



## **The Corporation of the City of Stratford Planning and Heritage Committee MINUTES**

Date: Monday, September 27, 2021  
Time: 3:53 P.M.  
Location: Electronic Meeting

Committee Present in \*Mayor Mathieson  
Council Chambers:

Committee Present Councillor Ritsma - Chair Presiding, Councillor Ingram - Vice-  
Electronically: Chair, Councillor Beatty, Councillor Bunting, Councillor Burbach,  
Councillor Clifford, Councillor Gaffney, Councillor Henderson,  
Councillor Sebben, Councillor Vassilakos

Staff Present in Joan Thomson - Chief Administrative Officer, Tatiana Dafoe -  
Council Chambers: City Clerk, Chris Bantock - Deputy Clerk

Staff Present Taylor Crinklaw - Director of Infrastructure and Development  
Electronically: Services, David St. Louis - Director of Community Services, John  
Paradis - Fire Chief, Kim McElroy - Director of Social Services,  
Karmen Krueger - Acting Director of Corporate Services, Anne  
Kircos - Acting Director of Human Resources, Alyssa Bridge -  
Manager of Planning, Jodi Akins - Council Clerk Secretary

Also Present: Members of the public and media

### **1. Call to Order**

The Chair called the Meeting to Order.

## 2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

### Name, Item and General Nature of Pecuniary Interest

No disclosures of pecuniary interest were made by a member at the September 27, 2021, Planning and Heritage Committee meeting.

## 3. Delegations

None scheduled.

## 4. Report of the Manager of Planning

### 4.1 Planning Report, Official Plan Amendment Application OPA01-20 and Zone Change Amendment Z06-20, 370-396 Ontario Street (PLA21-018)

**Staff Recommendation:** THAT application OP01-20 to redesignate 370, 388, 390 and 396 Ontario Street from Residential Area to High Density Residential Area BE APPROVED and

THAT application Z06-20 to amend the zoning on 370, 388, 390 and 396 Ontario Street from MUR and C1 to a Residential Fifth Density R5(2) with the following site specific regulations:

1. A maximum building height of 17.5 metres and four storeys
2. A minimum corner lot frontage of 18 metres
3. A minimum front yard depth of 21 metres
4. An exterior side yard width of 3 metres
5. An interior side yard width of 1.5 metres for the first 30m of lot depth from Trow Avenue lot line
6. A maximum lot coverage of 38%
7. Accessible Parking Space Dimensions, Type A 3.4 metres by 6.0 metres and Type B 2.8 metres by 6.0 metres.

BE APPROVED for the following reasons:

*A vibrant city, leading the way in community-driven excellence.*

- I. the request is consistent with the Provincial Policy Statement;
- II. the request is in conformity with the goals, objectives and policies of the Official Plan;
- III. the Official Plan Amendment and zone change will provide for a development that is appropriate for the lands;
- IV. the public was consulted during the application circulation and comments that have been received in writing or at the public meeting have been reviewed, considered and analyzed within the Planning report.

Following presentation of the staff report, the following requested to address Committee with respect to this matter:

- Emily Elliott, MHBC, representing the applicant
- Gary Annandale, Queen Trow Development
- James Battle, Festival Area Ratepayers Association
- Nancy Smith, Turkstra Mazza Associates
- Robert Ritz
- Tom Hamza
- Marcus Letourneau, Managing Principal for LHC | Heritage Planning and Archaeology

ADDED – Following publishing of the agenda, the following requested to address Committee with respect to this matter:

- Mike Sullivan

Correspondence was received from the following residents and was included with the agenda for the information of Committee:

- James Battle
- Shannon Lewis
- Vivian MacDonald
- Arlene Crooks Best
- Elizabeth Kuntz
- Sara Topham
- Eleanor Kane
- Ruth and Jake van Leeuwen
- Leonard and Anne McDonnell
- Lesley Walker-Fitzpatrick

- Madeleine Donohue
- Nancy Davidson/Dr. Arnold Goldberg
- Jordan Newell
- Gary Annandale
- Nancy Smith
- Richard Wood
- David Scott

ADDED - Following publishing of the agenda, correspondence was also received from the following:

- Michelle McDonough
- William Calder
- Toni di Palermo

\*Mayor Mathieson departed the meeting at 3:59 p.m., and returned at 4:16 p.m.

**Committee Discussion:** The Manager of Planning, referring to a PowerPoint presentation, provided an overview of the application as follows:

- the properties involved being 370 to 396 Ontario Street to permit a 34 unit multiple residential building;
- a public meeting being held in January 2021;
- a neighborhood meeting being held with residents and the developer in April 2021;
- the revised concept plan and justification report being posted to the City's website and provided to residents by email;
- the site currently being comprised of 3 vacant lots, 2 residential dwellings, and 1 vacant commercial lot;
- a 4 story multi-residential building being proposed for development;
- revisions to the concept including the addition of outdoor recreation space, landscaping, reduced units and parking, and reduction to proposed lot coverage;
- the current designation under the Official Plan (OP) meeting requirements for development;

- infill being required to heritage qualities of the area;
- the development meeting the City's intensification targets under the OP;
- the development meeting the City's housing mix target under the OP;
- currently existing building types within the heritage area being mixed;
- the development maintaining the overall heritage qualities of the area;
- the OP not predesignating high density residential areas but contemplates it being permissible within the City;
- the shadow study submitted being largely limited to winter months with little impact to neighboring properties during the remainder of the year;
- no significant negative impacts having been identified with respect to the privacy of neighboring properties;
- the development conforming to the Community Design Strategy;
- 159 surrounding property owners having been sent notice of the proposed development for public comment;
- 30 comments having been received from residents in opposition to the development; and,
- staff recommending approval of the request as the request is:
  - consistent with the Provincial Policy Statement,
  - in conformity with the goals, objectives and policies of the OP,
  - the OP Amendment and zone change will provide for a development that is appropriate for the lands, and
  - the public was consulted during the application circulation and comments that have been received in writing or at the public meeting have been reviewed, considered and analyzed within the Planning report.

A question and answer period ensued between members and staff with respect to:

- tree removal typically being addressed through site plan processing delegated to staff;
- the shadow study showing an impact in winter months but not during other times of the year based on existing zoning provisions;
- the addition of a fourth story to the development requiring an OP amendment;
- existing zoning allowing a 10m high building with 6m setback;
- stipulating a minimum front yard depth of 15 to 21 metres;
- approximately one quarter of the parking on site being visitor spaces;
- no loading spaces being proposed;
- the threshold to trigger a traffic review in the future likely only being caused by special events;
- the City's OP not predesignating lands and maximum heights being dependent on where proposed developments are located;
- the height of the development being measured from grade to top and not including anything that would be underground;
- the possibility of parking being moved underground to reduce the overall height of the development;
- the need for a pedestrian crossing not having been identified with the proximity of signalized lights on Front Street;
- the north side of the development not having balconies or large windows to increase privacy; and,
- building elevations not having been provided at this point in time.

**Motion by** Councillor Ingram

**Seconded by** Councillor Gaffney

**Committee Decision: THAT the delegations from the following persons regarding Official Plan Amendment OPA01-20 and Zone Change Application Z06-20 be heard:**

- **Emily Elliott, MHBC, representing the applicant**
- **Gary Annandale, Queen Trow Development**
- **James Battle, Festival Area Ratepayers Association**

- **Nancy Smith, Turkstra Mazza Associates**
- **Robert Ritz**
- **Marcus Letourneau, Managing Principal for LHC | Heritage Planning and Archaeology**
- **Mike Sullivan**

**Carried**

Emily Elliott, referring to a PowerPoint presentation, provided an overview of the proposed development and application. Highlights of the presentation included:

- supporting the recommendation contained in the staff report;
- an overview of the revised concept including key statistical changes;
- the development vision offering opportunities for buffering and landscaping, vehicular access from Queen Street, active and public transportation nearby, and municipal water and sanitary services;
- design considerations including a transition from 4 to 2 stories, use of high quality materials, amenity space provided, and minimized visual surface area parking;
- the setback of the building in relation to Ontario Street being 3m;
- heritage influences of the design including reflected rooflines, articulated corners, street wall masonry, gables and a pitched roof, smaller street level windows, materials reflective of neighborhood character, and wrought iron gates and fences;
- an overview of the proposed OP and Zoning By-law amendments;
- the proposed plan conforming to the City's OP; and,
- the development having been revised and reformed based on comments received.

Discussion ensued with respect to:

- the applicant intending to construct the development in conformity with the elevation drawings presented;
- no other future developments being permitted at the corner of Ontario Street and Trow Avenue without an amendment to the Zoning By-law; and,

- no discussions being held recently in regards to work on this street related to the Transportation Master Plan.

Gary Annandale advised he represented a group consisting of concerned residents which has approximately 70 members. Mr. Annandale stated he is not opposed to development in the area but wants to see appropriate development. He further stated that he lives in the area because of the heritage character and cannot contemplate destroying those characteristics.

Intensification in the Provincial Policy Statement (PPS) means higher density than currently exists. Intensification has already been met by two new residences and red brick homes. Intensification is not monitored, and the proposed development may just be surplus to intensification. Mr. Annandale advised of an FCM publication which identified that most of the time citizen engagement is a sign of healthy democracy. Sometimes proposals are just wrong for the neighborhood. Mr. Annandale stated that the staff report is out of scale and violates heritage. No report has been seen from Heritage Stratford. Mr. Annandale requested that his submission to be forwarded to Heritage Stratford for review. He advised that a lawyer has been hired to assist in preventing inappropriate development.

Mr. Annandale stated that residents expect the City to respect the OP and by-laws and to not disregard these in order to satisfy development profit. He stated the planning report should provide information to Council that it has a mandate to uphold heritage. Mr. Annandale questioned if this development is approved, how the City will stop others from doing the same. He further asked how Council will preserve Stratford's heritage which people visit the City for.

He noted a heritage impact assessment and archeological assessment were not prepared by the developer or the city. Planning has not properly recognized heritage or archeological concerns and this is inconsistent with section 2.6 of the PPS. Mr. Annandale questioned the height of the proposed building. He stated that this is not considered enhancement or retention of heritage qualities. Residents approximate to the buildings will have a sense of place destroyed by this building. Cobourg Street residences will be most affected as the development will tower over them. There are no setbacks occupied by parking and no buffering provided to alleviate vehicle issues experienced by neighbouring residents.

Mr. Annandale further stated that planning has not considered impacts related to shadowing. The package from Dr. Richard Wood shows significant winter shadowing and the opinion that it can be discarded can be overturned by Dr. Wood's opinion. Mr. Annandale advised that there are mature maple trees and an endangered cucumber tree species that the Ministry of Environment is investigating and until a report from them comes forward then development cannot proceed. Mr. Annandale requested that this application be withdraw and resubmitted to respect the OP.

James Battle advised that he serves as Co-chair for the Festival Area Ratepayers Association. He stated that the association is about upholding respect, unique character of streetscapes, natural environment, and infill residential growth. They say yes to good development which conforms to the OP, and say no to bad projects, keeping in mind negative precedent setting decisions. What is reasonable for one party may not be for another. Reasonable development has a different definition for all. Mr. Battle provided an analogy of the speed limits on Ontario highways being 100km per hour, but many find 120 reasonable. However, when whizzing by at 130-140/hour, most find that unsafe. Mr. Battle stated that this is the challenge and where to draw the line. He further stated that with respect to this development, does reasonable mean that this committee should give the green light even when there have been no material changes between the initial and second submission. The Committee is asked to approve amendments which ignores managements formal consultation review committee. He asked if we ignore heritage corridors does it mean we are complicit with demolition.

Mr. Battle stated that the developer will quadruple the height of residential buildings nearby and the optics of development as depicted in the artist's rendering are misleading and misrepresented. He further stated that more traffic will be created during festival season. Stratford is in need of new residential development but there is no planning consensus, so stakeholders end up plagued by applications. He stated that he hopes the City gets it right be assessing redevelopment the right way for all the right reasons.

Mr. Battle requested that this Plan be rejected as presented today. He stated that if approved through the PPS rather than the City's plan then a terrible precedent would be the outcome.

Robert Ritz, referring to a PowerPoint presentation, provided the following information on the proposed development:

- the current zoning permitting duplex dwellings;
- the existing zoning requirements compared to the proposed requirements being requested for the site;
- ensuring where infill proposed that inherent qualities are retained, restored and ideally enhanced when reviewing heritage areas;
- the PPS and OP encouraging intensification when being compatible in terms of scale, density and design with neighboring developments;
- other possible options for intensification in this area that conform with the OP;
- amending the OP allowing the next developer to request the same height maximums; and,
- the intensification of this development being too great as per the OP.

Marcus Letourneau, referring to a PowerPoint presentation, provided the following information:

- Stratford having a significant concentration of cultural resources and being a key brand of the City;
- heritage character being treated carefully to maintain community heritage and charm;
- encouraging appropriate intensification and infill which reflects height and design, and protecting areas which contribute to character;
- the neighborhood being mostly 1.5-2 story residential buildings;
- very little change having been experienced in the neighborhood since 1949;
- most infill having occurred respecting the single to 2.5 story residential form with many structures having been reused;
- Ontario Street being identified as a heritage corridor and the properties as a heritage area;
- the proposed development not supporting the sense of place under section 1.17.1.e and not being consistent with section 2.6 of the PPS;

- the proposed development not being consistent with several goals, objectives and policies of the City's OP;
- the application having not completed studies to analyze heritage character of the area or assess impacts;
- a preliminary analysis not precluding development but requiring further research and analysis; and,
- the development being deferred to ensure it meets all requirements of the PPS and OP.

It was questioned whether Mr. Letourneau consulted with Heritage Stratford. Mr. Letourneau responded that he had reached out but did not have a chance to speak with them prior to this meeting.

Mike Sullivan stated that the summary as presented in the report orders Council to put forward a motion. If rejecting the staff recommendation, the motion must include a statement on how the recommendation complies with the OP and if public input was considered. He further stated that he has never seen a report from staff ordering a motion from Council. He stated that if the Committee does not approve the staff report, it is because the development does not comply.

Mr. Sullivan stated that the application itself is not in compliance because it is requesting an amendment. There is also nothing in the report on the issue of climate change. The PPS refers to climate change as an issue to be considered in making and dealing with the PPS. Mr. Sullivan stated that Stratford has made a climate emergency declaration and would think it would be a consideration, but it is not. He further stated that the number of vehicles will significantly increase, with plans for 57 vehicle parking spaces. However there are no provisions for level 2 charging stations so residents cannot own and operate an electric vehicle. It is also not indicated if this development is being developed with passive building standards, which would have emissions greater than 5 homes being replaced and no chance for net zero development.

Mr. Sullivan advised he is a recent arrival in Stratford and came to live here because of the looks, character and feel. The main entrances provide visual reminders of heritage. The City sought to protect this through the OP and it will be jarring to see such a tall development amongst the current residential buildings. Mr. Sullivan stated that the issue here is of

precedence, Council should be wary of this because if approved, it has potential for zoning contagion. He further stated that if the Committee agrees with the report that this is an appropriate development then all dwellings along all main entry ways will be in trouble. Any developer will rely on this decision to demand the same treatment. No property owner would do otherwise if they could get sevenfold value on their land. Mr. Sullivan stated that examples given in the report are not on main entrances in Stratford and there is no mention of the current state of the City because Planning does not know what the current state of the City is for density. Mr. Sullivan stated that the Committee needs to realize how important this decision is and urged accepting his request to defer consideration to a later date.

Clarification was provided regarding the requirements of Council under Bill 139 as it relates to situations when a staff recommendation is not approved.

The Manager of Planning responded to a question regarding the application being contextual and not setting a precedent. The Manager advised that each application is evaluated against the same OP criteria based on the proposal and context of the site.

Nancy Smith was unavailable to provide a delegation.

**Motion by** Councillor Sebben

**Seconded by** Councillor Burbach

**Committee Decision: THAT correspondence from the following persons regarding Official Plan Amendment OPA01-20 and Zone Change Application Z06-20 be received for information:**

- **James Battle**
- **Shannon Lewis**
- **Vivian MacDonald**
- **Arlene Crooks Best**
- **Elizabeth Kuntz**
- **Sara Topham**
- **Eleanor Kane**
- **Ruth and Jake van Leeuwen**
- **Leonard and Anne McDonnell**
- **Lesley Walker-Fitzpatrick**
- **Madeleine Donohue**

- **Nancy Davidson/Dr. Arnold Goldberg**
- **Jordan Newell**
- **Gary Annandale**
- **Nancy Smith**
- **Richard Wood**
- **David Scott**
- **Michelle McDonough**
- **William Calder**
- **Toni di Palermo**

**Carried**

An amendment was requested to the staff recommendation to include a minimum of 15m for the remaining parcel of land as it relates to site specific regulation #12.

**Motion by** Councillor Ingram

**Seconded by** Councillor Burbach

**Committee Recommendation:** THAT application OP01-20 to redesignate 370, 388, 390 and 396 Ontario Street from Residential Area to High Density Residential Area BE APPROVED and

THAT application Z06-20 to amend the zoning on 370, 388, 390 and 396 Ontario Street from MUR and C1 to a Residential Fifth Density R5(2) with the following site specific regulations:

8. A maximum building height of 17.5 metres and four storeys
9. A minimum corner lot frontage of 18 metres
10. A minimum front yard depth of 21 metres
11. An exterior side yard width of 3 metres
12. An interior side yard width of 1.5 metres for the first 30m of lot depth from Trow Avenue lot line and a minimum of 15m for the remaining parcel of land.
13. A maximum lot coverage of 38%
14. Accessible Parking Space Dimensions, Type A 3.4 metres by 6.0 metres and Type B 2.8 metres by 6.0 metres.

BE APPROVED for the following reasons:

- V. the request is consistent with the Provincial Policy Statement;

- VI. the request is in conformity with the goals, objectives and policies of the Official Plan;
- VII. the Official Plan Amendment and zone change will provide for a development that is appropriate for the lands;
- VIII. the public was consulted during the application circulation and comments that have been received in writing or at the public meeting have been reviewed, considered, and analyzed within the Planning report.

Discussion ensued with respect to:

- development being long overdue for the area;
- the proposed development not enhancing the heritage area; and,
- concern for the stable residential area should the development be approved.

A member requested that a recorded vote be taken.

Discussion continued with respect to considering underground parking in order to reduce building height.

Nancy Smith, now present at the meeting, was permitted to provide her delegation. Ms. Smith advised that she had submitted a letter with her comments. She stated she heard from Mr. Ritz regarding his perspective and her focus is more on Mr. Ritz as part of a community who is looking to Council to make a good planning decision. She further stated that as Council they decide, but for communities the change is permanent. This is especially important in areas shown in the OP as stable residential areas. OPs are a municipalities' guide and many interests have to be balanced. Developments want approval, communities are asked to accommodate change.

Decisions everywhere talk about OPs as a community pact. The OP has been through public process including involvement from developers and residents and have had input into this policy that directs change and is the guide to determine what is appropriate at this site. In the City's OP, infilling in heritage areas is special because it contains separate guidance. It contains a requirement to retain, restore and ideally enhance heritage qualities. Ms. Smith stated that the report talks about setbacks and built form but there is a lot more to that regarding heritage qualities. She

further stated that this is not a proper pitch from the developer. Incremental infill is also not in the report but must be in a stable residential area. Couple that with heritage policies and what is before the City does not conform.

Ms. Smith stated that there is PPS policy that is not referenced, such as policy 2.6, which focuses on significant built heritage resources. The theme of heritage protection is significant, and this is defined but the staff report does not address this. This fuels decision making on what proper infill is and it would not surprise her at all that the proposal here could provide for the kind of intensification advocated for. Ms. Smith requested that the community pact in the OP be honored and stated respectfully that what is before the Committee does not do it on the heritage front or specific intensification policy that requires incremental infill that respects heritage qualities of the area. Ms. Smith further requested that this proposal be denied and the dispute resolution technique should be used. If the proposal is denied then the applicant can appeal and this technique can be used for remediation. If dispute resolution is used it will bring all of the stakeholders together, including the city, to determine what is appropriate for this site.

It was questioned what options were available in terms of making a referral to staff to investigate. The City Clerk advised that a referral motion would supersede the motion currently on the floor and there would be no discussion on the referral.

**Motion by** Councillor Bunting

**Seconded by** Councillor Gaffney

**Committee Recommendation:** THAT application OP01-20 to redesignate 370, 388, 390 and 396 Ontario Street from Residential Area to High Density Residential Area be referred to staff to review possible overall height reductions of the development with the applicant that would be more acceptable to the area.

Clarification was requested on the referral motion and the City Clerk advised that the intent is to refer the application to staff to have a conversation with the applicant to determine if they're amendable to reducing building heights.

The Manager of Planning, in response to a question about the risk of an appeal if the application is referred, advised the City is currently outside

the 120-day time period prescribed under the Planning Act to make a decision. The Manager further advised that if there is productive dialogue then an appeal is not often exercised.

The City Clerk, in response to a question, advised that any motion made by Committee would have to move next to Council for adoption and the next Council meeting is October 12.

Councillor Gaffney withdrew as the seconder on the referral motion.

**Motion by** Councillor Bunting

**Seconded by** Councillor Beatty

**Committee Recommendation: THAT application OP01-20 to redesignate 370, 388, 390 and 396 Ontario Street from Residential Area to High Density Residential Area be referred to staff to review possible overall height reductions of the development with the applicant that would be more acceptable to the area.**

The City Clerk clarified that the referral motion was to review whether a reduction was possible in the overall height of the development to be more acceptable for the area.

The Chair called the question on the motion.

**Carried**

## **5. Adjournment**

**Motion by** Councillor Ingram

**Seconded by** Councillor Burbach

**Committee Decision: THAT the Planning and Heritage Committee meeting adjourn.**

**Carried**

Meeting Start Time: 3:53 P.M.

Meeting End Time: 6:23 P.M.