

February 27, 2024
SBM-20-3641

Attn: London City Council members

RE: City of London File #Z-9689
1494 Commissioners Road West

1. February 21st Planning & Environment Committee Meeting Recommendation

- Although City of London Planning staff supported the subject Zoning By-law Amendment (ZBA) application to permit a 10-unit apartment building, the motion tabled by Councillor Franke and seconded by Councillor Rahman to refuse the application because it was deemed not to be consistent with the 2021 City of London Environmental Management Guidelines (EMG) was adopted by the majority of PEC members.

1.1 Application Background

- As noted in the staff report, the applicant made a previous ZBA application in 2018 (File # Z-8090) to permit a personal service spa on the subject lands. The application was subsequently put on hold and the zoning change never materialized. As part of the 2018 application, a scoped Environmental Impact Study (EIS) was requested by staff since the subject lands abut the Warbler Woods Environmentally Significant Area (ESA) to the south and east. During the EIS scoping and review, an agreement was made between the City of London ecology staff and the applicant's consulting ecologist to maintain the dripline as the limit of development and to naturalize the area under the dripline.

1.1.1 Current Proposal and Impacts of 2021 EMG 30 metre ecological buffer

- After the EIS, a Geotechnical Study was completed that identified an erosion hazard limit that is generally even more restrictive than the dripline identified on the site plan as the "original development limit". The erosion hazard limit is actually used as the limits of the proposed development and defines the proposed zoning limits.
- Table 5-2 of the 2021 EMG recommends that a 30 metre minimum ecological buffer width be applied to the edge of the natural heritage feature. As confirmed by City ecologist Shane Butnari, as the applicable feature appears to be the significant woodland associated with the Warbler Woods ESA, the buffer would be applied to the dripline of the woodland.
- Applying a 30 metre buffer from the identified dripline would make the subject lands undevelopable, as shown in the image below.



- Moreover, existing residential development (i.e., houses fronting Chestnut Hill) are located within the 30 metre buffer and do not comply with the EMG.

1.1.1.1 Conclusion

- The EMG recommendations are general and do not consider site-specific facts or circumstances resulting from studies such as an EIS.
- Furthermore, in this case, a scoped EIS was completed in accordance with staff recommendations and the applicant submitted the subject ZBA application in good faith based on previous communications and understandings between staff and his consultant.
- Applying the 30 metre buffer from the identified dripline would make the subject lands undevelopable.
- As the agent for the subject application, I respectfully request that the version of the site-specific ZBA identified as "Revised By-law" and included in the PEC Added Agenda and attached to this memo for reference be approved by London City Council.

Respectfully submitted,

Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical

Simona Rasanu, RPP, MCIP
Planner and Project Lead

R8-4() 1494 Commissioners Road West

a. Regulations

1. West Interior Side Yard Setback (Minimum)
2.5 metres and no habitable windows directly facing the west shared lot line.
2. East Interior Side Yard Setback (Minimum) 0.3 metres
3. Rear Yard Setback (Minimum) 0.3 metres
4. Lot Coverage (Maximum) 46.2%
5. Height (Maximum) 13.5 metres
6. West Interior Side Yard Building Height (Maximum) 2-storeys
7. West Interior Side Yard Building Stepback (3rd storey) 2.0 metres