municipal services have yet to be provided to the subject site to allow for the removal of holding provisions;

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter. (2013-D14A)

16. Properties located at 3592-3614 Isaac Court, 6951-6973 and 6946-6982 Clayton Walk (Z-8173)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, based on the application of Dennis Oliver and the City of London, relating to the properties located at 3592 – 3614 Isaac Court, 6951-6973 and 6946-6982 Clayton Walk, the proposed by-law, as appended to the staff report dated June 18, 2013, BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2013, to amend Zoning By-law No. Z.-1, (in

conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R2/Residential R4 (h.R2-3/R4-1) Zone and Holding Residential R2/Residential R4 (h.R2-3/R4-1) Zone TO a Residential R1 (R1-8) Zone and a Holding Residential R1 (h.R1-8) Zone;

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter. (2013-D14A)

17. Land Needs Background Study for the 2011 Official Plan Review (O-7983)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Land Needs Background Study for the Official Plan Review:

- a) the Land Needs Background Study, as appended to the staff report dated June 18, 2013, BE CIRCULATED for public and agency consultation; and,
- b) a public participation meeting of the Planning and Environment Committee BE HELD on July 23, 2013, to receive public and landowner input on the Land Needs Background Study. (2013-D08)

18. Properties located at 56-82 Wellington Street, 283-323 South Street and 69-77 Waterloo Street (OZ-8114)

Recommendation: That, the application of the Fincore Group, relating to the properties at 56-82 Wellington Street, 283-323 South Street and 69-77 Waterloo Street, BE REFERRED to the June 20, 2013 meeting of the Planning and Environment Committee for further consideration; it being noted that the Civic Administration is to investigate and report back on the possibility of creating two amendments to the Zoning By-law Z-1 for each of Phase 1 and Phase 2 of the proposed development;

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

- Julie Misner, Director, Marketing and Communications, Fincore – indicating that they have a new drawing with the West Tower being rotated; noting that this 26 storey Tower is Phase 1 of the development; advising that the Tower includes commercial space, a wellness centre and luxury residential condominiums; indicating that, in the centre of the project, there are townhomes, a church and some commercial space along South Street; indicating that the Phase 2 Tower on the east side of the project is 18 storeys, includes a retirement residence, a convalescence care centre and seniors condominiums; advising that all the amenities and health care facilities will be available to everyone in the community; indicating that this project sets a precedent for infill projects in London and the redevelopment of the South Street hospital lands; advising that it will encourage new investment in the SoHo community, stabilize and increase property values; indicating that this project will create a lot of jobs; advising that Phase 1 will put between \$25,000,000 to \$39,000,000 into the pockets of local construction workers; advising that it will also create a number of permanent jobs, mainly in the fields of health care and retail; advising that it will generate approximately \$4,700,000 in property taxes; indicating that this is a European style of development, with retail street level spaces; indicating that this development will make a significant contribution to the repopulation of London; indicating that it preserves public access to the Thames River; advising that they have been working closely with their neighbours in the SoHo community and the SoHo Community Association; noting that they will continue to work closely with the neighbours and the Association; indicating that the SoHo Wellington Centre incorporates sustainable urban design including green roofs and terraces; advising that they have incorporated street tree planting and berms on the sidewalks to assist with stormwater runoff; and, indicating that the green space around the townhouses incorporates a green roof that covers the underground parking.

- Hisham Slim, Engineer, Fincore – indicating that the last time that they presented to the Planning and Environment Committee, the Managing Director, Planning and City Planner, indicated that the two phases would be completed through separate development agreements; noting that this is not clearly stated in the staff report; requesting that the two phases are done separately, with separate site plans and separate development agreements; and, advising that this would allow Phase 1 to commence as it does not have the land acquisition issues that Phase 2 has.
- Alan R. Patton, Patton Cormier & Associates, on behalf of Fincore – indicating that two separate development agreements for the two Phases makes sense; indicating that for the City-owned land, there will be a request for proposal; noting that the City has made it quite clear that anyone can bid on the land and delay Phase 2 of the development; advising that the staff’s phrasing of the bonusing, for example, where the staff mention “underground parking spaces”, it is not clear whether or not this is all underground parking spaces; advising that there is a large number of underground parking spaces associated with this application; indicating that it is impossible to have all of the underground parking on this site; advising that he wants to ensure that everyone is aware that there will be some surface parking spaces; advising that it is not uncommon to zone lands that do not belong to a person; noting that the Municipality does it all the time; and requesting the by-law be separated into two separate by-laws.
- Tanya Park, President, SoHo Community Association – see attached presentation.
- Fred Tranquilli, Lerner & Associates, on behalf of Ed Dziadura, Peter Dziadura, Ann Wrobel and Stan Wrobel – see attached presentation.
- Gary Brown, 35A – 59 Ridout Street – advising that this is a rare plot of land in the city; noting that it is on a major corridor three blocks from Downtown and it backs onto the River; advising that this area has excellent transportation access, is walkable and is on a beautiful nature corridor; indicating that what we do here is going to set a precedence for what happens with other land in the future, such as the London Hydro corridor land; expressing concern with the absence of surface parking on the drawing shown during the presentation; enquiring as to whether or not the parking is all underground or aboveground parking; advising that to have surface parking on this site is a misuse of prime real estate; expressing concern with the ability to place zoning on property that you do not own; indicating that there is no affordable housing component to this application; expressing concern with the massing effect of the building being rotated 90 degrees.
- Derek McBurney, 4 – 466 South Street – expressing concern with the increased traffic on South Street and the current condition of the street; and, requesting lights at some of the four way stops.
- Sean Quigley, Emerging Leaders – enquiring as to whether or not the rezoning affects the property owners rights. (2013-D14A)

19. Draft Downtown Master Plan

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Downtown Master Plan:

- a) the staff report, dated June 18, 2013, relating to the Downtown Master Plan BE CIRCULATED for public review and comment; it being noted that a public participation meeting to adopt the Downtown Master Plan, as may be revised following the public consultation process, will be presented at a future public participation meeting of the Planning and Environment Committee; and,
- b) the Civic Administration BE DIRECTED to report back to a future meeting of the Planning and Environment Committee regarding the implementation strategy for the Downtown Master Plan, including an identification of projects that are currently identified and funded or currently identified and planned to be funded in future budgets, and those projects that will require funding through future budget deliberations;

it being noted that the Planning and Environment Committee reviewed and received a communication, dated June 13, 2013, from J. MacDonald, Executive Director, Downtown London, R.T. Usher, Chair, London Downtown Business Association and J. Adams, Chair, MainStreet London, with respect to this matter;

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

- Gary Brown, 35A – 59 Ridout Street – requesting more enhanced cycling in the Downtown Master Plan. (2013-D19)

20. Properties located at 3130 and 3260 Dingman Drive and the rear portion of 4397 and 4407 Wellington Road South (OZ-8120)

Recommendation: That, the application of the PenEquity Realty Corporation, relating to the properties located at 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South, BE REFERRED to the June 20, 2013 meeting of the Planning and Environment Committee for further consideration; it being noted that the Civic Administration is to report back with an amended By-law to reflect the applicant's request as outlined in the attached communication;

it being noted that the Planning and Environment Committee reviewed and received a communication, dated January 14, 2013, from K. Patpatia, 1787996 Ontario Inc., and J. Manocha, Flexion Properties Inc., with respect to this matter;

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

- David Johnson, CEO and President, PenEquity Realty Corporation – advising that PenEquity has a long standing track record for recognizing properties that have special qualities and developing them to their full potential; indicating that this has resulted in successful quality developments that interested stakeholders are proud to be a part of; advising that, at the 2011 Mayor's Breakfast, he was given the privilege of saying a few words about this proposed development; expressing appreciation to the staff for recognizing that the lands be given the New Format Regional Commercial Node designation; advising that the development cannot proceed with any part of the woodlot remaining on the property in its current location; indicating that the lands are currently zoned for Commercial and Light Industrial uses with no Open Space designations; advising that they are not here asking to rezone Open Space lands or to remove a designation protecting the woodlot; indicating that a key factor for entering into the development was because the lands are zoned for development; advising that the current process is to refine the use of the lands; noting that it is not to establish the principal of development; indicating that their goal is to achieve a balance between economics for the City and the development, the environment and civic responsibility; indicating that, while they are fully within their rights to cut down the woodlot, good stewardship and the manner in which PenEquity conducts business led them down the road of public process and good corporate citizenship; indicating that they did not abandon their rights, but, in good faith, they agreed to review the woodlot with AECOM as recommended by city staff; indicating that the woodlot hit some of the City's markers; indicating that AECOM concluded that given the planned function of this node under the City's Official Plan, the long-term viability of the patch as a functioning woodlot is dubious due to the disconnective nature of the natural heritage features within the immediate surrounding landscape and the disturbance from existing and future land uses; indicating that the woodlot does not contain any species at risk; indicating that the ecological feature is not considered unique within the City of London; advising that the woodlot areas have a high invasive plant cover that compromises the patch; advising that the patch is severed by a sewer easement that has and will be maintained as a clear area; indicating that the woodlot is isolated from other patches; indicating that they are willing to compensate the City by donating land and contributing to the City's million tree challenge; advising that their offer is on public record with both staff and the Investment and Economic Prosperity

Committee; advising that they have offered a gift of land of 6 acres in the southeast corner of the property to be either reforested and available to the public or to serve as a fourplex arena complex, which is included in the City's Capital Budget; advising that they also offered a major contribution to the City's million tree challenge, which has a definite need given the City's emerald ash borer problem; indicating that this package has an approximate value of \$3,500,000; advising that the current value of the woodlot is approximately \$5,500 an acre; noting that the property is not available and is not accessible; however, if it was it would garner about 600 acres of land; advising that their goal is to produce a special development which takes advantage of the unique 401 location that promotes the City and other stakeholders while acting as an anchor; indicating that this will promote economic opportunity and prosperity; advising that this is an approximately \$200,000,000 investment in the City of London, excluding spin offs; advising that it will result in approximately 681 person years in employment in construction; advising that it will also create approximately 323 person years of employment regarding materials and services; advising that approximately 1,200 jobs will be created in retail; advising that it will produce approximately \$9,400,000 in development charge revenue for the City; advising that it will create building permit revenue in excess of \$440,000 and annual property taxes in excess of \$2,800,000; and, indicating that the removal of the woodlot is both permitted and essential to move forward, balanced by the gateway and economic benefits to the City, including a significant compensation package which promotes both sustainability and accessibility to all stakeholders.

- Leger Xavier, Vice-President, Development and Leasing, PenEquity Realty Corporation – indicating that they have spent a lot of time trying to outline a plan that resonated with the community and met the terms and conditions that they were scoped and tasked with; indicating that Wellington Road South and Highway 401 is a gateway for the City of London; indicating that this is a great opportunity to create branding and a sense of awareness that you are in the City of London at one of London's key entrance points; noting that it is the only entrance point to the Downtown; advising that 30,000,000 people a year drive by this interchange; indicating that this is an amazing opportunity to do something really special; advising that it has already been identified as a major gateway into the City and the Downtown; advising that it is part of an existing retail node; reiterating that the lands are already zoned New Format Regional Commercial Node and zoned for development; indicating that there are a lot of great complimentary uses in the area; advising that the site is 80 acres in size; indicating that the development has to be meaningful in a variety of ways, including size, development and design; indicating that they have come up with themed neighbourhoods that are accessible and connected to the core area within a three to five minute walk; noting that the themes are fashion, retail and goods and sports and entertainment; indicating that this creates a strong designation for South London where you do not have to get back in your car; looking for a way to establish and sell through the gateway idea; noting that the gateway would be a way to brand the community; advising that London has an opportunity to do something really special along its 401 highway; and, expressing belief in this unique opportunity to not only establish a major development at the interchange but to also bring branding and presence to London.
- Dean Sheppard, Chair, Environmental and Ecological Planning Advisory Committee (EEPAC) – advising that the EEPAC reviewed the subject lands status report in January, 2013; indicating that the EEPAC made recommendations about the significance of the woodland and the boundary of the woodland as marked; indicating that the EEPAC advised of technical deficiencies that they found in the report, including the protection of uncommon communities and the need for an Environmental Impact Study to determine the impacts from development and what the fate of the woodland would be once the impacts were specified; indicating that the woodland was evaluated based on eight evaluation factors; advising that one high score in one of those evaluation factors is sufficient for a woodland to be considered a significant part of a natural heritage system; advising that five evaluation criteria were marked as high; indicating that this is a high quality woodland and is clearly a

significant part of our natural heritage system; indicating that AECOM, who prepared the subject lands status report, agrees that the woodland is significant; advising that there is less than eight percent woodland cover in London; indicating that there are only two ways to increase that number, those being to naturalize a lot more land and to stop cutting down existing woodlands; indicating that woodlands are not clear cut because it is short sighted, natural areas are community assets, natural areas do pay us back, there's a lot of ecological goods and services and community value in an existing, healthy, natural, mature, natural area; advising that, in his view, it is the City's responsibility to ensure that the public good is achieved; indicating that woodlands are being cut faster than we are planting; indicating that there is a clear policy mandate in the Provincial Policy Statement and London's Official Plan; advising that the public expects the City to be good stewards of our natural assets; noting that there is a really good example in tonight's agenda in the comments from the Glanworth Community Association; advising that staff have done a really good job of explaining what a land status report is; indicating that no one knows if a woodland is in a healthy state until an Environmental Impact Study has been completed; advising that the proponent is talking about some circumstances in an attempt to clear cut the woodland; reiterating that the scoring still showed five high scores; indicating that the circumstances outlined can be easily individually challenged; noting that in EEPAC's review of the report, the EEPAC made comments specifically challenging, refuting or questioning some of the circumstances that were going to lead to the non-viability of the woodland; advising that the EEPAC does not agree with the predictions of the doom of the woodland; incorporating the woodland into this proposed development is a perfect example of how we can have both economic development and a build out and still protect our existing woodland; seeing no reason why both cannot occur; advising that the preservation of the woodland is funded through parkland dedication; noting that it will function as part of the stormwater management facility on site; and, requesting that the woodland be preserved.

- Steve Gammon, Senior Project Manager, Senior Planner, MMM Group, on behalf of Costco Wholesale – advising that Costco's legal and consultant team have reviewed the transportation study, planning justification report and urban design brief as submitted in support of the Zoning By-law and Official Plan amendments; indicating that they feel this application is premature, as outlined in the communication, dated June 17, 2013, submitted by Goodman's, LLP, on behalf of Costco; expressing significant concerns with the traffic on Roxborough Road and the anticipated impact that this will have on Costco members, as well as the function of Roxborough Road, and the existing Costco warehouse site, including access to the site, egress from the site and on-site movement; indicating that the transportation work completed to date has not demonstrated that the uses permitted by the by-law can be accommodated with acceptable impacts to the neighbours, particularly Costco; noting that this is a requirement under Section 4.5 of the Official Plan; understanding that city staff have requested an additional transportation study be undertaken; noting that city staff have recommended the protection of the existing woodland that will precipitate the redesign of the conceptual site plan; advising that the redesign of the proposed development will alter the traffic patterns; indicating that Costco has been in touch with PenEquity; understanding that there is an agreement to involve Costco in discussions with the City with respect to the redesign of the proposed development and resolution of the transportation issues with the City; advising that it is their opinion that the additional studies be undertaken so that the transportation impacts can be understood and that all transportation issues can be resolved prior to any amendments to zoning by-laws being considered; advising that if the transportation issues are left until the site plan stage, Costco will have no status under the *Planning Act* and will have no right to appeal to the Ontario Municipal Board; and, advising that, in their opinion, it would be a mistake to pass the zoning by-law amendment at this point as it will force Costco to appeal the decision in order to protect the impact on their business.

- Gary Brown, 35A-59 Ridout Street – agreeing with the comments made by Mr. Sheppard, on behalf of the EEPAC; advising that every city that he drives into has glorified strip malls in the corners; and, advising that he does not think this development will distinguish London.
- Stewart Kernohan, Lumberteria Home Hardware – advising that his property backs onto the proposed development; indicating that he has been at this location for 49 years; indicating that there has been a decided lack of development in this area; advising that the last development was Costco which is over 25 years ago; indicating that the vision that PenEquity has is not the standard that other cities have, by proposing a gateway development, not just a standard strip mall development; advising that the wetland area was created by digging out the gravel for the overpass on Highway 401 and Wellington Road when it was part of Westminster Township; advising that Westminster Township originally zoned this area as a commercial development area; recommending development of this area; and advising that this development will greatly enhance this area.
- Victoria White, President, Glanworth Community Association – advising that she has very little sympathy for the applicant bemoaning the fact that they purchased commercial property with woodland on it; advising that they should have done their research better before purchasing the property; expressing support for Mr. Sheppard's comments; believing that a full environmental study should be completed for the property; indicating that the current study is not complete; expressing concern with the compensation package; noting that a couple of trees planted somewhere does not make a forest; and, advising that there is no compensation for a woodland that has been identified as a significant woodland.
- Barbara Shore, Vice-President, Glanworth Community Association – indicating that she has specific ideas for the downtown intensification; advising that she believes that we should be going up and not out; advising that nothing can compare to the salvation of these key ecological woodlands in the area; indicating that if we let one woodland and one wetland go to development, a precedent is being set; indicating that there are over 250 commercial buildings for lease, 141 commercial industrial buildings for sale and 42 vacant parcels for sale in London; advising that she has back problems and was excited at the prospect of not having to walk far, but all she saw was cement which did not coincide with the vision she had for this development; expressing disappointment; and, expressing concern about retail saturation in London.
- Jug Manocha, Flexion Properties Inc. – expressing appreciation to the applicant; advising that they are encouraged to see people building along the 401 corridor; and, advising that we should respect the wishes of Westminster Township, who zoned this area commercial.
- Mark Lisbon, CRL Developments, 3330 Dingman Drive – indicating that they have owned their property since 2004; advising that what people see from Wellington Road/401 does not reflect London because of the uninviting industrial buildings along the 401; advising that he is a business person and concentrates on numbers; advising that the biggest one for him is the 1,200 jobs that will be created on an ongoing basis; noting that you also have the \$200,000,000 construction project that creates jobs; and expressing support for the application.
- Sandy Levin, 59 Longbow Road – expressing appreciation to the owner for their stewardship over the years; expressing excitement upon reading the staff recommendation as it would show the world that development and an environmental feature can co-exist; indicating that you have to deal with Provincial Policies and the City of London's Official Plan policies; noting that the Official Plan policies have been successfully defended at the Ontario Municipal Board and one that went to the Supreme Court of Canada; pointing out that planting individual trees does not replace a woodland; noting that it takes a lot of time, if you plant it as a woodland; further noting that if you scatter the trees around the city, it is not a replacement of the woodland; indicating that the parallel that he draws is to the significant woodland on the east side of Hyde Park Road, north of Gainsborough Road, as it coexists with residential and commercial development; advising that this is an amenity for that neighbourhood; expressing concern that, if this woodland is removed, it

would be the second time that a significant woodland would be lost if the Planning and Environment Committee and the Municipal Council adopt a contrary recommendation to the staff recommendation; advising that there is a message that gets sent to Londoners based on the actions that the Municipal Council undertakes, whether or not the Policies mean something, that they are more than just words; and, requesting that the Municipal Council adopt the staff recommendation, with all of the holding provisions or refer the recommendation back to staff for additional discussions with the proponent to come up with something that does make London stand out, both on the environmental side and the development side.

- Scott Snider, Turkstra Mazza Shirehoft Associates, on behalf of PenEquity Realty Corporation – indicating that the principal issue is the woodlot; advising that this is where the disconnect with staff is; referencing the modified recommendation that was provided to the Council Members at the meeting; expressing interest in the EEPAC representatives comments that we can have it all; advising that his client agrees, but not in the same way that EEPAC sees having it all; advising that he has done a fair bit of looking at the policies and there has been some suggestion that they should be complying with the policies of the City of London; revealing that what they are proposing complies in every way with the policies of the City of London and the Official Plan; indicating that they are quite happy to rely on the existing land use permissions that they have; looking at the forestry position, one of the policies in London is the right tree in the right place; advising that their own consultant said yes, it meets some of the criteria, but the location for these trees is not in the right place, you cannot have both; advising that the trees in the current location and the development proposed by his client is not going to work; advising that they cannot give you the project that they want to give you with the trees in that location; advising that what his client has indicated, and the City policies permit this, is a compensation proposal; indicating that that is why it was right for one of the speakers to talk about that; noting that she was not happy with the compensation program, but that is really the issue, because as it stands today, my client has purchased lands that are designated for a commercial node in your Official Plan and it is zoned for development; advising that that is what they purchased and that is what they intend to do; noting that that is what is reflected in the good planning documents and policies of this City; indicating that the question whether or not they have the right compensation package; noting that the City of London policy regime does not require the preservation of this woodlot in its current location; indicating that it does not require his client to compensate, either because of the nature of the land use approvals but his client has said forget that and the compensation package that they have offered is the one that has already been described to you, six acres of serviced development land that you can use to replant into a woodlot if you wish or you can use the equivalent funds to buy woodlots wherever you want; advising that that is something specifically permitted in the City's policy regime and he heard one of the speakers say that it has been done before; noting that staff has mentioned that it has been done before; indicating that the example was the Sovereign Road example; noting that the speaker mentioned that in a negative light, but in fact, what happened there was that a significant area of land was preserved long term in a woodlot which is accessible to the public and can be preserved and maintained as a woodlot; noting that one woodlot was taken down and a significant area was preserved, and that is what we are proposing here as well; advising that he takes issue with the staff analysis of their program because they are not comparing apples to apples, in that case the woodlot was designated Open Space and therefore protected in your policy regime; indicating that, as he understands it, it was city owned; indicating that it is not the case here, nevertheless, his client gets it, wants to be good corporate citizens, they get that there is some significance to this woodlot even though it is not protected, they are prepared to provide this compensation; indicating that that has to be the focus of the discussion otherwise you are not going to get the best of both worlds; indicating that the City will be stuck with a situation where they are not going to get this development and will have a woodlot that is not accessible and is not protected; reiterating that the

property is already zoned for development; reiterating that the woodlot is the major disconnect with staff; advising that they have been trying to engage Costco in this application; indicating that Costco had originally wanted part of the lands for something that they had wanted to do; advising that they could not come to an agreement; indicating that Costco would then not speak to them because they were looking at other things to do; indicating that at the end of the day the speaker talked about access, egress and on-site movement; noting that is what a site plan is for; advising that what they are really saying is that they do not want you to approve the zoning because they want to keep a hammer and appeal your choice on the site plan and the lifting of the "h" provision which would include a further traffic impact study; indicating that, had they been engaged earlier, if they had had an opportunity, he does not think that they would even be here, but to come at the 11th hour and to say please defer this so that we can maintain a hammer over what you do is just not acceptable; indicating that the City will deal with this through site plan and the removal of the "h", which is completely appropriate; advising that if Costco threatens to appeal and they want to appeal, so be it; indicating that that should not drive the decision of this Committee; indicating that one of the comments made relates to their recommendation and was the issue of what if they are not given any compensation; advising that one of the conditions that we are suggesting as part of the "h" is that an agreement be entered into addressing the removal of that unevaluated patch, the dedication of the six acres of land and the further financial contribution towards the City's million tree challenge of \$250,000; reiterating that that will all be done in the form of an agreement before the "h" is lifted; advising that it will be completely enforceable, there will be no doubt that the compensation will occur; indicating that you will not find that there are not many changes to what staff recommended and are encouraging the Planning and Environment Committee to approve. (2013-D14A)

IV. ITEMS FOR DIRECTION

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. ADJOURNMENT

The meeting adjourned at 10:46 PM