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File No: SPA17-024

TO:	CHAIR AND MEMBERS – PLANNING & ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: VILLAGE WEST DEVELOPMENTS (LONDON) INC. (C/O ZELINKA PRIAMO LTD.) 1355 COMMISSIONERS ROAD WEST (FORMERLY 1349, 1351, 1357, 1361 COMMISSIONERS ROAD WEST) PUBLIC SITE PLAN MEETING JULY 17, 2017

RECOMMENDATION

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application by Village West Developments (London) Inc. relating to the property located at 1355 Commissioners Road West:

- a) the Approval Authority **BE ADVISED** of the issues, if any, raised at the public meeting held by the Planning and Environment Committee with respect to the application for Site Plan approval to permit the construction of a five (5) storey apartment building;
- b) the Approval Authority **BE ADVISED** of any issues the Municipal Council has with respect to the Site Plan application (subject to any required revisions), and whether it supports approval of the Site Plan application; and
- c) the Municipal Council **BE REQUESTED** to advise whether or not it wishes to adopt the following resolution: “Notwithstanding Section 34 (10.0.0.1) of the *Planning Act*, consent **BE GIVEN** to the Committee-Secretary of the Committee of Adjustment to accept a submission for a Minor Variance Application at 1355 Commissioners Road West by Village West Development (London) Inc.”

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The site contains a holding provision (h-5) to require a public site plan review. Consideration of the Site Plan will result in the construction of a 5-storey apartment building with 51 residential units and 65 surface parking spaces.

The proposed site plan is not in conformity with the regulations of the special provision R8-4(36) Zone and due to the two-year moratorium on Minor Variance applications subsequent to the passing of a Zoning By-law amendment, the applicant is seeking a Resolution of Council to permit an application for a Minor Variance submission to bring the proposed plan into conformity with the Zoning By-law.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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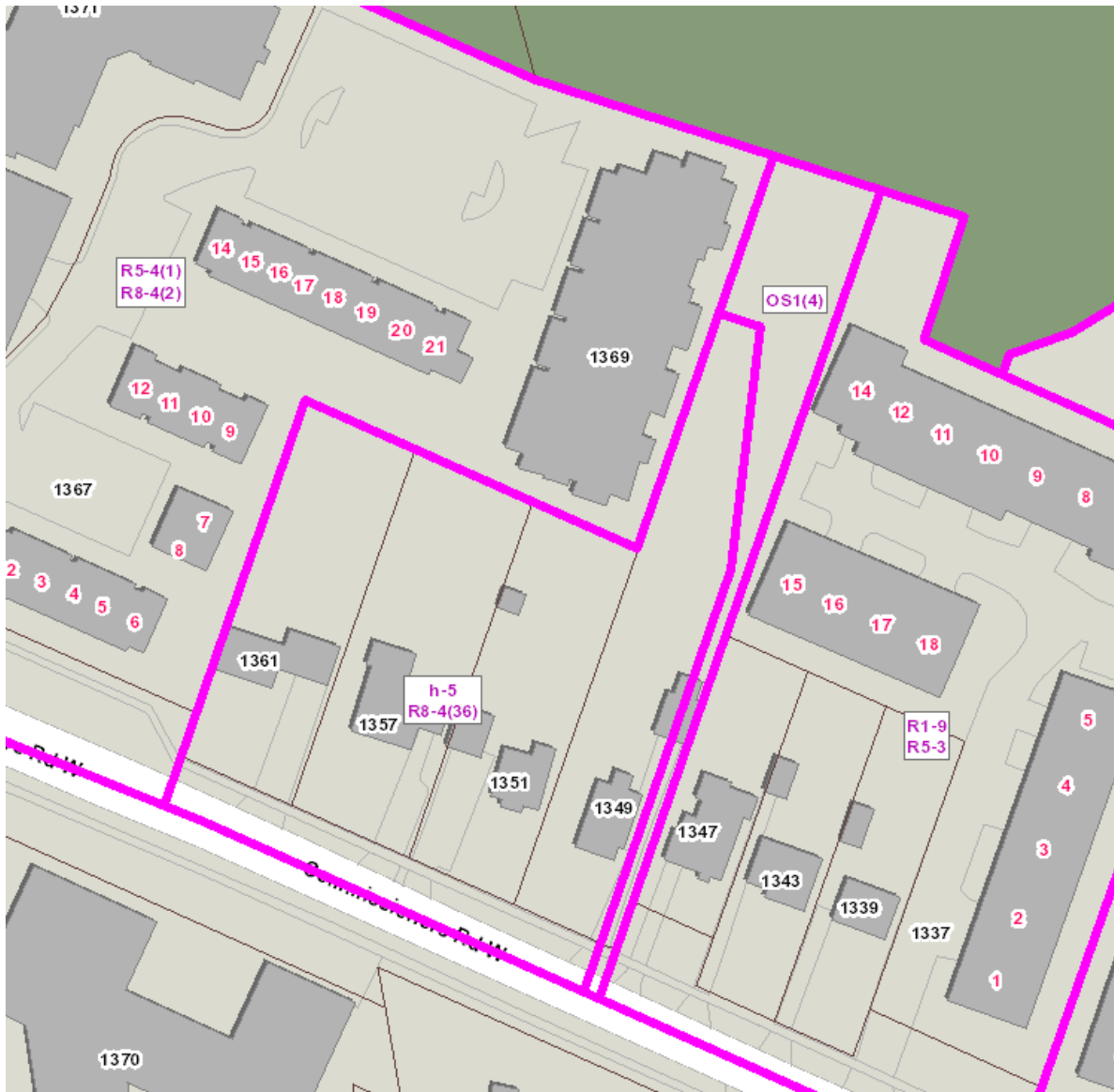
November, 2016: Report to the Planning and Environment Committee recommending approval of a Zoning By-law amendment to permit a five storey apartment building with a total of 51 residential units on lands located on the north side of Commissioners Road West, east of Stephen Street. (Z-8635)

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Location Map



Zoning Map





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APPLICATION DETAILS

Date Application Accepted: April 19, 2017	Agent: Michelle Doornbosch Zelinka Priamo Ltd.
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REQUESTED ACTION: Approval of an application for Site Plan Approval for the construction of a five (5) storey apartment building with 51 residential units and 65 surface parking spaces;

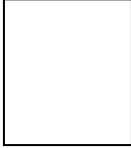
SITE CHARACTERISTICS

Current Land Use: Vacant
Frontage: 84.6 m
Depth: Irregular
Area: 7,159 sq m (0.715 ha)
Shape: Irregular

SURROUNDING LAND USES

North: Open Space – Thames River
South: Institutional – Byron Northview Public School, St. Anne's Anglican Church
East: Residential
West: Residential

OFFICIAL PLAN DESIGNATION: Multi Family Medium Density Residential



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EXISTING ZONING:

Holding Residential Zone and Open Space Zone (**h-5.R8-4(36) OS1(4)**)

The R8 Zone provides for and regulates medium density development in the form of low rise apartment buildings which will vary in form depending on adjacent land uses.

The OS1 Zone variation is intended to be applied to areas located outside of conservation lands (hazard lands, floodplain and steep slopes) and areas which are not environmentally significant.

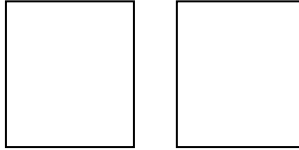
h-5 Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. Permitted Interim Uses: Existing uses. (Z.-1-94236)

R8-4(36) 1349, 1351, 1357 & 1361 Commissioners Road West
Regulations

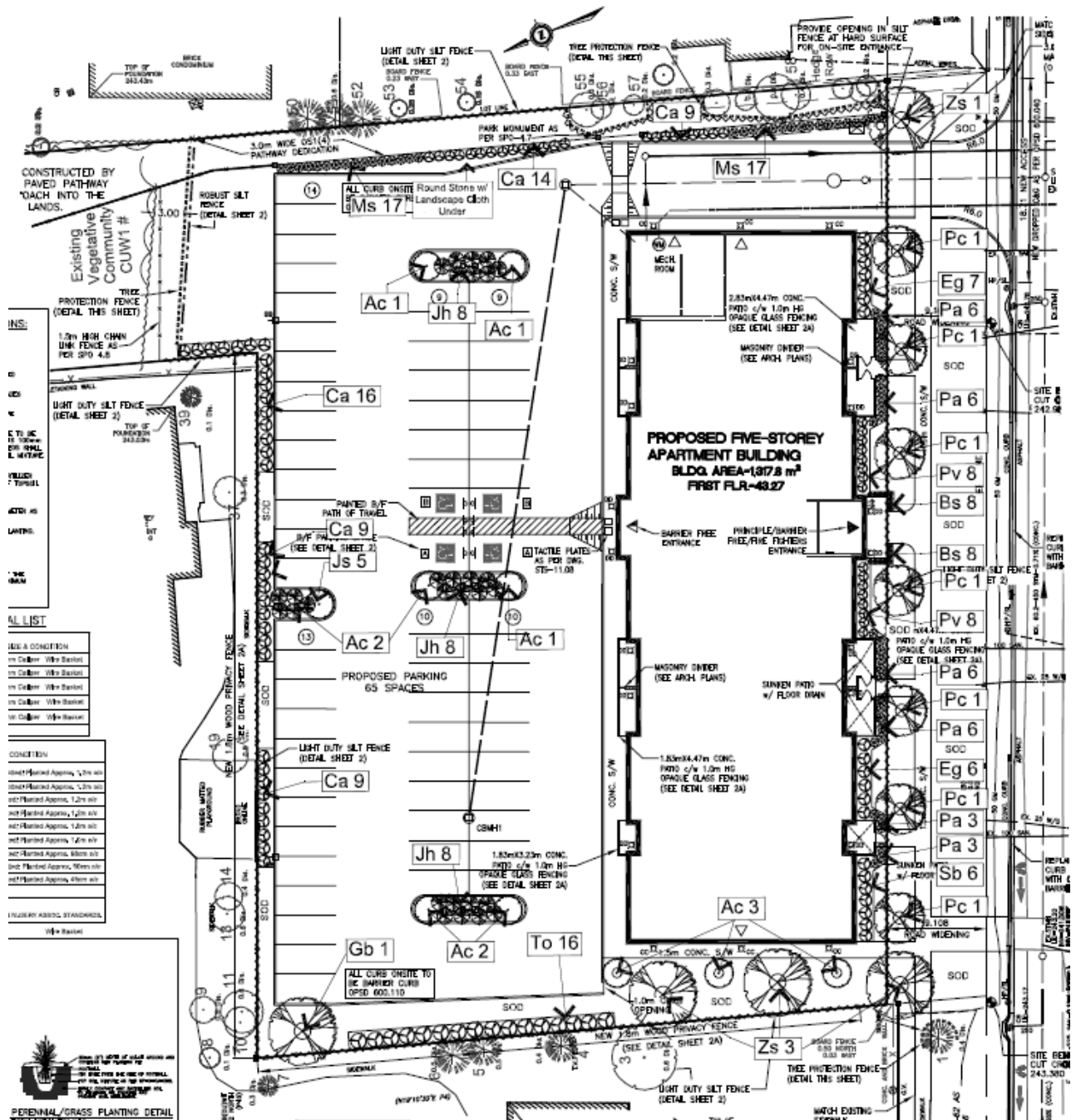
- i) Front Yard Depth 2m (6.6 ft) (minimum)
- ii) Height 16.5m (54.13 ft) (maximum)
- iii) Number of Parking Spaces 65 spaces (minimum)
- iv) The density, lot area, lot coverage and landscaped open space calculation shall be based on a lot area which includes the lands in the abutting Open Space Special Provision (OS1(4)) Zone. (Z.-1-162540)

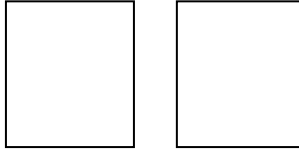
OS1(4) 1349, 1351, 1357 & 1361 Commissioners Road West

The area of the lands so zoned shall be included with the Residential-zoned lands in the Residential R8 Special Provision (R8-4(36)) Zone for the purpose of calculating lot area, density, lot coverage and landscaped open space. (Z.-1-162540)

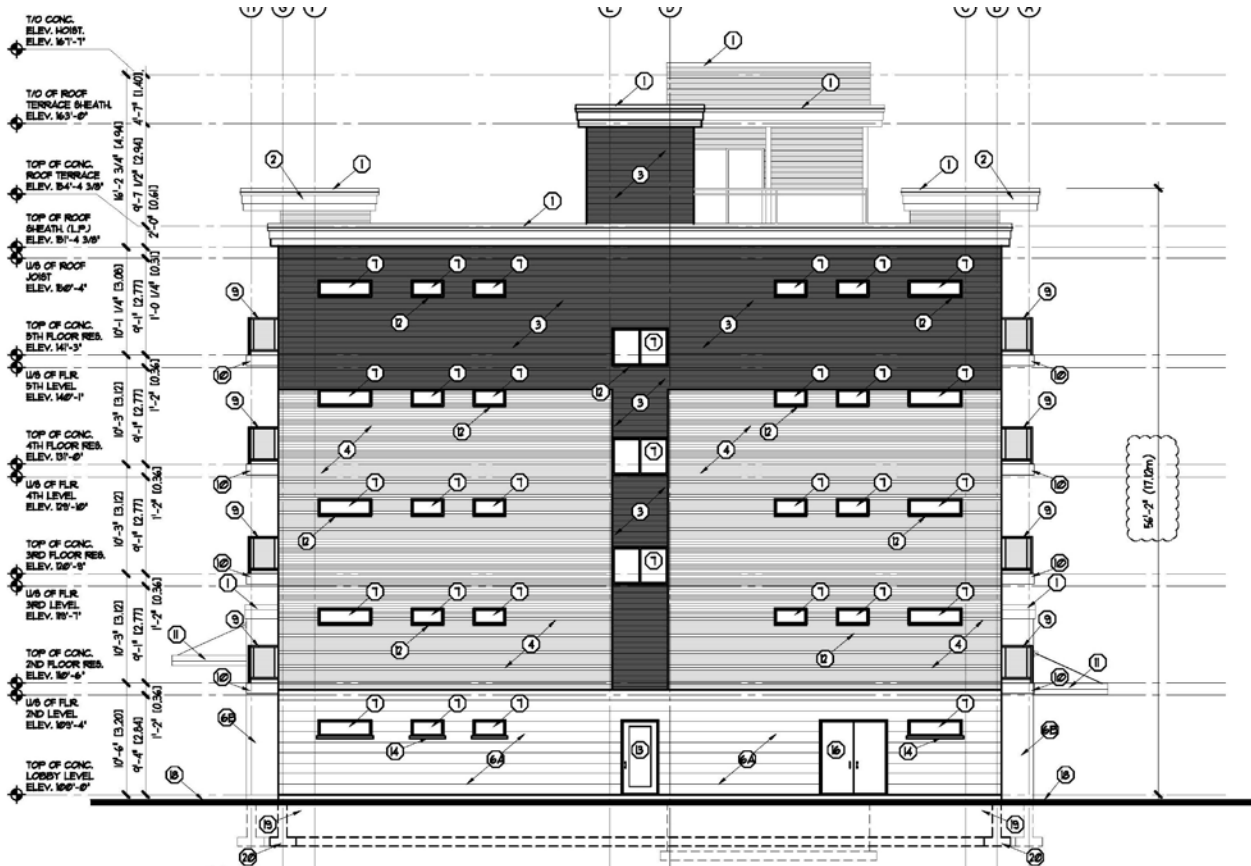


Proposed Landscape Plan





Proposed Building Elevations



2 EAST ELEVATION
A4.2 1/8"=1'-0"
A B C



2 WEST ELEVATION
A4.1 1/8"=1'-0"
D E F G H

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PLANNING HISTORY

On November 14, 2016 staff recommended to Planning Committee that the Zoning By-law which applied to these lands be amended to permit the development of various forms of residential housing and open space. Municipal Council approved the requested Zoning By-law Amendment (Z-8635) with a holding provision to require a public site plan meeting. Special provisions were implemented through the R8-5(36) Zone that regulate front yard depth, height, and number of parking spaces. The R8 zone variation also references the special provision OS1 zone applied to the rear of the lands. It states that the lands zoned OS1(4) should be included in the calculations for lot area, lot coverage, and landscaped open space for the whole of the subject site. The building interior yard setbacks are regulated through the standard R8 Zone provisions which is established based on the height of the structure.

During the rezoning process in 2016, the City received 23 replies to the initial notice of application and 145 replies to the revised notice, including 73 signatures from a pro forma, and 47 signatures on a petition. Area residents voiced concerns regarding the height, design, and front yard setback of the proposed building, as well as the effect the development would have on trees/open space, the pathway to the rear of the property, transportation and traffic in the area.

The zoning of the subject lands was approved by Council on November 22, 2017 and the Resolution of Council dated the following day included the following directions:

The Site Plan Approval Authority BE REQUESTED to consider the following through the site plan process:

- i) define a pedestrian-oriented ground floor by incorporating a different design treatment and material application along the base of the building than the rest of the building;*
- ii) differentiate the top of the building through an articulated roof form, stepbacks, cornices, and/or material change and enclose rooftop mechanical equipment within the built form;*
- iii) incorporate a variety of materials and textures to highlight different architectural elements;*
- iv) provide individual entrances to ground floor units on the south façade, with direct walkway access perpendicular to the public sidewalk, operable front doors and pedestrian scale features such as canopies and lighting;*
- v) design ground floor amenity spaces as open courtyards or front porches extending into the front setback;*
- vi) differentiate the primary entrance to the lobby from the individual units on the south façade through an increased proportion of glazing and appropriately scaled building mass; and,*
- vii) screen all parking areas that are visible from the street;*

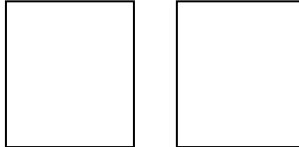
The Civic Administration BE DIRECTED to provide the plan for the trail at a community meeting to be held in Byron and all interested parties be notified of the community meeting;

The Civic Administration BE DIRECTED to consult with the Upper Thames River Conservation Authority and other applicable agencies with respect to the proposed location of a trail through the Byron Valley and the potential resulting impact to species at risk;

GENERAL SITE PLAN COMMENTS

Site Plan & Building Design:

The current site plan submission proposes the building 2.1 metres from the front property line along Commissioners Road West, 6.0 metres from the west property line, and 8.9 metres from



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the OS zone line on the east which acts as a lot line. 65 parking spaces are proposed in the rear of the site and are adequately screened behind the building. Walkways are proposed from the sidewalk to the principal building entrance and the individual units facing Commissioners Road, and to the parking area in the rear. Privacy fencing is proposed on the west and north edges of the site, and the wooded area and Open Space zone are proposed to be fenced with chain link. The existing bus stop at 1349 Commissioners Road West is to be relocated further east at 1337 Commissioners Road West.

Considering the November 23, 2016 Resolution of Council, the first floor of the building has been designed with a differing material application than the upper floors. Individual entrances to ground floor units are provided with enclosed porches and accompanying walkways. Cornices define the roofline of the building and all proposed lighting fixtures on site are recessed or downward facing to reduce visual impact on abutting uses. The resolution also included language around enclosing the rooftop mechanical equipment within the built form. This appears to have been met with this submission. The revised submission also includes added rooftop features in the form of stairwells at both the east and west end of the rooftop and a rooftop patio amenity area with an associated pergola / terrace structure providing weather protection to the area.

Staff will continue to work with the applicant to seek revisions to better implement the resolution through technical amendments such as enlarging the first floor patio space, providing alternative window sizes and locations to differentiate the ground floor, and better articulating the cornice on projecting facades to maintain a hierarchy of visual weight. Subject to future approvals, if received, may result in further enhancements to the proposed rooftop features included in this latest submission (stairwell, patio and pergola terrace structure).

The resolution also directed staff to host a public meeting in Byron and to consult with the Upper Thames River Conservation Authority regarding the trail north of the site. A plan for the trail has not been finalised, however the site plan for the proposed building was circulated to the UTRCA. They had no objections to the development but indicated that the pathway shall not be located within the natural hazard lands. Staff from Environmental and Parks Planning will host a public meeting in the Byron community when consideration for the pathway will commence.

Site Landscaping:

A variety of plantings are proposed through the site including trees, shrubs, and ornamental grasses. A row of ornamental 'street trees' are proposed in front of the building along with other low plant materials. The landscaped islands in the parking lot are large enough to support two trees and some shrubs as per the Site Plan Control Area By-law, and the individual first storey amenity spaces are screened from the street with trees and other plantings.

Privacy fencing is being provided along the north and west property lines to retain the privacy for the existing townhouses.

The wooded area and Open Space lands to the north of the site are excluded on the landscape plan as they are to be kept in their current naturalized state and dedicated to the City as parkland. A tree protection plan and report has been submitted identifying which trees are to be retained and the locations of tree protection fencing to ensure they are not harmed during construction. Further development of the pathway may affect the existing natural conditions of the Open Space lands but as noted above the community and UTRCA will be consulted before such plans are finalised.

Outstanding Site Planning Matters:

Second submission of drawings was received on June 20, 2017. Staff have completed most of the drawing and report review and the following items remain outstanding:

- Waste collection to be stored indoors
- Providing a reference plan for the road widening dedication on Commissioners

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- Including tactile mats at the raised pedestrian crossing to the future public pathway
- Expansion of the entrance walkway on the south side of the street
- Providing landscape details for any proposed amenity areas north of the parking area
- Revisions to proposed plant materials with native plantings throughout the site and extending along the parking lot to the west and in place of the round stone on the east
- Minor adjustments to site signage and detailing of the barrier free parking spaces
- Large canopy shade trees added to parking islands
- Comply with the Zoning By-law

Note:

Further comments were received from departments and agencies, but were largely technical in nature and dealt with drawing requirements and details.

PUBLIC LIAISON:	<p>May 9, 2017 – a Notice of Application was sent to area residents within 120m of the subject site</p> <p>June 28, 2017 - a Notice of Revised Application and Public Site Plan Meeting was sent to area residents within 120m of the subject site advising of a public meeting before the Planning and Environment Committee on July 17, 2017.</p> <p>July 6, 2017 - a Notice of Public Site Plan Meeting was published in the Londoner.</p>	5 written responses received
<p>Nature of Liaison:</p> <p>Consideration of the Site Plan will result in the construction of a five storey apartment building with 51 residential units and 65 surface parking spaces.</p> <p>The h-5 holding provision requires a public site plan meeting before the Planning and Environment Committee (PEC).</p> <p>Request for a Resolution of Council to permit an application for a minor variance to bring the proposed plan into conformity with the Zoning By-law.</p>		
<p>Responses:</p> <ul style="list-style-type: none"> - The impact of the proposed development on the Thames River and preservation of on site vegetation; - Use of pathway to the north in regard to neighbourhood safety, privacy and potential ecological impacts; - Increased pedestrian and vehicular traffic; - Privacy, lighting and noise from abutting residences - Concerns over height of building and associated impacts (obstruction to views and sunlight) - Noise from proposed roof patio - Tree cutting that has occurred <p>Most of the comments received related to the preservation and protection of the abutting natural heritage corridor to the north with respect to the planned pathway along the east side of the site. Concerns with increases in traffic. Letters were also received regarding concerns with the height of the building and associated impacts and noise from a rooftop patio.</p>		

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ANALYSIS

Provincial Policy Statement 2014

The Provincial Policy Statement encourages building strong communities, the wise use and management of resources and protecting public health and safety. Full municipal services are available to service this site. The proposed site plan will be developed consistent with the Provincial Policy Statement.

Official Plan

Use

The subject lands are designated Multi-Family Medium Density Residential in the Official Plan, and subject to policies therein. Permitted uses in the Multi-Family Medium Density Residential designation include multiple attached dwellings, low-rise apartment buildings, small-scale nursing homes, and other forms of medium density development. Medium Density designated areas are intended to serve as a transition between low density residential areas and more intensive forms of commercial, industrial, or high density residential development.

Residential Intensification is permitted in Multi-Family Medium Density Residential areas in accordance with Section 3.2.3.1 which includes the development of vacant and/or underutilized lots within previously developed areas that can reasonably accommodate more residential development than what currently exists on the site within the context of the surrounding established residential neighbourhood.

The consolidation of the four properties at 1361, 1357, 1351, and 1349 Commissioners Road West which were previously used for single detached dwellings for the purpose of constructing a 51 unit apartment building is considered Residential Intensification. The surrounding area is characterized largely by the presence of other forms of Medium Density Residential uses in the form of cluster townhouses, low-rise apartment buildings, and several single family dwellings. A Main Street Commercial Corridor designated area is located further east. Within the context of the surrounding established neighbourhood the subject lands are currently underutilized and are capable of reasonably accommodating more residential development.

Location

These uses are to be located in close proximity to Shopping Areas, Commercial Districts, designated Open Space areas or Regional Facilities; and on lands abutting an arterial, primary collector, or secondary collector street.

The proposed development fronts onto Commissioners Road West which is an arterial road and as previously noted is in close proximity to a Main Street Commercial Corridor designated area. Part of the subject lands are designated Open Space and to the rear of the lands is the Thames River and the Byron River Valley. Springbank Park is located nearby to the east. The location of the proposed development is consistent with the policies of the Multi-Family, Medium Density Residential designation under the Official Plan.

Form

With regard to the location of the uses noted above, development must take into account the height and scale of surrounding land uses and not adversely impact the amenities and character of the surrounding area. As noted above, the area surrounding the subject lands is characterized largely by cluster townhouses with some low-rise apartment buildings and single family dwellings.

While low-rise apartment buildings are generally permitted to be a maximum of four storeys, Council approved a site specific Zoning By-law Amendment to permit increased building height

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for the subject lands, which allows for a five storey building. This amendment also permitted a reduced front yard setback and street-oriented building that is consistent with the Placemaking Guidelines as adopted in Section 19.2.2.

London Plan

The new London Plan recognizes this site as a “Neighbourhoods” Place Type that is intended to provide a diversity of housing choices to promote neighbourhood character, attractive streetscapes, and to support infill and intensification. Residential Intensification is encouraged to help realize the vision for aging in place, diversity of built form, affordability, vibrancy, and effective use of land in neighbourhoods. The proposed site plan will be developed consistent with the intent of the London Plan Policies.

Zoning By-law

The majority of the subject site is within a holding Special Provision R8 (h-5.R8-4(36)) Zone. The rear portion of the property is within a Special Provision Open Space. The R8-4 Zone permits apartment buildings, stacked townhouses, lodging houses, and special population’s accommodations at a maximum residential density of 75 units per hectare. The R8 variation also includes provisions for a maximum lot coverage of 40% and minimum landscaped open space area of 30% of the site. The special provision R8-4(36) Zone provides specific regulations which cap the building height at 16.5 metres and set the front yard setback at 2 metre. The special provision zone also includes a provision that requires a minimum of 65 parking spaces be provided for this development. The Open Space Zone includes a provision that the lands zoned OS1(4) located on the subject site be included in the overall area for the purposes of site data calculations.

The h-5 holding requires that, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, prior to the removal of the "h-5" symbol. The purpose of this meeting is to hold a public site plan meeting to seek input from Council and hear comments from the public in relation to this subject site plan. A future report will be brought forward to seek approval to remove the h-5 Zone provision from the site once all plans have been accepted and agreements entered into.

Zoning Compliance and Applicant Request for Resolution of Council

The building as proposed in the most recent submission is approximately 19.5 metres (64 feet) in height to its highest point on the rooftop (stairwell and terrace structure). The proposal remains a five storey apartment building, in a similar form and structure to the proposal considered by Council in 2016. The main building height in the current submission is measured at 17.12 metres (56.17 feet) to the highest parapet structure of the main building. The proposal, as submitted, exceeds the maximum height limits of the approved Zone which is set at 16.5 metre (54.13 feet) in height. The proposed increase in height would trigger an increase in the interior yard setback to what was previously considered in 2016 and which is included in this current submission. The current submission includes a west interior side yard setback of 6 metres (19.7 feet) which was appropriate for a building height of 16.5 metres. The increase in overall height to 19.5 metres in this latest submission would require a west interior setback of 7.2 metres (23.6 feet). The R8 Zone establishes the interior and rear yard setbacks by the height of the building. The interior side yard setback must be 1.2 metres per 3 metres of main building height or fraction thereof above 3 metres, but in no case less than 4.5 metres.

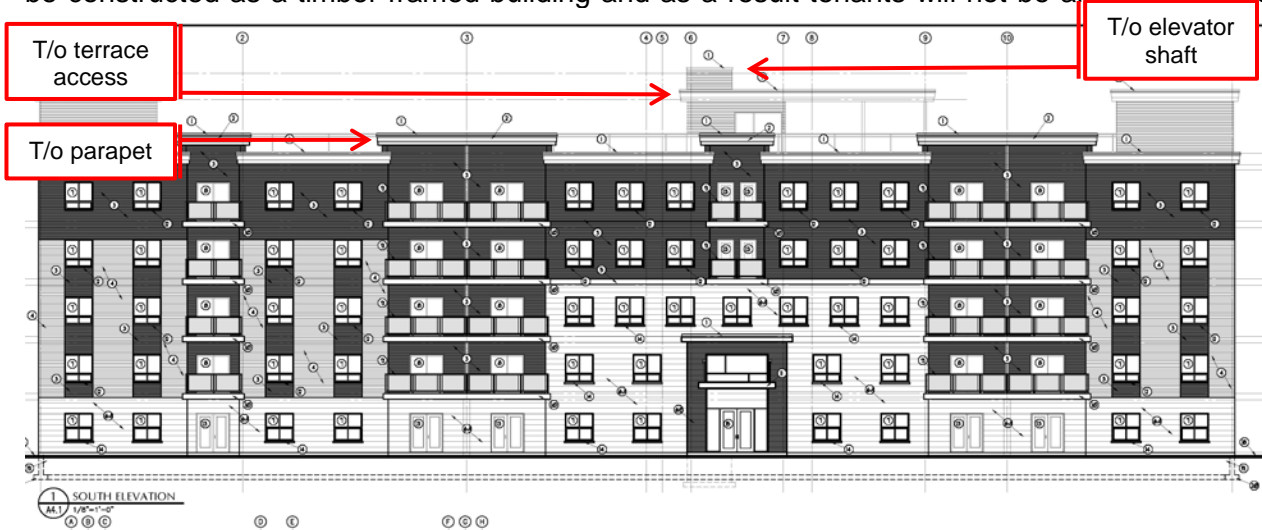
Building height is measured to the highest point of the roof surface or parapet walls for buildings with flat roofs. Section 4.9 states that mechanical penthouses and necessary mechanical appurtenances located above roof level are exempt from the height limitations of the By-law provided they are erected only to such height as is necessary to accomplish the purpose they serve. However, this provision does not exempt structures built for the purpose of access to rooftop amenity space, therefore the building height is measured to the top of the structure enclosing the stairwell. The required interior side yard setback (east and west) for a 19.5 metre building is 7.2 metres.

The applicant has indicated that the increase in height is the result of factors that were not

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considered during the Zoning Amendment review of 2016. The original building design provided for 8 foot ceiling heights in the original unit designs, whereas the current proposal has increased the internal ceiling height to 9 feet in response to current market demands. The changes to the roof structures are being included to also repond to market demads. The five-storey structure will be constructed as a timber-framed building and as a result tenants will not be allowed to utilize



barbeques on private balconies. As an alternative, a small rooftop amenity area is being added, with stairwell access to the roof to provide an outdoor space for for tenants to barbeque. Under the current Zoning By-law, starwells and accessory structures (pergola/terrace weather protection structure) are considered as part of the building height.

With the passing of Bill 73, Smart Growth for Our Communities Act, 2015, a 2 year moratorium on minor variances is applied to lands subsequent to an applicant-initiated Zoning By-law Amendment. In order to proceed with a Minor Variance application for building height and the west interior side yard setback the applicant is must obtain a Resolution of Council under Section 45(1.4) of the Planning Act. The applicant has made a submission to requested that staff introduce this request to Municipal Council for consideration.

Acknowledgements and contributions to this report: this report relied heavily on the contributions of Megan Sundercock, Robert Patterson and Sonia Wise.

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CONCLUSION

The proposed site plan has been reviewed in conjunction with the Provincial Policy Statement; the Official Plan; the Zoning By-law; and other applicable area guidelines and, with the exception of the Zoning regulations related to height and interior yard setback, is generally considered to be in conformity with the applicable policies and regulations. The proposed development generally complies with the Site Plan Control Area By-law. Consideration of the site plan by the Approval Authority is contingent on the final acceptance of all required drawings, compliance with all regulations, including the Zoning By-law and the applicant entering into a development agreement with the City.

REVIEWED BY:	REVIEWED BY:
ERIC CONWAY LANDSCAPE PLANNER	PAUL YEOMAN DIRECTOR, DEVELOPMENT SERVICES
PREPARED & RECOMMENDED BY:	SUBMITTED BY:
LOU POMPILII MANAGER, DEVELOPMENT PLANNING	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

c: Village West Developments (London) Inc.
(c/o Zelinka Priamo Ltd.)
318 Wellington Road
London, ON N6C 4P4

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Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>
	5 written responses. See Attachments

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Pompili, Lou

From: [REDACTED]
Sent: Tuesday, June 06, 2017 12:25 PM
To: Conway, Eric L
Cc: City of London, Mayor; van Holst, Michael; Hopkins, Anna; Armstrong, Bill; Usher, Harold; Zaifman, Jared; Helmer, Jesse; Morgan, Josh; Cassidy, Maureen; Salih, Mo Mohamed; Hubert, Paul; Squire, Phil; Turner, Stephen; Park, Tanya; Ridley, Virginia
Subject: proposed development at 1349,1351,1357,1361 Commissioners Rd.

Follow Up Flag: Follow up
Flag Status: Flagged

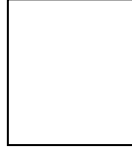
Please consider this to be my endorsement of the submissions of Jeff Santin of Halls Mill Road. It is not necessary to repeat everything that he has said, as I agree with all of his statements regarding the proposed pathway.

I do have a few things to add regarding both the pathway and the development itself.

I have reviewed all of the submissions that were made to the Planning committee last Autumn, as well as my own email communications with UTRCA and City staff, and have the following to add:

Re: pathway:

1. While it is possible that the wording used in planning issues may have a different meaning than the obvious use, I believe that some of the statements presented to the Planning Committee can be misleading. For example, the statement was made that this site "has through access directly to the Byron River Valley Park to the north which provides connection to the river". In fact, there is no access to the river from Commissioners Road other than in Springbank Park. There is a very steep hill from the rear of the existing Commissioners Rd properties down through a small forested area to the sewage pumping station, and more forest right up to the river. There is no existing pathway to the river. (This is one of the reasons that it is an excellent habitat for the turtles.)
2. It was stated by staff at the previous Planning committee meeting that UTRCA had no objection to the pathway. In fact, UTRCA had not even been contacted about this and knew nothing about it until my email to them shortly before that meeting.
3. It is possible that the term "open space" when used in municipal planning simply means space that does not have buildings on it and are not privately owned; however, it is my opinion that the statement "There is direct access to the Byron River Valley Park which is the open space located directly north of the site which abuts the river" gives the impression that there is nothing there. In fact, see my #1 above - heavily wooded area - no pathway - no access to river other than a few metres down the road at Springbank Park. The area that has been called "Halls Mill Park" located at the corner of Commissioners Road West and Halls Mill Road is a tiny area, only a few metres in either direction, that hides the view of the road from the houses on Halls Mill Road. It is otherwise only useful for pedestrians/bikers to cut the corner from Halls Mill to Commissioners.
4. The staff report suggests that a formalized pathway making it easier to access the river will reduce illegal activity which had been a concern in the area, because it will be more heavily travelled and



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because there is a bylaw prohibiting use of city parks after dusk. In fact, the illegal activity was reduced by installing a gate across the road (Old Bridge Road) and allowing the wooded area to recover naturally. Unfortunately, someone has removed the lock on the gate, resulting in people just opening it to get through into the wooded area with their vehicles and bikes, damaging the vegetation. The illegal activity has resumed since the lock has been removed. Residents have had their homes illegally entered and had possessions stolen from cars/yards and homes; and people have had bonfires and let off firecrackers in the woods.

I live immediately in front of the gate. I keep shutting the gate in the hopes that it will appear that there is no access; however, it keeps being left open. It needs to have the lock replaced.

Further, people who enter the area for the purpose of illegal activity are not likely to stop doing so because there is a bylaw saying they are not allowed to be there. I expect that, rather than reducing illegal activity, clearing the area to make a formal pathway will simply make it easier to perform the criminal activity, as law-abiding citizens will not be using the area after dusk, and there will be a nice clear area to allow illegal activity.

Re: building:

It has been said in the staff submissions that "it is unlikely to significantly increase traffic volumes on Commissioners Road West given the high traffic volumes the arterial already supports" and "the anticipated traffic generation can be supported by the existing transportation network". I do not know when the count was taken showing that the number of vehicles using that route per day is well within the acceptable number, but I expect that it was some time ago. I have lived in this area for 16 years and, since that time, the traffic has increased substantially.

There has already been a great deal of development West of Boler Road, removing most of the wooded areas and greatly increasing the traffic using Commissioners and Boler Roads to access the city. It is virtually impossible to make a left hand turn onto Commissioners Road or Boler Road if you are in a vehicle. If you are already on Boler Road or Commissioners Road, it is possible to turn onto the other, as there are traffic lights at Boler @ Commissioners. However, the traffic is so heavy at most times (not just rush hours) that the only legal way to get out of Byron is to make a number of right hand turns, going many blocks out of your way, in order to access the main roads. The lights at Halls Mill @ Commissioners are for pedestrians only. They do not change for vehicles to turn left onto Commissioners Road. The only way to turn left there is if a pedestrian pushes the button to cross, and possibly one car could get out after the pedestrians before the light changes again.

I suggest that anyone who has a vote on this decision should spend some time in Byron, and try to make a left hand turn anywhere other than at the main intersection.

It was also said that there are 3 bus routes through Byron. Since that time, one of them (the Riverside rush hour bus) has been cancelled, so it is more difficult, not easier, to bus to where you want to go. The remaining 2 buses do not go to Dundas and Richmond (as the Riverside did), so more people are driving instead of taking the bus.

Finally, I am concerned that, even though a large number of area residents made it clear at the pre-consultation Open-House meeting that they were not in favour of the walkway and the connection to the Thames River corridor, that City Planning Staff simply ignored those concerns and they were confident in moving forward and that this would be an appropriate solution for the area. This indicates to me that the planning staff have no interest in the opinions or concerns of the people who actually live in the area every day.

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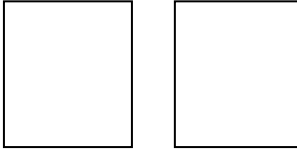
File No: SPA17-024

I suggest that the proposed building has too many units without improving traffic flow in the area.

I further suggest that the City accept financial payment from the developer instead of intruding on the natural wooded area between the building site and the river, for all of the previously mentioned reasons, including the fact that there is a lovely park just meters away in the form of Springbank Park, which has beautiful walking paths along the river. If the desire is for canoe launching, it would be easy enough to create a canoe launch right in Springbank Park. There is no need to eliminate this small remaining natural area.

I hope that this will not have been a waste of the time and effort that has been spent by the local residents in trying to explain the real impact that these plans will have on the sensitive environment, as well as the existing traffic problems that will be intensified by this project.





File No: SPA17-024

Pompilii, Lou

From: [REDACTED]
Sent: Monday, June 05, 2017 8:34 PM
To: Conway, Eric L; City of London, Mayor
Cc: van Holst, Michael; Hopkins, Anna; Armstrong, Bill; Usher, Harold; Zaifman, Jared; Helmer, Jesse; Morgan, Josh; Cassidy, Maureen; Salih, Mo Mohamed; Hubert, Paul; Squire, Phil; Turner, Stephen; Park, Tanya; Ridley, Virginia
Subject: 1349, 1351, 1357, 1361 Commissioners Road West - Proposed development concerns

Follow Up Flag: Follow up
Flag Status: Flagged

I am emailing you regarding the proposed development at 1349,1351,1357,1361 Commissioners Rd.

Further to my letter sent last November 8th I feel I should mention recent events that have brought into focus, the idea of preserving and not interfering with this delicate area of the Thames river. I feel it is imperative that we take the steps necessary to protect and preserve this area where the Spiny Soft Shell and Snapping turtles live, breed and lay their eggs. Bringing a public walking path and associated structures down into this small but special area will bring only harm and devastation to last turtles trying to live here!

Councillor Jesse Helmer suggested at an earlier meeting on this subject, that the money involved to do this proposed pathway would be better spent on further improvements to other local parks such as Springbank park (which is only a couple hundred yards away) leaving this area alone. I agree with him totally!

Why put at risk a very special, small area of the river where some of the most at risk species still live???

Below are links to associated stories, as well as a copy of my previous letter.

- [Doing the river dance](#)
- [Snapping turtle hunt permanently banned across Ontario](#)
- [MP makes federal case of bad Thames River grades](#)

As a 20 year resident who lives immediately below this development, I have some serious concerns about the proposed path that will lead down the very steep and dangerous ravine to access the river at location that is not taken care of by the city.

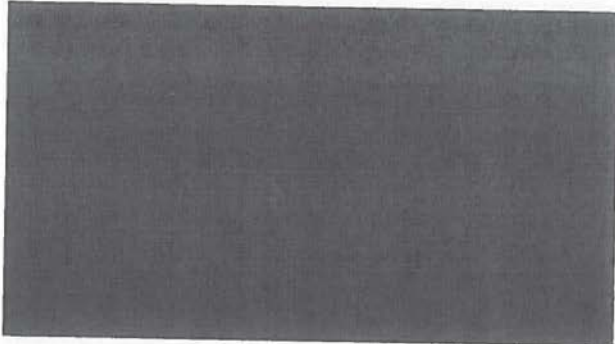
CONCERNS-

1. Environmental impact- In an location known to have "endangered species" and "special concern species" that live and breed in the immediate area, the introduction of more human type traffic could prove devastating!!
Although not considered environmentally sensitive as of yet,this area is also the corridor (and a breeding grounds) that connects the Sifton bog to Warbler Woods. Both these locations are "designated environmentally sensitive areas". These areas could feel the impact of greatly increased traffic on their breeding grounds and travel routes.
2. Easier access to vast acres of unsupervised natural woods, beyond the city's current proposal, will create a large increase to the already existing problem of illegal drug activities, under age drinking and open fires.
(a gate was put up by the city years ago to prevent easy access to this problem area)
3. Break-ins have been a problem over the years as well. As police explained to residents on our streets (Halls Mill Rd./Place and Old Bridge Rd.) Access from the woods at the rear of our properties makes an easy entry point as well as an easy "get away" point for criminals.
Police advice was to make access from the woods more difficult,(i.e, let trails the immediate residents use, become overgrown,let the trees that fall over be left in place) just make access more difficult.
Clearly this new path would put us all at risk of more criminal activity.
4. Dangerous garbage, general garbage and illegal toxic dumping has been a problem in the past, because the area is not taken care of. This path will re create some of these problems again.

In closing,I don't have a real problem with the development.
There is already a hiking trail/rugged path in existence just leave it alone,it suits the area and helps mitigate the problems we have had in the past.

Putting in a "formal"type of path opens up a whole other level of responsibility for the city and its respective services. It increases,once again, all the risks that local residents and the city ,have worked on over the years, to try to reduce or eliminate.

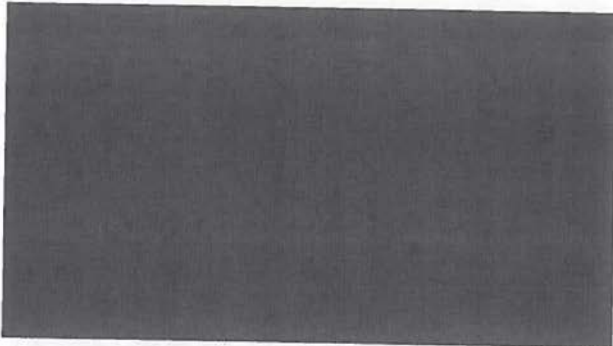
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Doing the river dance

By nurun.com

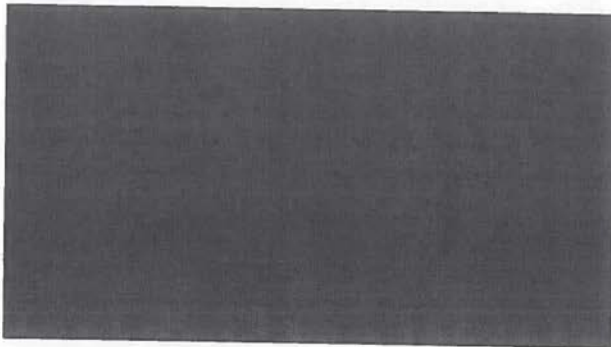
Biologist Scott Gillingwater can paddle upstream and down, work in secret on shoals and shores, and outwit n...



MP makes federal case of bad Thames River grades

By nurun.com

A critical assessment of the Thames River from the World Wildlife Fund (WWF) has rekindled a London MP's push to...



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Snapping turtle hunt permanently banned across Ontario

By Pelmorex Weather Networks Inc.
Snapping turtles are among Canada's most at-risk species, and in Ontario the animals face a heightened threa...

Thank you for your consideration of these serious issues.

[Redacted area]

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File No: SPA17-024

I would like to draw your attention to the plans proposed by the Park's department which, will be implemented by the developer if the zoning amendment is approved

The Park's Department has requested that the developer provide an access point from Commissioners road, beside the apartment building to the hill and floodplain land behind the developmentnd provide the finances to build the proposed pathway and several lookouts along the river. This pathway would then loop the trail onto Old Bridge Road and Halls Mill Road.

The London Park's Department stated in the original plan, that they want to provide river access to the people of Byron. Please note that it is only an easy 3 minute stroll from the building site along the existing sidewalk to a pathway which is a 4 minute walk to the river and Springbank Park. The people of Byron have easy access to 300 acres or 140 hectares of parkland along the Thames River and another 19 miles or 30 km of river trails through Greenway Park. And, just to the east of the development on Commissioners Road West is the 29 hectare, Warbler Woods which has 3.9 km of hiking/ walking trails. This proposed walking trail to the river from behind the development does not provide a faster, easier access to the Thames River. It brings people past a sewage pumping station, into a naturalized flood plain area which is a nesting habitats for endangered species and species at risk. At the original public meeting one of the council members stated that he thought the park's department should just take the money and use it in another area.



The area the Park's department is wanting to open up a small naturalized area, the only one, on the river from the forks to the Oxford Street Extension. This area cannot become part of any continuous hiking trail as to the west, the terrain becomes extremely steep and the ground is permanently wet and, to the east is a small neighbourhood of privately owned homes.

Man made intrusions into this area is environmentally disastrous and it also puts the local residents and potential visitors at risk.

Environmentally, opening up this area is unacceptable. It is a nesting habitat for the Spiny Softshell Turtle and also for Snapping Turtles. The sandy soil, the lack of human intrusion into the area, the abundance of food and the deep and shallow water provide everything necessary for a positive nesting site. Government research has shown that spiny Softshell turtles are most threatened by activity of people. As of June, 2013 their habitats must be protected and it has been proven that development along shorelines and the intrusion of human recreation areas are the most significant threat to the population of Spiny Softshell turtles. We have contacted the Upper Thames conservation authority about both Spiny Softshell and snapping turtles nesting in this area and several people have sent in photos of the turtles found in this area.

The local residents have been reticence to talk about the turtles because of concerns for their safety. About 8 years ago an opinion piece appeared in the paper about beavers and the damage they cause to the trees along the river. Within a week the family of beavers that lived in this area for decades, vanished and much to the dismay of the neighbours, have never been seen in the area since. We have become very protective of the wildlife in this area ever since.



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To open up this area and destroying a habitat for an endangered species is unconscionable and uncalled for as people on Commissioners Road and Byron have easy access to the river, and miles of pathways, and hiking trails.

Safety is also another reason to leave this area alone. The Parks department has stated that opening up an area will make it safer for the surrounding residents. This is untrue for this type of wooded river environment. For years the local residents were subjected to illegal drinking, partying, illegally drug use and illegal dumping in the area. Fires were set and people made bike ramps on the steep hill destroying the flora and fauna. It became a huge area for off road biking. Homes were broken into, cars were broken into, outdoor furniture was stolen or dumped into the river. Finally, due to the number of complaints and calls made to the police and fire departments, a locked gate was installed with a curved walkway to allow people to walk but not bring bikes or vehicles into the area. Opening up this area and the hill with formal pathways will definitely cause these illegal activities to start up again.

I circulated a petition which was presented at the Original public meeting and people in the area, along Halls Mill Place, Hall's Mill Road, Old Bridge Road and Commissioner's Road did not want this pathway behind their homes due to safety issues

Aside from providing man made pathways, the Park's department has contemplated using the roadways on Halls Mill Place and Halls Mill Road and Old Bridge road as part of this trail system. This is a small neighbourhood with roads 12 feet wide to 21 feet wide. There are no sidewalks and to use these roads as part of a pathway system is putting path users and residents at tremendous risk.

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I would like to recommend that the planned pathway not be approved as it is unnecessary, not wanted (as shown by the petition) and environmentally not recommended by the ministry of Natural Resources. Instead, I would like to recommend that the money be used elsewhere by the Park's Department. I am sure there are many areas within the city that would greatly benefit from an infusion of money for park improvements or development.

Thank you



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File No: SPA17-024

City of London
PO Box 5035
London Ontario
N6A
London Ontario
N6A L9

Eric Conway,
Landscape Planner,

About a year ago, the Applicant came before the City requesting a land use change in order to accommodate his plans for an apartment building at the Commissioners Road West site. His request was met in the autumn of 2016.

Now, a year later, the Applicant has returned requesting additional changes to the zoned land parcel. My wife and I, condo owners of Unit 14, 1331 Commissioners Road West question why and how the Applicant's second request should be entertained.

This time, the Applicant is after a height increase to the present allowable building height to accommodate an open-air patio, in effect, a sixth floor of the building in terms of use however the noise from this added floor will not be contained.

We are thus opposed to the City granting these latest requests from the Applicant for the following reasons:

1. We do not feel that an Applicant, having already been granted permission for alterations to the Zoning By-Law should be allowed to try to obtain additional changes.
The added height requested to the 5-storey building will only serve to accentuate the presence of this building and its presence over the existing neighbourhood;
2. The Applicant's plan for an outdoor patio on the roof will, in all likelihood increase the noise factor emanating from the building particularly during summer weather;
3. The increase in the number of proposed units from 43 to 51 will only add to the number of people, vehicles and congestion in the area, a concern which was uppermost with the Applicant's plan of a year ago;

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4. Finally, the small village atmosphere of Byron with its many upscale homes and condos stand to be adversely affected in value with the addition of this apartment building

Having gone through this exercise a year ago, we find that once again we are faced with the issue of increased congestion, etc. in our neighbourhood. We are left with the feeling that the Applicant, having received what he wanted last year, will again receive the City's blessing this year. Will the Applicant return again next year with further requests? Will the City again go through the democratic process of costly mailouts to the surrounding residents to respond with approval or disapproval of the Applicants latest request? Will we find that once again the City has submitted to the will of the Developer despite the wishes of the majority of the local ratepayers?

Sincerely



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File No: SPA17-024

Pompilii, Lou

From: Conway, Eric L
Sent: Monday, July 10, 2017 7:24 AM
To: Pompilii, Lou
Subject: FW: SPA 17-024 Apartment building in Byron

FYI

From: [REDACTED]
Sent: Saturday, July 08, 2017 1:52 PM
To: Conway, Eric L <elconway@london.ca>
Subject: SPA 17-024 Apartment building in Byron

Attention: Eric Conway
Re. SPA 17-024

To increase height of apartment building - Village West Developments by Zelinka Priamo Ltd.

When this building was first being proposed, there was a strong opposition to it in regard specifically to:

- the large number of units being built, which will increase traffic congestion on Commissioners road West
- the height of the building, which will destroy the village atmosphere of this site, obstruct views and reduce the amount of sunshine to nearby properties
- the building being built so close to the road, which is not in keeping with the sensitivity of the area both for residence, walkers and commuters.

As one person recently mentioned to me - "the city destroyed Hyde Park which was once a lovely little village now they want to do the same to the VILLAGE of Byron."

Despite:

- large 'polite' attendance at the meeting in Byron and at City Hall.
 - a number of petitions presented to revise the proposed building
 - support from our local government representatives and the Byron Association
- NONE of these concerns were addressed.

In addition the developer cut down mature trees without city permission.
Now they are asking to increase the height.

I am sorry but I have absolutely no confidence in the developer or the city planning office in that they care or are taking into consideration the people of Byron.

I am totally against giving approval for this building to be increased in height.



Addendum

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File No: SPA17-024

In a recent London Free Press newspaper article ' There's Irony in NIMBY Attitudes' July 1, Peter Madsen wrote "This seems to have the potential for putting politics before planning and is exactly when 10 voices may hinder the benefit for 100."

In case you wish to present a similar argument, I should point out that the building being built on Commissioners Road will affect

- an estimate of over 300 people living in condos, apartments and houses on either side of it in a one block perimeter on the North side.

- and over 600 Byron residence (condo's and houses), who use or turn onto commissioners road on the south side. All living within a two to three block area.

This 1000 people affected does not include people living only slightly further away nor the many who drive into the Village of Byron.

However, a small group of city planners and a developer can 'hinder' the well being of easily over 2000 people living in the immediate area and countless more who live nearby.