

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Milan Starcevic
1339 – 1347 Commissioners Road West

Public Participation Meeting on: October 7, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the applications of and Milan Starcevic relating to the property located at 1339 – 1347 Commissioners Road West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 15, 2019 to amend the Official Plan for the City of London Planning Area – 1989 by **ADDING** a policy to Section 3.5. – Policies for Specific Residential Areas to recognize the permitted uses of the Neighbourhoods Place Type in The London Plan at this location;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 15, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Residential R1/Residential R5 (R1-9/R5-3) Zone, **TO** a Residential R8 Bonus (R8-4*B-_) Zone.

The Bonus Zone shall be enabled through one or more agreements to facilitate the development of a high quality residential apartment building, with a maximum height of 5 storeys, 34 dwelling units and a maximum density of 132 units per hectare, which substantively implements the Site Plan, Landscape Plan and Elevations attached as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

i) Exceptional Building Design

The building design shown in the various illustrations contained in Schedule "1" to the amending by-law is being bonused for features which serve to support the City's objective of promoting a high standard of design including:

- i. a building located along the street frontage with a reduced front yard setback;
- ii. A building providing for a continuous street wall along the Commissioners Road West frontage;
- iii. Providing for appropriate scale/rhythm/materials/fenestration;
- iv. Incorporating the majority of parking underground, away from the street frontage;
- v. Providing active ground floor uses with transparent glazing and principle entrances facing the street creating an active street edge.
- vi. Providing enhanced landscaped open space and an east side yard depth in excess of the minimum required by the Zoning By-law;

vii. Providing landscape buffering in excess of the normal requirements of the Site Plan By-law.

ii) Provision of Affordable Housing

The development shall provide for the following:

- i. A total of 3, two-bedroom affordable rental units (two of which, at minimum, are to be accessible and located on the ground floor);
- ii. Rents not exceeding 85% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy; and,
- iii. The duration of affordability shall be set at 15 years from the point of initial occupancy of all 3 two-bedroom units.

c) IT BEING NOTED the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority with regard to the mitigation of potential impacts on the townhouse development at 1337 Commissioners Road West:

- i) Photometric analysis to manage lighting impacts on adjacent developments;
- ii) A noise study to evaluate and mitigate noise impacts related to the parking ramp and underground parking garage on the adjacent development at 1337 Commissioners Road West;
- iii) Enhanced provision of boundary landscaping along the east and north property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities.

Executive Summary

Summary of Request

The applicant requested an amendment to Zoning By-law Z.-1 to change the zoning of the subject lands from a Residential R1/Residential R5 (R1-9/R5-3) Zone to a Residential R8 Special Provision Bonus (R8-4()*B-) Zone. The requested change would permit the use of the subject lands for a range of apartment building types, stacked townhouses, lodging house class 2, emergency care establishments and continuum-of-care facilities. Relief from certain zoning requirements was requested, including a maximum density of 148 units per hectare in place of 75 units per hectare, maximum building height of 16.5 metres in place of 13.0 metres, a minimum front yard depth of 2.0 metres in place of 8.0 metres, and minimum interior side yard depths of 4.5 metres in place of 5.4 metres. The applicant proposed to provide bonusing for additional height and density in the form of affordable housing, underground parking and enhanced landscaped open space.

The amended application requests the same zone change, with modified requests for relief, including a maximum building height of 17.5 metres in place of 13.0 metres, a minimum front yard depth of 2.0 metres in place of 8.0 metres, and a minimum interior west side yard depth of 2.2 metres in place of 6.6 metres. The amended notices also reflect a requested density of 132 units per hectare as a result of a correction to the calculation of density.

The City also initiated an Official Plan amendment to add a Specific Policy Area to permit an apartment building with a maximum permitted density of 148 units per hectare within the Multi-family, Medium Density Residential designation, with the intent of aligning the 1989 Official Plan with the policies of The London Plan. With the amended application and density correction, a density of 132 units per hectare is being considered.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Official Plan and Zoning By-law amendments is to permit the development of the subject lands for a 5-storey, 34 unit apartment building at a density of 132 units per hectare.

The bonus zone shall be implemented through a development agreement to facilitate the development of the requested apartment building in return for the provision of affordable housing, underground parking and enhanced landscaped open space, and the construction of the high-quality form of development illustrated in Schedule "1" to the amending by-law. At the site plan stage, consideration should be given to landscape material choices that provide visual screening and buffering along the north and east property boundaries, and noise and lighting impacts.

Rationale of Recommended Action

1. The recommended amendments to the Official Plan and Zoning By-law Z.-1 are consistent with the 2014 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.
2. The recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for Specific Residential Areas which allow Council to address development opportunities through specific policies that provide additional guidance to the general Multi-family, Medium Density Residential policies.
3. The recommended amendment conforms to the in-force policies of The London Plan including, but not limited to the policies of the Neighbourhoods Place Type which contemplate low-rise apartment buildings with a maximum height of 4 storeys with the potential for up to 6 storeys with Type 2 bonusing where the property has frontage on a Civic Boulevard.
4. The subject lands represent an appropriate location for residential intensification, along a higher-order street within an existing neighbourhood, and the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood.
5. The recommended amendment would help to achieve the vision of The Neighbourhoods Place Type by providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.
6. The recommended increases in height and density are commensurate with the value conferred by the recommended bonus provision for design and affordable housing.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the north side of Commissioners Road West between Stephen Street and Halls Mills Road. They are comprised of three lots, each occupied by a single detached dwelling. The lands are generally flat and populated with mature trees not ecologically related to the natural heritage features associated with the Byron River Valley located on nearby lands to the north.

Commissioners Road West is classified as an Arterial Road and is intended to move medium to high volumes of traffic at moderate speeds.



1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Multi-family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Residential R1/Residential R5 (R1-9/R5-3) Zone

1.3 Site Characteristics

- Current Land Use – 3 single detached dwellings
- Frontage – 45.9 metres (150.6 feet)
- Depth – variable – approx. 50 metres (164 feet)
- Area – 0.26 ha (2580 square metres (0.64 acres)
- Shape – rectangular with irregular front lot line

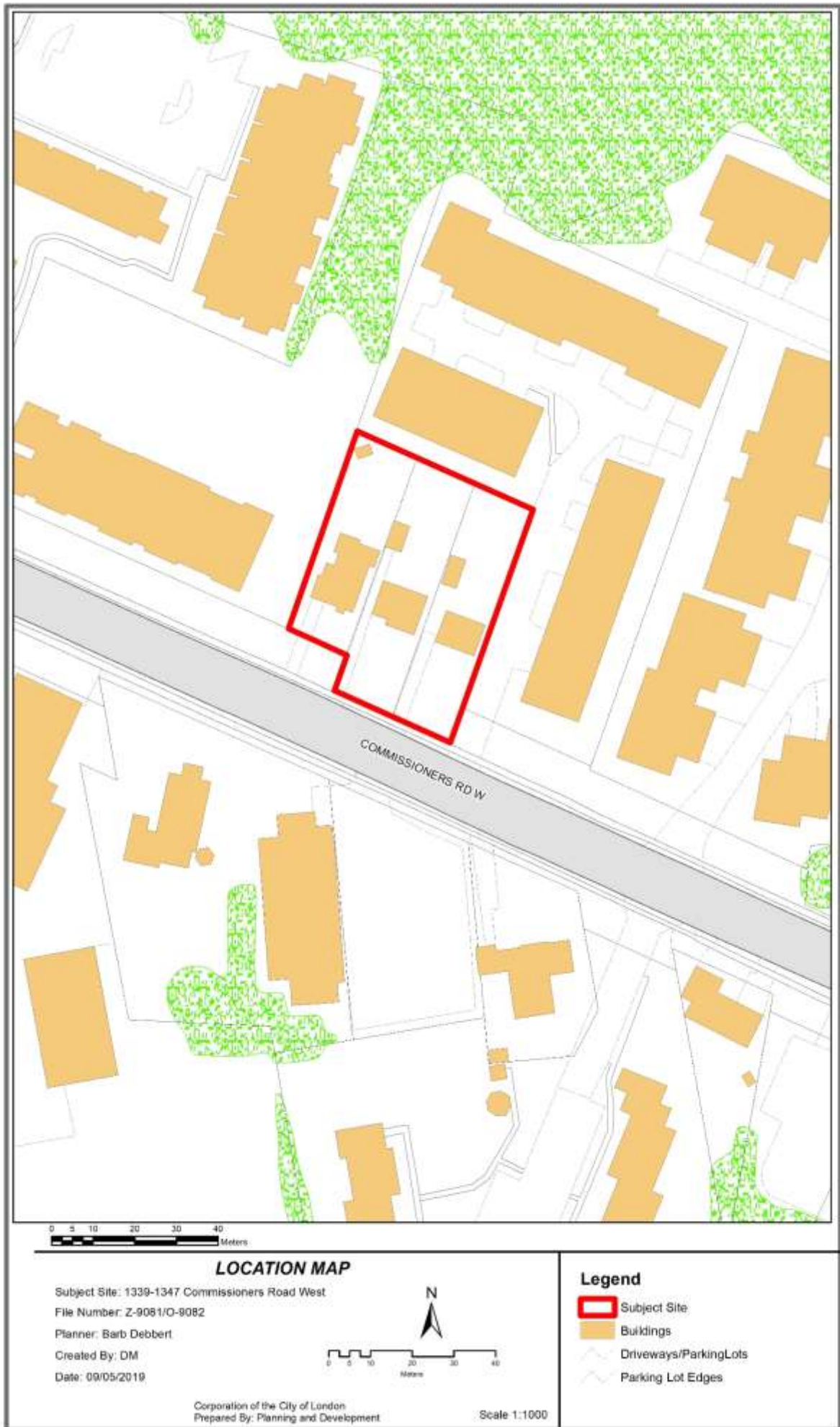
1.4 Surrounding Land Uses

- North – Single-storey townhouse condominium (Byron Woods), Byron River Valley
- East – Single-storey townhouse condominiums (Byron Woods and River Ridge), Halls Mills Park
- South – St. Anne's Anglican Church, Byron Northview Public School, Single detached and townhouse dwellings
- West – New 5-storey apartment building, townhouse and apartment non-profit housing (P.A.M. Gardens)

1.5 Intensification

- This development represents intensification inside the Built-Area Boundary and within the Primary Transit Area through the addition of 34 new residential apartment units.

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment is intended to permit and facilitate the development of a 34 unit apartment building on the site at a density of 132 units per hectare.

Original Concept Plan

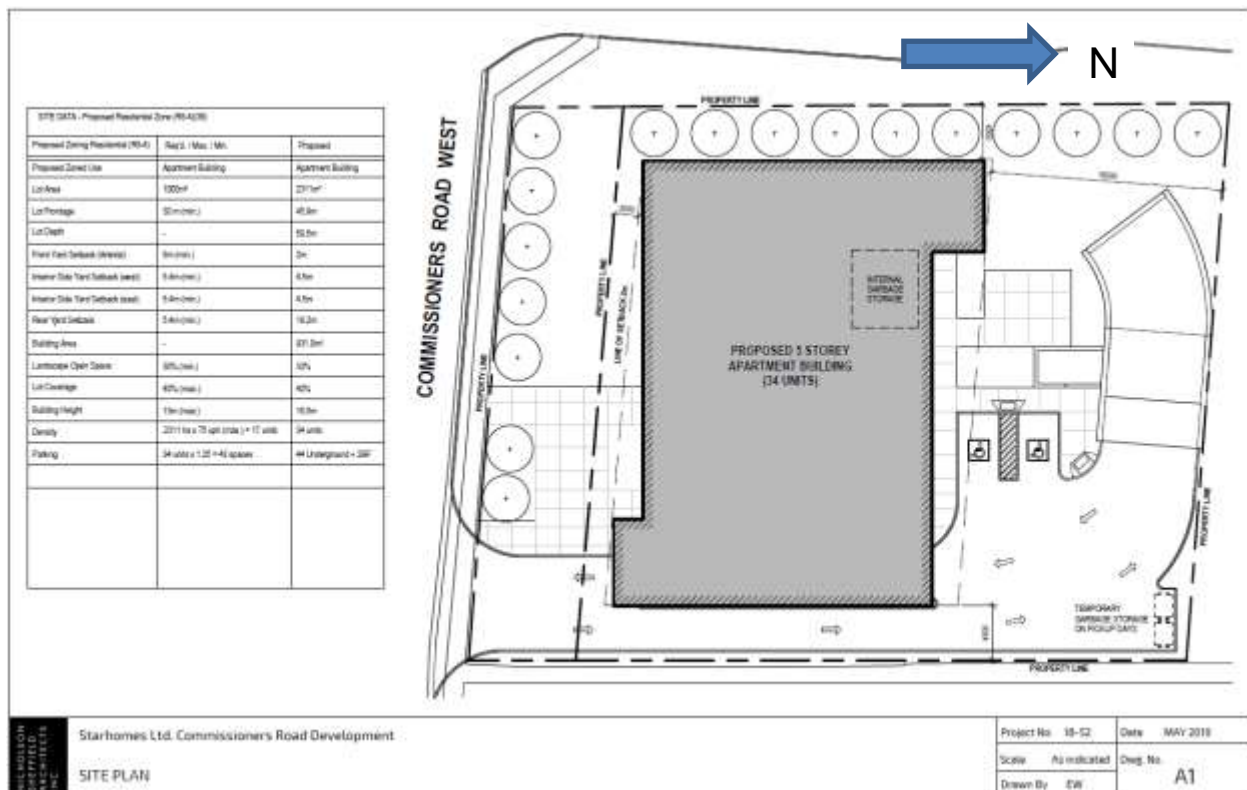
The conceptual site plan submitted in support of the requested amendment shows a 5-storey (16.5 metre), 34 unit apartment building oriented to and located close to the street, with the majority of the parking accommodated in an underground parking facility. The driveway lies close to the east property line, adjacent to the driveway for the neighbouring townhouse condominium development located at 1337 Commissioners Road West. The entrance to the underground parking facility is situated directly adjacent to the north property line. The space below the building cantilever along the east end of the building includes the exit driveway and a lay-by for a service/drop-off area. Two at-grade accessible parking spaces are proposed.

Balconies are proposed on the front and rear faces of the proposed building. Balcony exposure on the east and west ends of the building is limited to the ends of the balconies serving the end units.

The building is centred east-west on the property, providing for reduced setbacks of 4.5 metres on each side, where 5.4 metres is required. The rear yard depth is 19.2 metres, in excess of the required depth of 5.34 metres. Landscaping is proposed in the front yard and City boulevard and along the west property line adjacent to the new 5 storey apartment building to the west.

Landscaped open space is provided to the rear of the proposed building at the north-west corner of the site.

Figure 1 - Original Site Concept (submitted June 2019)



Revised Site Concept (submitted September 2019)

In response to concerns raised by City staff and members of the public regarding the potential impacts of the development on the less intense townhouse development at 1337 Commissioners Road West, the applicant submitted a revised concept with the following changes:

- The building was shifted 2.3 metres to the west, creating an east interior side yard depth of 6.8 metres to accommodate both the entrance lane and

landscape buffering. This shift results in a reduced west interior side yard depth of 2.2 metres but eliminates the need for a special provision for a reduced east interior side yard depth.

- The width of the ramp to the underground parking facility was reduced to accommodate landscape buffering in the rear yard.
- The building height was increased by 1 metre to 17.5 metres to ensure there is sufficient vertical clearance under the cantilever to accommodate service vehicles and moving trucks.
- A third surface parking space was added.

The other components of the plan remain the same.

Figure 2 – Revised Site Concept (submitted September 5, 2019)

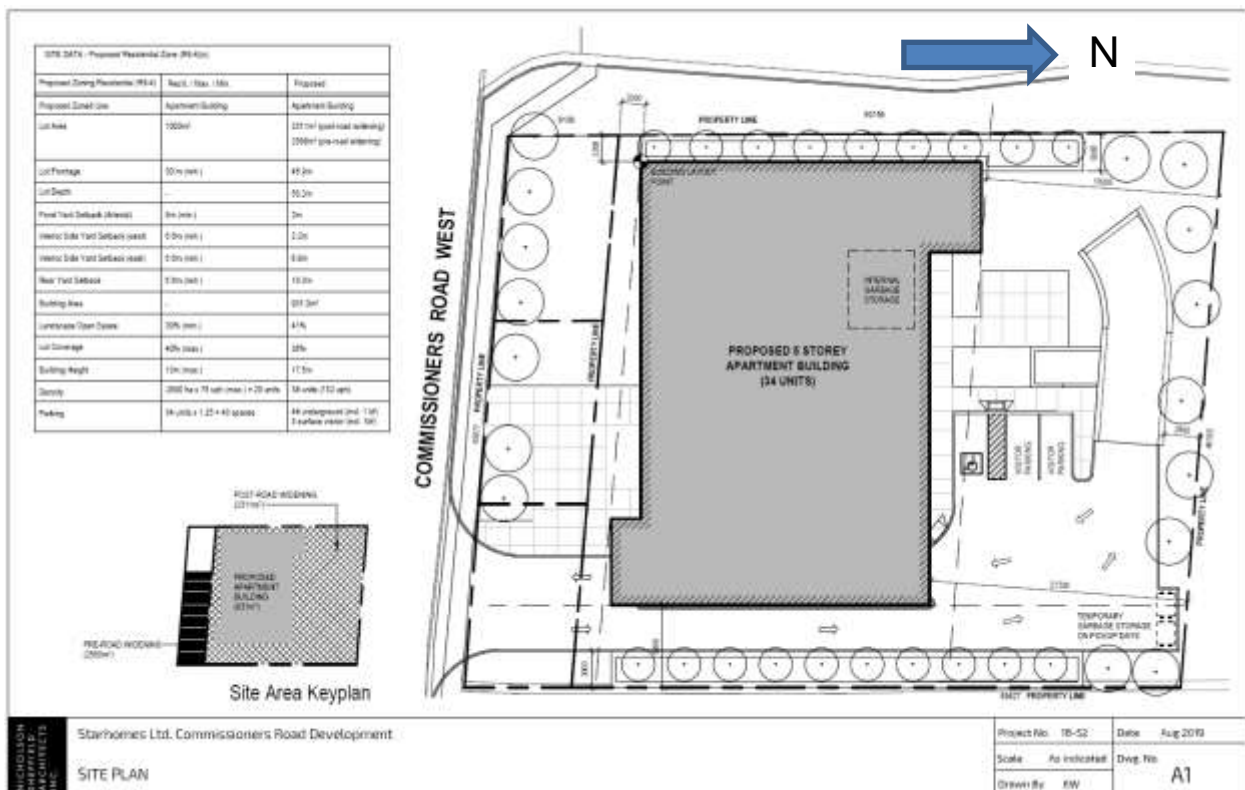
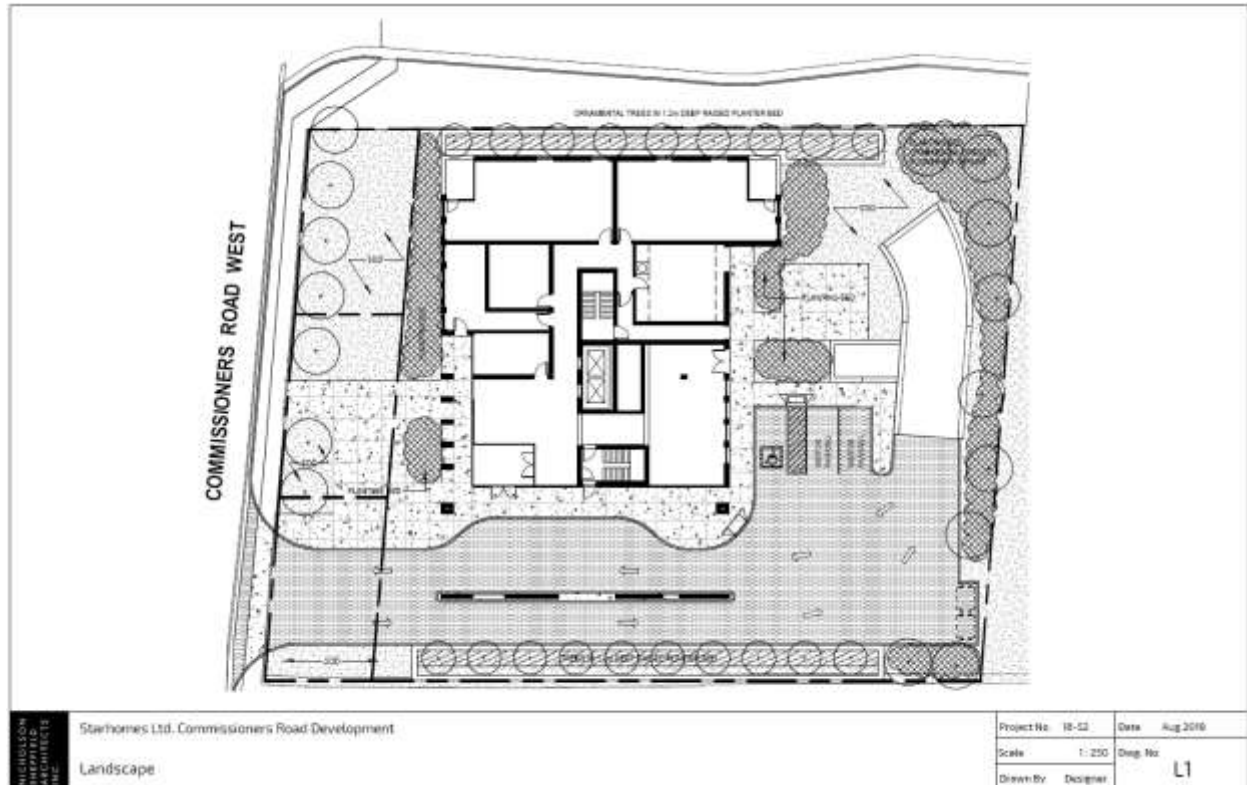


Figure 3 - Building Rendering (submitted June 2019)



Figure 4 - Landscape Plan (submitted September 2019)



3.0 Relevant Background

3.1 Planning History

In 2016, City Council approved a zoning by-law amendment in conformity with the Multi-family, Medium Density Residential designation of the 1989 Official Plan at the neighbouring property to the west known as 1335 Commissioners Road West, from a Residential R5/Residential R8 Special Provision (R5-4(1)/R8-4(2)) Zone to a Residential R8 Special Provision (R8-4(36)) Zone and an Open Space Special Provision (OS1(4)) Zone to permit the 5 storey apartment building and a hiking trail access between Commissioners Road West and the Byron River Valley along the east property line.

3.2 Requested Amendment

The applicant requested an amendment to Zoning By-law Z.-1 to change the zoning of the subject lands from a Residential R1/Residential R5 (R1-9/R5-3) Zone to a Residential R8 Special Provision Bonus (R8-4()*B-) Zone. The requested change would permit the use of the subject lands for a range of apartment building types, stacked townhouses, lodging house class 2, emergency care establishments and continuum-of-care facilities. Relief from certain zoning requirements was requested, including a maximum density of 148 units per hectare in place of 75 units per hectare, maximum building height of 16.5 metres in place of 13.0 metres, a minimum front yard depth of 2.0 metres in place of 8.0 metres, and minimum interior side yard depths of 4.5 metres in place of 5.4 metres. The applicant proposed to provide bonusing for additional height and density in the form of affordable housing, underground parking and enhanced landscaped open space.

The amended application requests the same zone change, with modified requests for relief, including a maximum building height of 17.5 metres in place of 13.0 metres, a minimum front yard depth of 2.0 metres in place of 8.0 metres, and a minimum interior west side yard depth of 2.2 metres in place of 6.6 metres. The amended notices also reflect a requested density of 132 units per hectare as a result of a correction to the calculation of density.

The City also initiated an Official Plan amendment to add a Specific Policy Area to permit an apartment building with a maximum permitted density of 148 units per hectare within the Multi-family, Medium Density Residential designation, with the intent of aligning the 1989 Official Plan with the policies of The London Plan. With the amended application and density correction, a density of 132 units per hectare is being considered.

3.3 Community Engagement (see more detail in Appendix C)

Opportunities were provided to the public to provide comments/input on this application in response to the original notice of application given on June 19, 2019, the open house hosted by the applicant on June 26, 2019, and the revised notice of application given on September 12, 2019. Written replies to City staff were received from 7 individuals representing 4 households, as well as from a subcommittee representing the Board of Directors and residents of the Byron Woods Condominium at 1337 Commissioners Road West.

The public's concerns generally included:

- Traffic safety
- Parking and Service Vehicles
- Scale and Height
- Yard Depth and Setbacks
- Privacy/Overlook
- Light/Noise
- Tree Protection/Buffering
- Proposed bonus for design, affordable housing, enhanced landscaped open space and underground parking not commensurate with the proposed increase in height and density

3.4 Policy Context (see more detail in Appendix D)

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential (including affordable housing and housing for older persons), employment and institutional uses to meet long-term needs (Policy 1.1.1b.). It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (Policy 1.1.3 Settlement Areas) to be the main focus of growth and their vitality and regeneration shall be promoted. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit supportive. (Policy 1.1.3.2).

The policies of the PPS also direct planning authorities to identify appropriate locations and promote opportunities for residential intensification (Policy 1.1.3.3) while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4) and promote active transportation limiting the need for a vehicle to carry out daily activities (Policy 1.6.7.4). In accordance with Section 3 of the Planning Act, all planning decisions "shall be consistent with" the PPS.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as

a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to plan strategically for a prosperous city by:

- Investing in, and promoting affordable housing to revitalize neighbourhoods and ensure housing for all Londoners. (Key Direction #1, Direction 13).

The London Plan provides direction to build a mixed-use compact city by:

- Implementing a city structure plan that focuses high-intensity, mixed-use development at strategic locations – along rapid transit corridors and within Primary Transit Area;
- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).

The subject site is located in the Neighbourhoods Place Type on *Map 1 – Place Types in The London Plan, with frontage on a Civic Boulevard (Commissioners Road West). *Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, contemplates a broad range of residential land uses for the subject lands including, but not limited to, single-detached, semi-detached, duplex and converted dwellings, triplexes, fourplexes, townhouses, stacked townhouses and low-rise apartments. The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. *Table 11 – Range of Permitted Heights in Neighbourhoods Place Type, requires a minimum height of 2-storeys and contemplates a maximum height of 4-storeys, and up to 6-storeys through Bonus Zoning. The London Plan provides opportunities for residential intensification and redevelopment within the Neighbourhoods Place Type where it is appropriately located and a good fit with the surrounding neighbourhood.

1989 Official Plan

The 1989 Official Plan contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the PPS.

The subject lands are designated Multi-family, Medium Density Residential in the 1989 Official Plan. This designation is intended for multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes; rest homes and homes for the aged (Section 3.3.1). The 1989 Official Plan uses density and height as measures of intensity for residential uses. Height limitations are to be sensitive to the scale of development in the surrounding neighbourhood and will normally not exceed 4 storeys but may exceed this limit if determined to be appropriate to a site-specific zoning by-law amendment and/or bonus zone. Medium density development will not exceed an approximate net density of 75 units per hectare (Section 3.3.3).

4.0 Key Issues and Considerations

Through an analysis of the use, intensity and form, Staff have considered the compatibility and appropriateness of the requested amendment and proposed development, as shown in the revised concept plan, with the subject lands and within the surrounding neighbourhood.

4.1. Use

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement directs growth and development to settlement areas and encourages their regeneration (Policy 1.1.3.1). Land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2 b)). The PPS directs that planning authorities consider the housing needs of all residents (Policy 1.4.3 a) and b)).

The London Plan

The subject lands are located within the Neighbourhoods Place Type with frontage on a Civic Boulevard in The London Plan. The range of uses permitted within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (*Table 10- Range of Permitted Uses in Neighbourhoods Place Type). Low-rise apartment buildings are a permitted use on Civic Boulevards within the Neighbourhoods Place Type throughout the City.

1989 Official Plan

The 1989 Official Plan supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (Section 3.1.1 ii)). The subject lands are designated Multi-family, Medium Density Residential in the 1989 Official Plan. The Multi-family, Medium Density Residential designation permits multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-family, High Density Residential designation (Preamble Section 3.3 – Multi-family, Medium Density Residential). The primary permitted uses for the Multi-family, Medium Density Residential designation include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. (Section 3.3.1). The requested apartment building is contemplated in the Multi-family, Medium Density Residential designation in the 1989 Official Plan as a permitted use.

Analysis:

Consistent with the PPS, and conforming to the 1989 Official Plan and The London Plan, the recommended apartment building will contribute to the existing range and mix of housing types within the community which already sustains a mix of housing types ranging from single detached dwellings to low-rise apartment buildings. The recommended apartment building has the potential to assist in providing a diverse range of housing needs within the community consistent with the PPS, and conforming to the 1989 Official Plan and The London Plan. The recommended low-rise apartment use is contemplated in the Multi-family, Medium Density Residential designation in the 1989 Official Plan as a permitted form of residential intensification, and is included in the range of primary permitted uses within the Neighbourhoods Place Type on Civic Boulevards. Although the proposed apartment building has a different intensity, height and built form than the single-storey townhouse condominium to the immediate east, the analysis of intensity and form below demonstrates that the apartment building can be developed on the subject lands in a way that is appropriate for the site and the surrounding neighbourhood.

4.2 Intensity

Provincial Policy Statement, 2014 (PPS)

The PPS directs growth to settlement areas and encourages their regeneration (Policy 1.1.3.1). The PPS states that land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities. (Policy 1.1.3.3). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4).

The London Plan

The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (*Policy 83_, *Policy 937_, *Policy 939_ 2. and 5., and *Policy 953_ 1.). The London Plan directs that intensification may occur in all place types that allow for residential uses (Policy 84_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2-storeys and a maximum height 4-storeys, with bonusing up to 6-storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on a Civic Boulevard (*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (*Policy 953_3.).

1989 Official Plan

The scale of development in the Multi-family, Medium Density Residential designation shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of development. Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four storeys. In some instances, height may be permitted to exceed this limit, if determined through a compatibility report to be appropriate subject to a site specific zoning by-law amendment and/or bonus zone. Medium density development will not exceed an approximate net density of 75 units per hectare. (Section 3.3.3). Residential intensification in the Multi-family, Medium Density Residential designation is subject to a Planning Impact Analysis on the basis of criteria relevant to the proposed change (Section 3.7.2). See Appendix C of this report for a complete PIA addressing matters of both intensity and form.

Analysis:

The subject lands have frontage on a Civic Boulevard (Commissioners Road West) which is a higher-order street. The subject lands also have access to full municipal services, and are located near the periphery of the Byron Village commercial area and across the street from a church and elementary school. The property lies within an area characterized by the mix of various housing forms ranging from single detached dwellings to low-rise apartment buildings. When consolidated, the subject lands are of a size to accommodate more intensive redevelopment, and in terms of the policy framework in The London Plan, are underutilized by the existing single detached dwellings. Consistent with the PPS, the subject lands are located where the City's Official Plans direct and support residential intensification and redevelopment.

The proposed development of 34 new apartment units equates to 132 units per hectare and does not conform to the maximum density of 75 uph, with possible bonusing up to 100 units per hectare contemplated in the Multi-family, Medium Density Residential designation of the 1989 Official Plan. It is for this reason that a City-initiated Official Plan amendment has been recommended.

It has become a matter of practice for City staff to recommend Policies for Specific Areas in the 1989 Official Plan where a proposed development advances Council's direction as stated in The London Plan, and therefore a specific policy is recommended to allow for additional height and density where specific bonus requirements are met. Additional measures addressing the impacts of the proposed intensity on surrounding lands have been reviewed. The requested intensity of development contemplated is recommended on the subject lands, subject to both the recommended bonus provisions and certain considerations at the site plan stage.

The requested zoning amendment includes a base Residential R8 (R8-4) Zone to permit the apartment use subject to standard zoning regulations. The standard R8 zone is limited to a maximum density of 75 units per hectare and height of 13 metres. As such the applicant has also applied to increase the permitted density to 132 units per hectare and a height of 5 storeys (17.5 metres) through the bonusing provisions outlined in Section 19.4.4 of the 1989 Official Plan. The policies of the 1989 Official Plan permit bonus zoning as a means of achieving enhanced development features which result in a public benefit that cannot be obtained through the normal development process in

return for permitting increased heights and densities. The proposed building form and design and provision of affordable housing units, along with modest considerations for underground parking and enhanced landscaped open space, allow the proposed development to qualify for bonus zoning in conformity to the policies of the 1989 Official Plan. The bonusable features are outlined in the Staff recommendation.

In order to implement the identified items for bonus zoning, section 19.4.4 iv) of the Official Plan states that:

“As a condition to the application of bonus zoning provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the City, to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the height or density bonus to be given.”

Bonus zoning is implemented through one or more agreements with the City that are registered on title to the lands. The agreements are intended to “lock in” the design features that will be incorporated into the form of development to merit the additional density. Through the Site Plan Approval process, the proposed development will be reviewed to ensure that all facilities, services, and matters that have warranted bonus zoning have been incorporated into the agreements. The relevant design features are highlighted in the recommendation and the amending by-law including the illustrations attached as Schedule “1”.

With regard to whether the recommended amendment would result in an intensity of development that is compatible and a good fit with the surrounding neighbourhood, concerns regarding traffic safety, the adequacy of surface parking for visitors, delivery vehicles and moving trucks, and the sufficiency of open space are analysed below:

Traffic Safety

Neighbourhood concerns have been raised about the traffic safety impacts of the proposed development on existing traffic volumes, flow and turning movements on Commissioners Road West, citing the existing cumulative impacts of the Tim Horton’s on the south side east of the subject lands, and school and church related activity on a road with a single travel lane in each direction and a shared turning lane in the centre. Particular concern was raised about the proximity of the proposed driveway to the existing driveway for 1337 Commissioners Road West.

The Planning Impact Analysis criteria of the 1989 Official Plan for official plan and zoning by-law amendments (Section 3.7) require the evaluation of the likely impact of traffic generated by the proposal on city streets, on pedestrian and vehicular safety, and on surrounding properties.

The Transportation Division has advised that this development will generate 7 vehicle trips in the PM peak hour and 2 vehicle trips in the AM peak hour, that the existing Annual Average Daily Traffic on Commissioners Road West at this location is 16,500 vehicles, and that there is capacity on the roadway to support additional traffic generated by the proposed development. The area is well served by public transit, cycling facilities and pedestrian facilities, including a new crosswalk providing safe access from the more intense residential developments on the north side of Commissioners Road West, to the school and church on the south side.

A review of the collision history to gauge the safety performance of Commissioners Road West in this general location revealed 10 collisions in the past 5 years, indicating the Commissioners Road is performing as expected to slightly better than expected in comparison to similar roadways within the City. The small increase in traffic at peak hours is not expected to negatively impact the safety performance of the roadway.

In the revised concept plan, the building has been shifted an additional 2.3 metres to the west, providing an enhanced opportunity for landscaping along with the ability to provide a greater separation distance between the existing driveway at 1337 Commissioners Road West and the proposed driveway for the new development. Transportation Division was consulted on the possibility of moving the new driveway to the west side of the property but the proposed location was preferred. The final access arrangement will

be determined at the site plan approval stage, and will be required to comply with the City's Access Management Guidelines for design.

Parking for Visitors, Delivery Vehicles and Moving Trucks

Neighbourhood concerns have been raised about the current practice of delivery vehicles parking at 1337 Commissioners Road West for the provision of service to other nearby properties, and an expectation that more residential units will result in an escalation of this practice.

The original site concept provided for 2 surface parking spaces along with a layby under the building cantilever to accommodate temporary parking and larger vehicles such as resident drop-off, moving trucks and delivery vehicles. The revised concept plan has been modified to accommodate three surface parking spaces. The maximum height of the building has also been increased by 1 metre in order to ensure there is sufficient vertical clearance for large delivery or moving vehicles under the building cantilever on the subject lands.

Municipal site plan standards indicate that 3 - 4 visitor parking spaces, which would be provided by the surface parking, are required to service a 34 unit development. The proposed site design should be sufficient to accommodate on-site parking requirements and provides an improvement with regard to the ability to accommodate temporary parking requirements and delivery and moving trucks.

On-site Open Space

Neighbourhood concerns have been expressed that the proposed landscaped open space is insufficient as a bonusing measure to allow for increased height and density.

The minimum open space requirement under the Zoning By-law within the Residential R8 (R8-4) Zone is 30%. The proposed underground parking garage allows for increased development intensity, while providing open space areas in excess of the zoning requirement, at 41% percent. The open space areas are comprised of a combination of hardscaping and green landscaping both at grade and within raised planters. In combination with more intensive and sensitive plantings than required by the standard provisions of the Site Plan Control By-law (discussed under Tree Protection/Buffering in Section 4.3 – Form), the enhanced landscaped open space is worthy of some consideration for the bonus provision. It is noted, however, that the justification for bonusing lies primarily with the building design and the provision of affordable housing.

4.3 Form

Provincial Policy Statement, 2014 (PPS)

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (Policy 1.7.1(d)).

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (Policy 7_, Policy 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (Policy 59_ 2., Policy 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (Policy 59_ 4.). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (Policy 59_ 8.).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (*Policy 953_ 2. a. –f.).

Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (*Policy 1578_).

1989 Official Plan

The scale of development in the Multi-family, Medium Density Residential designation shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of development (Section 3.3.3). The 1989 Official Plan recognizes residential intensification as a means of providing for the efficient use of land and achieving a compact urban form (Section 3.2.3). The Planning Impact Analysis criteria in the 1989 Official Plan, are to be used to evaluate the appropriateness of a proposed change in land use and identify ways to reduce any adverse impacts on surrounding land uses (Section 3.7). See Appendix C of this report for a complete PIA.

Analysis:

Consistent with the PPS, and conforming to the 1989 Official Plan and The London Plan, the recommended intensification of the subject lands would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth. The proposed apartment building represents a more compact form of development than the three single-detached dwellings that currently exist on the subject lands.

With regard to whether the recommended amendment would result in a form of development that is compatible and a good fit with the surrounding neighbourhood, concerns regarding scale and height; yard depths/setbacks; privacy and overlook; light and noise; and tree protection/buffering are analyzed below:

Scale and Height

The scale or height of the proposed apartment building at 5 storeys, would conform to the height requirements contemplated within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard. These policies require a minimum height of 2-storeys and maximum height of 4-storeys, with a provision for up to 6 storeys with Type 2 bonusing. It would also conform to the low-rise form of development, generally not exceeding four storeys contemplated in the Multi-family, Medium Density Residential designation and would be compatible with the scale of the immediately adjacent land uses which include a new 5 storey apartment building and a single storey townhouse condominium complex.

Specific concerns were raised by the owners of units at 1337 Commissioners Road West about the difference in height between the proposed and existing development. 1337 Commissioners Road West is an L-shaped property with units most directly affected by the proposed development along the east and north sides of the subject site. To the east, the front walls of four townhouse units directly face the proposed development and are separated from it by their front amenity areas and individual driveways and by the private access driveway that serves the townhouse development. To the north, four townhouse units back onto the rear property line of the proposed development.

The increased east side yard depth, generous rear yard depth and proposed plantings help to mitigate the impact of the height of the building.

Yard Depth/Setbacks

The original site concept and zoning request included reduced interior side yards of 4.5 metres in place of the required 5.4 metres. In response to concerns raised by the owners at 1337 Commissioners Road West, the entire building was shifted an additional 2.3 metres to the west, resulting in a smaller west interior side yard depth of 2.2 metres adjacent to the new apartment building at 1355 Commissioners Road West where the buildings are separated by a dedicated green space and private driveway, and where there is less concern about privacy impacts. The proposed yard depth adjacent to 1337 Commissioners Road West now exceeds the minimum interior side yard requirement

(6.6 metres based on the revised 17.5 metre building height) by 0.2 metres and a reduction is not required in the by-law.

There is support in *The London Plan* for the requested reduction in the minimum front yard depth to maintain and reinforce the prevailing street wall or street line (Policy 256_) and position buildings with minimal setbacks from public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (*Policy 259_). The requested 2.0 metre front yard setback is measured from the ultimate road allowance following the required road widening dedication that will be taken at the site plan approval stage.

Privacy/Overlook

Consideration of the potential loss of privacy and overlook is important to achieving residential intensification that is sensitive to, and compatible with the surrounding neighbourhood. It is recognized that the yard depths required to achieve absolute visual privacy and prevent overlook are much greater than those that can be feasibly provided in the built-up area of the City while providing for meaningful intensification.

To the east, overlook impacts are mitigated, firstly, by the front yard relationship of the existing dwellings, and the intervening condominium driveway between the existing buildings and the proposed new development. The existing units are a reasonable distance from the proposed buildings and have rear yard space that will be completely private from the new development. Secondly, the increased east yard depth helps to decrease the angle of vision from the proposed building to the existing buildings. Thirdly, the proposed apartment building has been designed with small windows on the east exterior wall, and restricts views from balconies to those provided for the end units on each floor. Finally, over time, enhanced landscaping features as required by the bonusing provisions can also provide screening between the developments.

To the north, the proposed building has larger windows and a full balcony for each north-facing unit is provided. It is noted, however, that the proposed building has been situated close to the front lot line and the rear wall of the building is separated from the rear property line by a minimum of 19 metres. Over time, landscaping features can also provide screening between the developments.

Light/Noise

Concern was raised regarding noise impacts from vehicles on the underground parking ramp, and from the operation of any security door granting access to the underground parking garage. As part of the site plan approval process, a noise study will be required that addresses both the impact of noise from Commissioners Road West on the new development, and the impact of noise from the subject site on 1337 Commissioners Road West. The applicants will be required to implement the recommendations of the accepted noise study in order to meet Ministry of the Environment requirements.

A general concern was raised regarding lighting impacts on the adjacent development. Through the site plan stage a photometric plan will be required to ensure spillover lighting impacts on adjacent properties are minimized.

Tree Protection/Buffering

The subject lands contain several mature trees that provide an established landscape screen between the subject lands and adjacent properties. The owners of some units at 1337 Commissioners Road West expressed concerns about damage to trees on adjacent properties during the construction process. A tree preservation report will be required at the site plan approval stage. The consultant will be required to identify all trees on-site, as well as within 3.0 metres of the neighbouring property boundary. This ensures all trees are inventoried both on and off the site and appropriate protection measures are taken if required. As such it is implicit through the site plan approval process that neighbouring trees shall not be harmed.

The recommended Zoning By-law amendment including the site concept as part of the bonus zone provides yard depths that are of a sufficient size to provide for the planting of new trees and landscape screening along the shared boundary with adjacent lower-intensity residential properties. The conceptual landscape plan submitted with the

application illustrates the provision of several new trees in raised planters along the north and east property boundaries as well as in front of the building on private lands and within the road allowance. Tree planting efforts will be considered at the site plan stage in accordance with applicable policies, by-laws and regulations that are in force at that time. During that review, the applicant should be encouraged to choose tree species that have screening/privacy qualities.

Issues to be considered through the SPA process include the following:

- Photometric analysis to manage lighting impacts on adjacent developments;
- A noise study to evaluate and mitigate noise impacts related to the parking ramp and underground parking garage on the adjacent development at 1337 Commissioners Road West;
- Enhanced provision of boundary landscaping along the east and north property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities.

More information and detail is available in Appendix B, C, D and E of this report.

5.0 Conclusion

The requested amendment to permit a 34 unit apartment building is consistent with the 2014 Provincial Policy Statement that encourages a range and mix of land uses to support intensification and achieve compact forms of growth and directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment to the 1989 Official Plan implements the intent of Council as reflected in The London Plan.

The recommended amendment to Zoning By-law Z.-1 conforms to the in-force 1989 Official Plan as amended and to the in-force policies of The London Plan, and the Neighbourhoods Place Type which contemplates low-rise apartment buildings with a maximum height of 4 storeys with the potential for up to 6 storeys with Type 2 bonusing where the property has frontage on a Civic Boulevard. The subject lands represent an appropriate location for residential intensification, along a higher-order street within an existing neighbourhood, and the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. The recommended amendment would help to achieve the vision of neighbourhoods providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.

The recommended increases in height and density are commensurate with the value conferred by the recommended bonus provision for design and affordable housing.

Prepared by:	Barb Debbert, Senior Planner, Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

September 27, 2019

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9081Z - 1339-1347 Commissioners Rd W (BD)\PEC\Draft 1339 - 1347 Commissioners Road West O-9082 Z-9081 Report BD.docx

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. C.P.-1284-
A by-law to amend the Official Plan for
the City of London, 1989 relating to 1339
– 1347 Commissioners Road West.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on October 15, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 15, 2019
Second Reading – October 15, 2019
Third Reading – October 15, 2019

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 3.5. of the Official Plan for the City of London Planning Area – 1989 to adopt height and density bonusing policies consistent with the Neighbourhoods Place Type to allow for height and density bonusing subject to the provision of design elements that mitigate the impacts of the additional height and density in return for the provision of facilities, services or matters that provide significant public benefit, including, but not limited to affordable housing, enhanced landscaped open space and underground parking.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1339 – 1347 Commissioners Road West in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the PPS and the in force policies of the 1989 Official Plan and The London Plan. The recommendation provides the opportunity for residential intensification in the form of a low-rise apartment building, located along a higher-order street within an existing neighbourhood. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. The recommended amendment would help to achieve the vision of the Neighbourhoods Place Type, providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.

D. THE AMENDMENT

The Official Plan for the City of London Planning Area - 1989 is hereby amended as follows:

1. Section 3.5. – Policies for Specific Residential Areas of the Official Plan for the City of London – 1989 is amended by adding the following:

1339 – 1347 Commissioners Road West

- () At 1339 – 1347 Commissioners Road West, residential development for the permitted uses of the Multi-family, Medium Density Residential designation may be permitted at a minimum height of 2 storeys and a maximum height of 4 storeys, with possible bonusing of height up to 5 storeys. Density bonusing may be permitted above 75 units per hectare up to 132 units per hectare. Bonusing may be permitted provided the magnitude of the height and/or density bonus is commensurate with the provision of facilities, services or matters that provide significant public benefit. Bonusing may only be permitted where the site and building design mitigates the impacts of the additional height and/or density. The additional facilities, services or matters that are provided may include, but are not limited to, affordable housing, enhanced landscaped open space, and underground parking.



Appendix B

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19 _____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1339
– 1347 Commissioners Road West.

WHEREAS Milan Starcevic has applied to rezone an area of land located at 1339 – 1347 Commissioners Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1339 – 1347 Commissioners Road West, as shown on the attached map comprising part of Key Map No. A106, from a Residential R1/Residential R5 (R1-9/R5-3) Zone to a Residential R8 Bonus (R8-4*B-_) Zone.
- 2) Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by adding the following new Bonus Zone:

4.3) B-__ 1339 – 1347 Commissioners Road West

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality residential apartment building, with a maximum height of 5 storeys, 34 dwelling units and a maximum density of 132 units per hectare, which substantively implements the Site Plan, Landscape Plan and Elevations attached as Schedule "1" to the amending by-law, provides for affordable housing in the form of 34 dwelling units (132 units per hectare), enhanced landscaped open space and underground parking. The affordable housing component shall consist of:

- a total of 3, two-bedroom affordable rental units (two of which, at minimum, are to be accessible and located on the ground floor);
- rents not exceeding 85% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy; and,
- the duration of affordability shall be set at 15 years from the point of initial occupancy of all 3 two-bedroom units.

The following special regulations apply within the bonus zone upon the execution and registration of the required development agreement(s):

- | | | | |
|----|-------------|---|-------------------------|
| a) | Regulations | | |
| | i) | Front Yard Depth
(min) | 2.0 metres (6.56 ft.) |
| | ii) | Interior Side Yard Depth
(west)(min) | 2.2 metres (7.2 ft.) |
| | iii) | Height
(max) | 17.5 metres (57.41 ft.) |

iv) Density
(max)

132 units per hectare

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on October 15, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

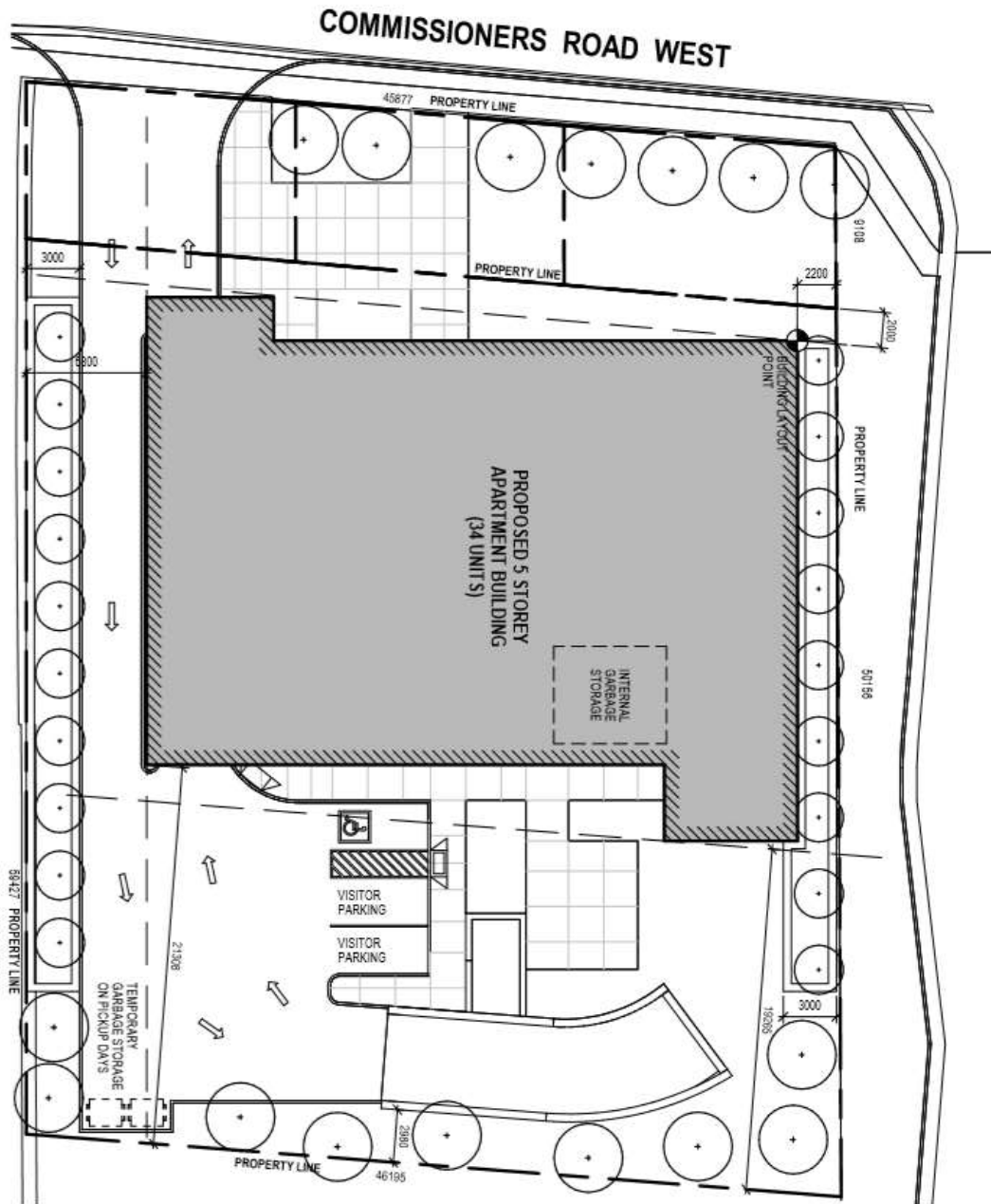
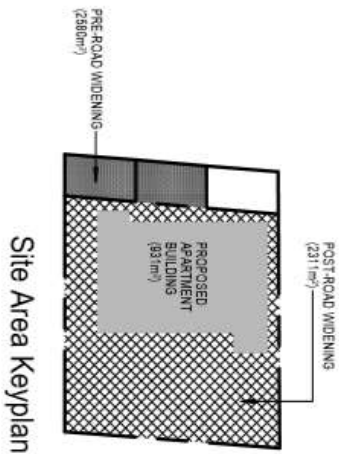
First Reading – October 15, 2019
Second Reading – October 15, 2019
Third Reading – October 15, 2019

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Schedule "1"

SITE DATA - Proposed Residential Zone (R8-1)(1)		
Proposed Zoning Residential (R8-1)	Req'd / Max / Min.	Proposed
Proposed Zoned Use	Apartment Building	Apartment Building
Lot Area	1000m ²	2311m ² (post-road widening) 2580m ² (pre-road widening)
Lot Frontage	30 m (min.)	45.8m
Lot Depth	-	50.2m
Front Yard Setback (Mineral)	8m (min.)	2m
Interior Side Yard Setback (west)	0.6m (min.)	2.2m
Interior Side Yard Setback (east)	0.6m (min.)	0.6m
Rear Yard Setback	0.6m (min.)	19.3m
Building Area	-	921.0m ²
Landscape Open Space	30% (min.)	41%
Lot Coverage	40% (max.)	38%
Building Height	3m (max.)	17.5m
Density	2580/ha x 75 uph (max.) = 20 units	34 units (132 uph)
Parking	34 units x 1.25 = 43 spaces	44 underground (incl. 1 lot) 3 surface visitor (incl. 1st)



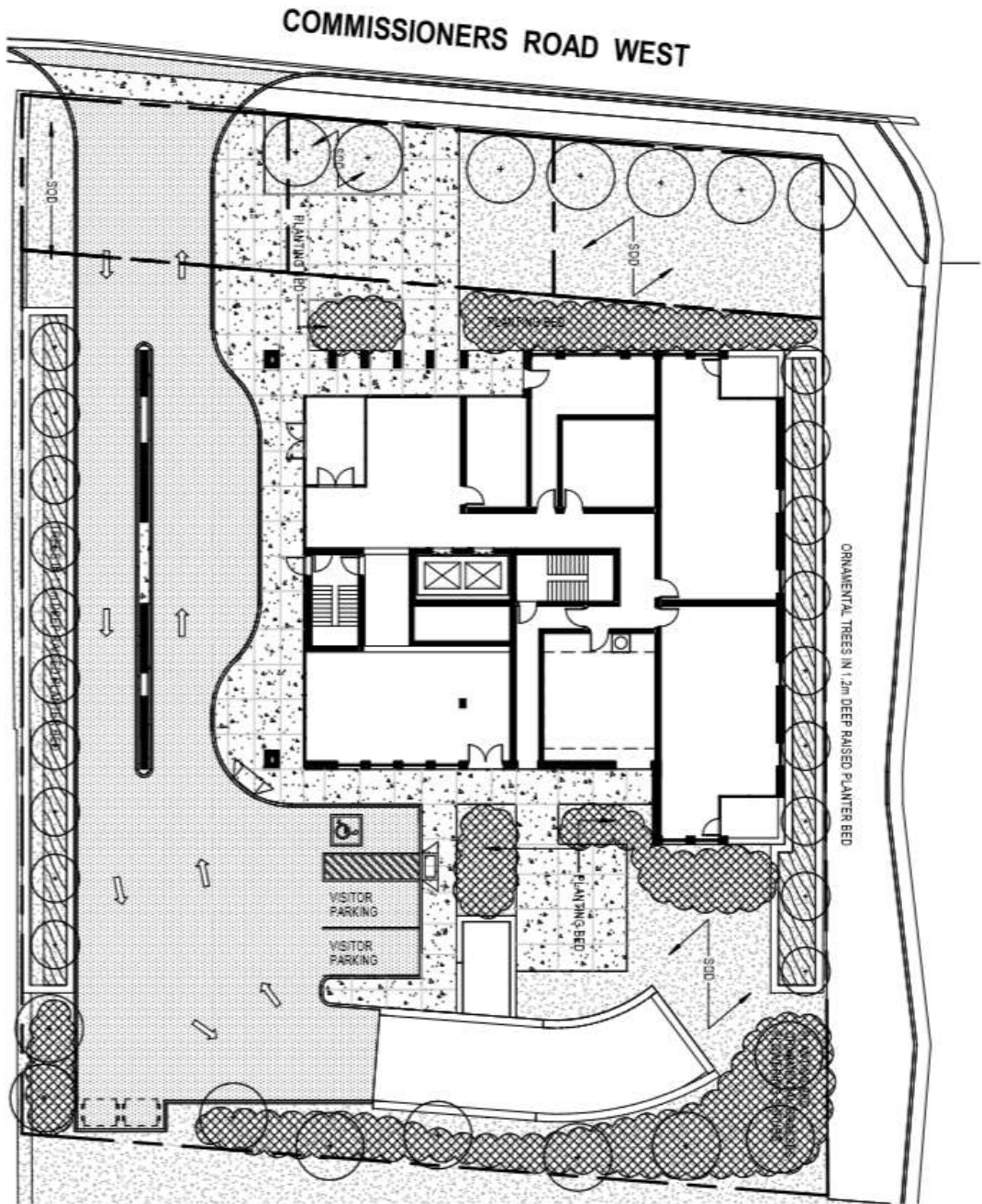
NICHOLSON
 SHEFFIELD
 ARCHITECTS
 INC.

Starhomes Ltd. Commissioners Road Development
 SITE PLAN

Project No.	18-52	Date	AUG 2019
Scale	As indicated	Dwg. No.	A1
Drawn By	EW		

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Starhomes Ltd. Commissioners's Road Development
Landscape

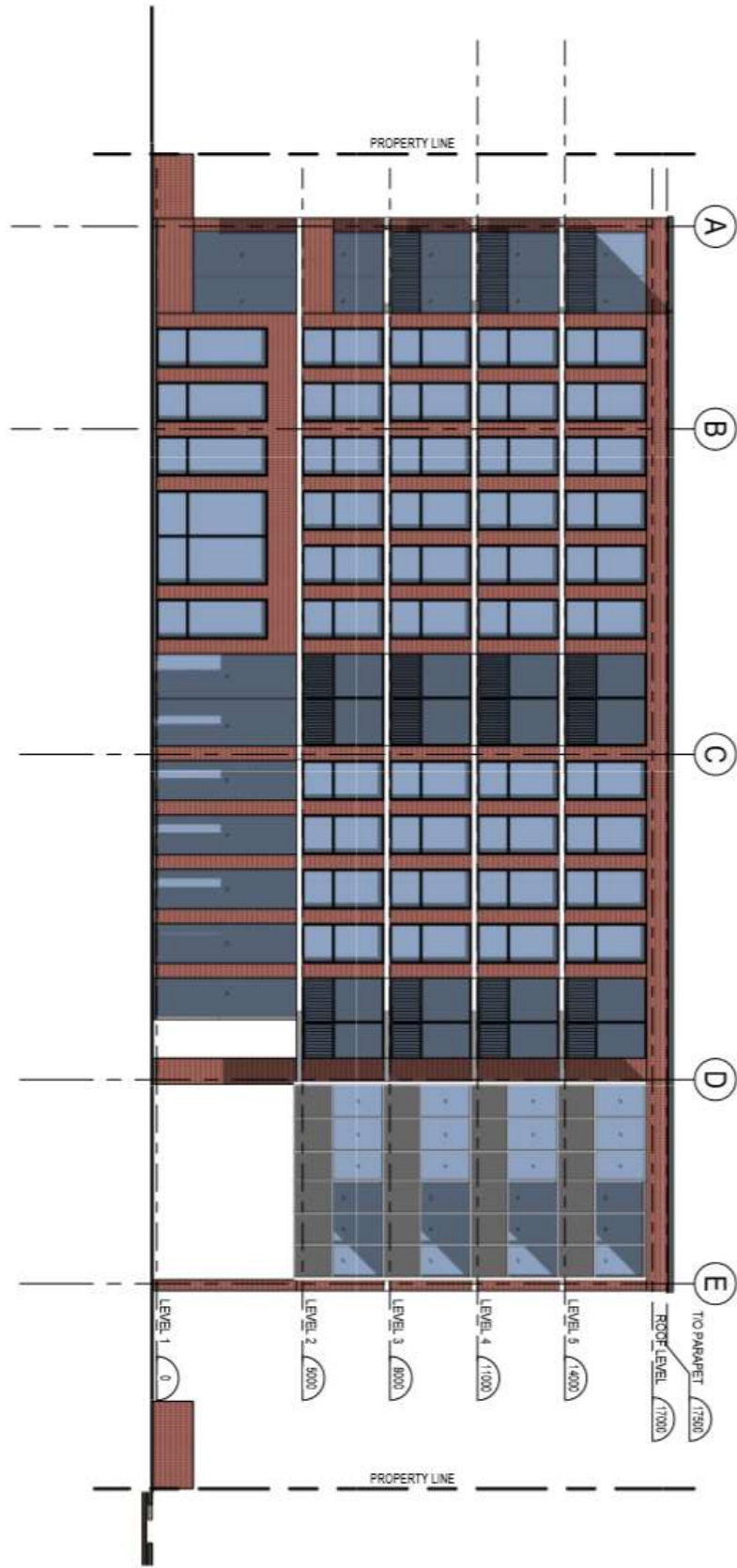


Project No.	18-52	Date	Aug 2019
Scale	1 : 250	Dwg. No.	L1
Drawn By	Designer		

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Starhomes Ltd. Commissioners Road Development

SOUTH ELEVATION

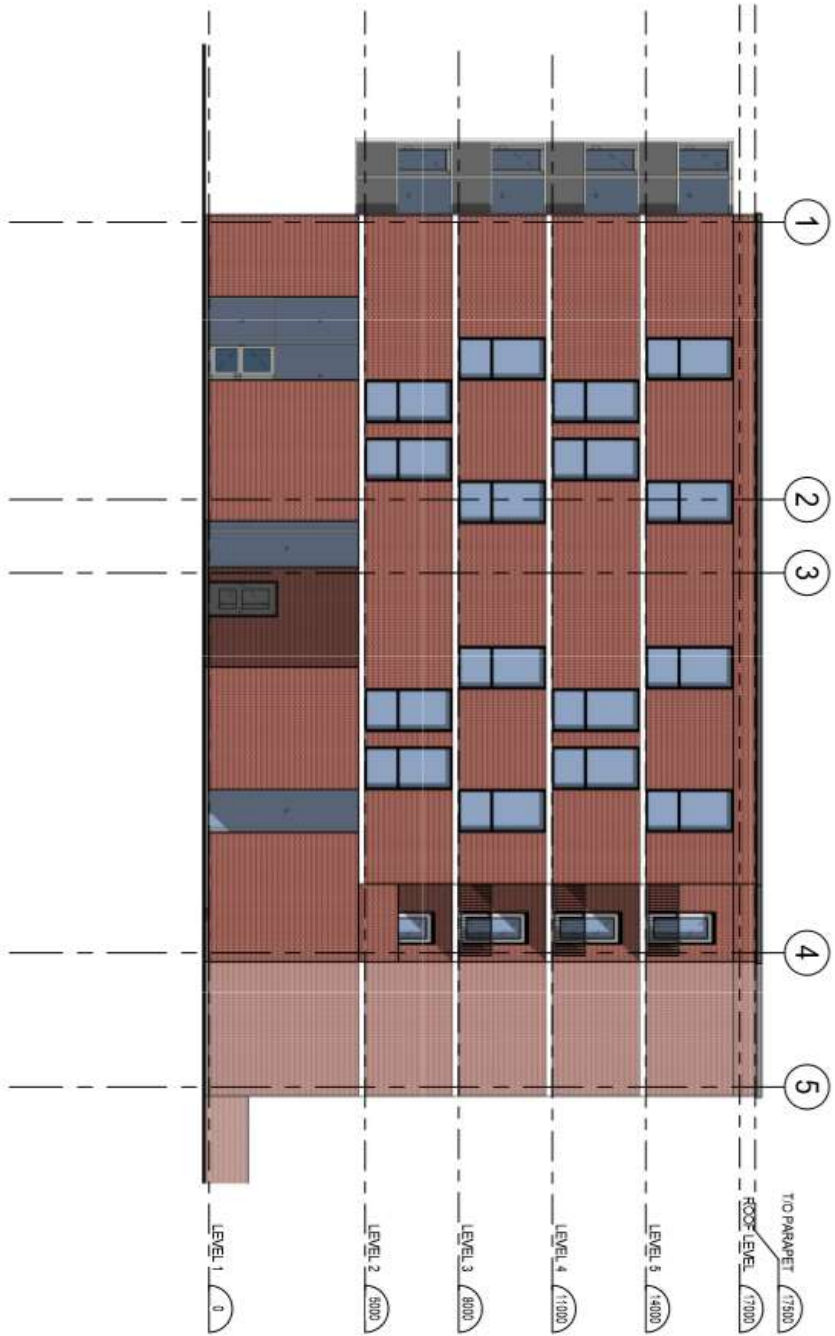


Project No.	18-52	Date	AUG 2019
Scale	1:150	Dwg. No.	A6
Drawn By	EW		

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Starhomes Ltd. Commissioners Road Development

EAST ELEVATION

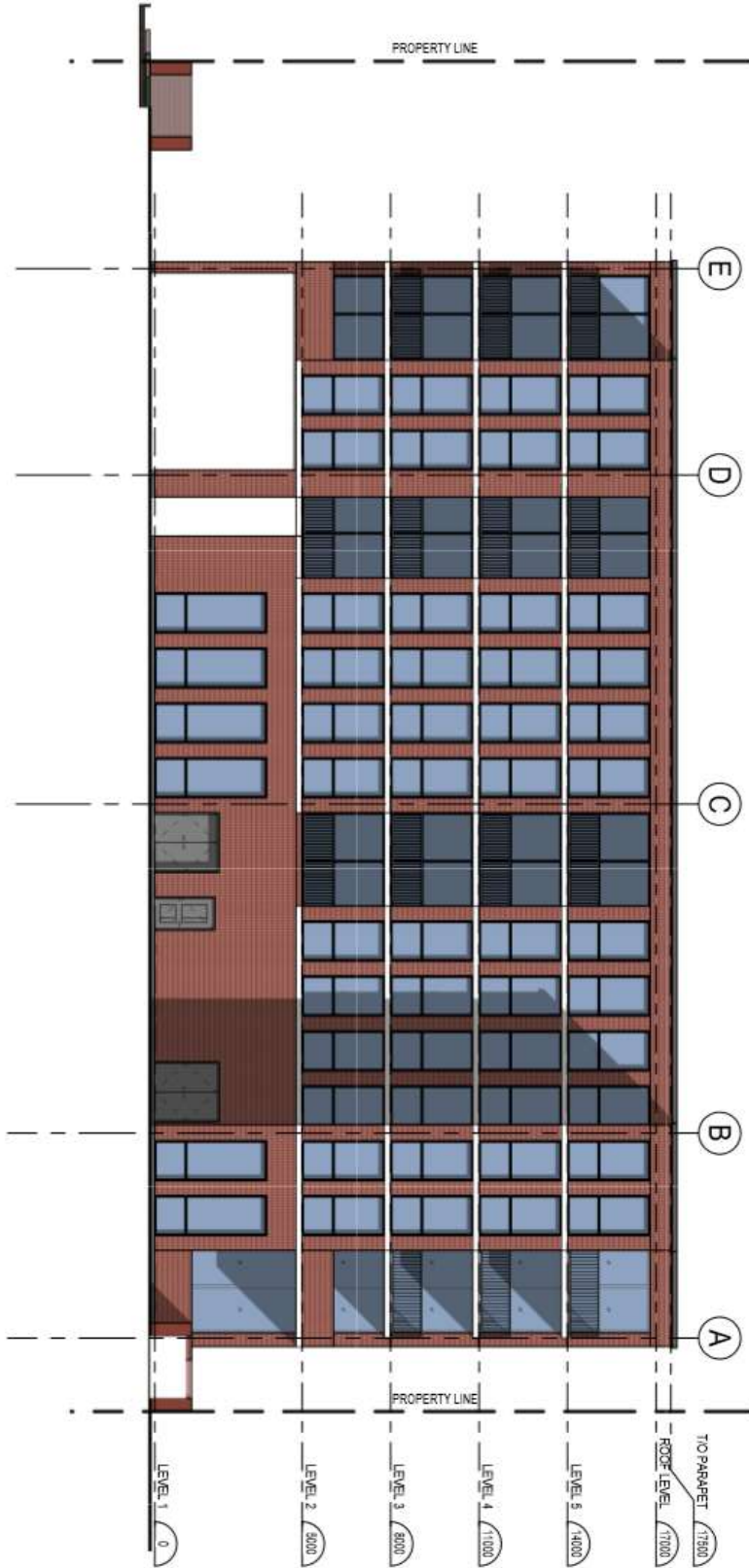


Project No. 18-52	Date Aug 2019
Scale 1:150	Dwg. No. A7
Drawn By EW	

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Starhomes Ltd. Commissioners Road Development

NORTH ELEVATION

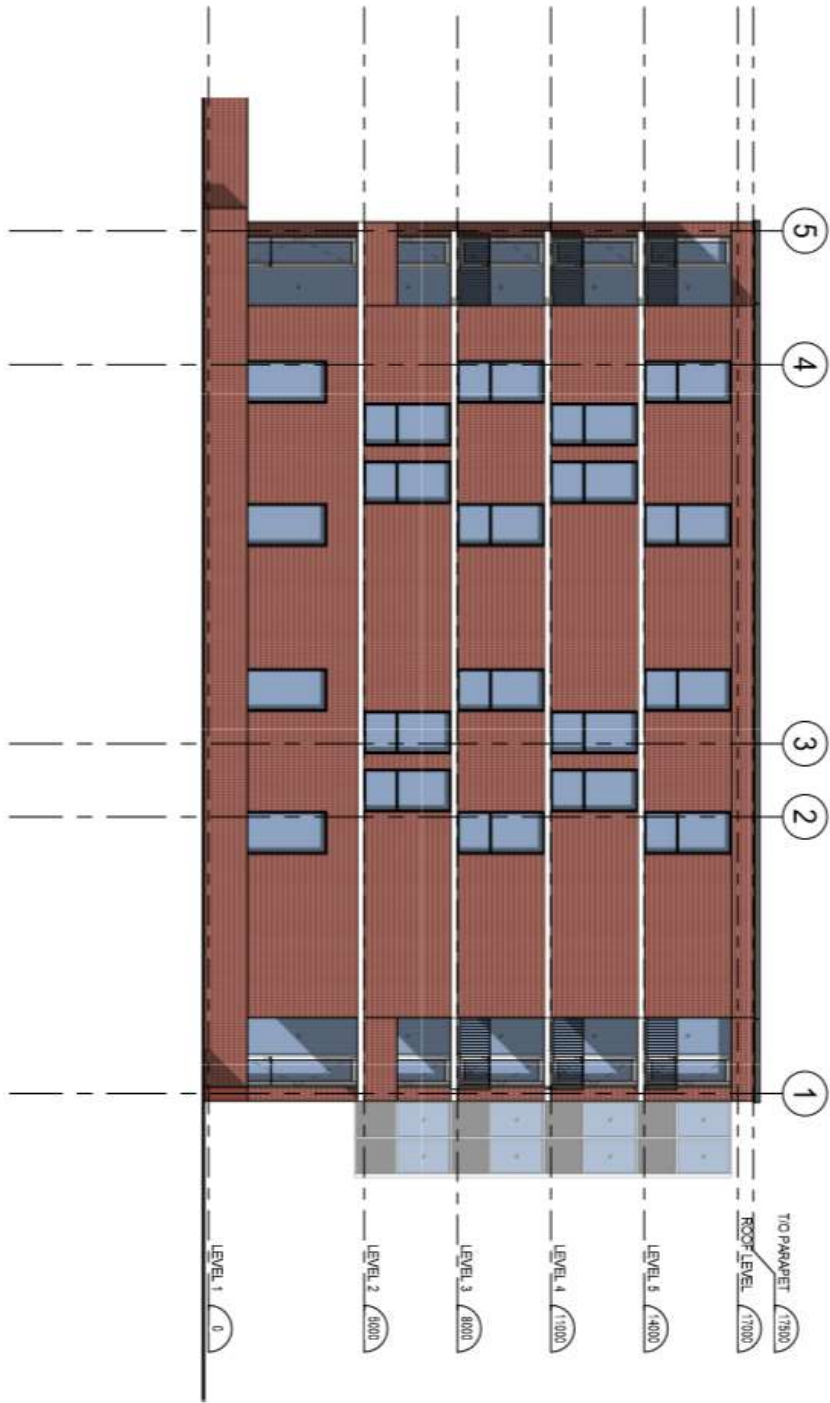


Project No.	18-52	Date	Aug 2019
Scale	1 : 150	Dwg. No.	A8
Drawn By	EW		

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Starhomes Ltd. Commissioner's Road Development

WEST ELEVATION



Project No.	18-52	Date	Aug 2019
Scale	1 : 150	DWG. No.	A9
Drawn By	EW		

Appendix C – Public Engagement

Community Engagement

Public liaison: On June 19, 2019, Notice of Application was sent to 156 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 20, 2019. A “Planning Application” sign was also posted on the site. Following a review of comments from surrounding property owners and staff discussions with the applicant, the applicant revised the application to eliminate the requested east side yard depth reduction, and slightly increase the height of the building to ensure moving trucks and service vehicles have sufficient vertical clearance.

Original June 20, 2019 Notice of Application

3 replies were received

Nature of Liaison:

The purpose and effect of this Official Plan and zoning change is to permit a 5-storey, 34 unit apartment building. The proposal includes 44 underground parking spaces and 2 barrier free surface parking spaces.

The notice advised of a possible amendment to the 1989 Official Plan to add a Specific Area Policy to permit an apartment building with a maximum permitted density of 148 units per hectare within the Multi-family, Medium Density Residential designation.

The notice also advised of a possible change to Zoning By-law Z.-1 **FROM** a Residential R1/Residential R5 (R1-9/R5-3) Zone **TO** a Residential R8 Special Provision Bonus (R8-4()*B-) Zone to permit apartment buildings with a maximum density of 148 units per hectare (34 units) where a maximum density of up to 100 units per hectare (23 units) with bonusing is permitted. Special provisions were also requested for a maximum height of 16.5 metres where a maximum height of 13.0 metres is permitted, a minimum front yard depth of 2.0 metres where 8.0 metres is required, and a minimum east and west interior side yard depth of 4.5 metres where 5.4 metres is required. The facilities, services or matters proposed in exchange for additional density and height include the provision of affordable housing, the provision of underground parking, and enhanced provision of landscaped open space. The City may also consider the use of a holding provision to address archaeological potential on the site.

Responses: A summary of the various comments received include the following:

Concern for:

- Intensification should occur on the major arteries (4 – 6 lane arterial roads), not on Commissioners Road West
- Ruined view
- Loss of Privacy
 - Overlooking balconies
 - Smaller building with larger setbacks would help, along with screen of trees along north and east side
 - While privacy is somewhat addressed on the east side by reduced number of windows and balconies, there will be no maximizing of privacy for the units on the north side facing five stories of balconies
- Noise from entrance to underground parking garage
 - No sound barrier or landscaping between parking and condo property
 - Potential impacts on units 15 through 18
- Traffic flow and safety issues
 - Traffic generated by the existing nearby multi-family complexes, Byron Northview Public School, St. Anne’s Anglican Church and Tim Horton’s

- create high traffic flow making it difficult to merge from driveways onto the street.
- Significant impact on traffic safety – 2 lane road with two-directional centre turning lane and bike lanes on both sides
- Potential conflict between two closely adjacent driveways on the development lands and at 1337 Commissioners Road West.
- Requesting a traffic study
- Lack of parking for visitors and deliveries
 - People will park at the church where people are often picking up kids, or at the condo complex
 - Already the Byron Woods driveway is used for deliveries to the three existing houses
- Lighting impacts
- Being shoehorned in front of a lower density complex, unlike the building next door
- Impact on nature
 - Removal of mature trees and insufficient tree replacement to buffer noise and add privacy to the townhouse complex to the north and east.
 - It will be too late after approval of the zoning to discover that a site plan process cannot accommodate attractive, natural screening and significant buffering features such as large trees
- On-site amenity space is inadequate for a bonus provision – small passive patch of green lawn
- Construction impacts
 - Where will heavy equipment be stored during construction? Lots of seniors and children in the area
- 64 surface parking spaces plus tall trees at 1355 Commissioners Road West provides sufficient spatial separation to adjacent land uses; the proposed underground parking garage with no vegetation does not.
- Using 1355 Commissioners Road West as a precedent simply indicates that once this type of project has been allowed, it should be possible for City Council to reject or amend any future similar project
- Decreased quality of life – be mindful of all groups including seniors
- Decreased property value

Open House

The applicant also held an Open House on June 26, 2019 which was attended by representatives of 10 households. The major issues raised are summarized as follows:

- Loss of views, privacy and property value
- Building height
- Proximity of underground parking ramp and possible noise impact adjacent to neighbouring townhouses
- Existing traffic volume, speed and safety issues compounded by additional development – request a traffic study
- Insufficient visitor parking
- Lighting impacts
- Tree removal and impact on the adjacent townhouse complex
- This development is different than the new apartment building at 1355 Commissioners Road West as there is more space between the building and the adjacent development to the rear
- Tenancy, condo or rental?

Revised September 12, 2019 Notice of Application

4 replies were received, one from the Board of Directors for the Byron Woods Condominium Board of Directors at 1337 Commissioners Road West, one from a previous respondent, and two from individuals who had not previously provided replies.

Nature of Liaison:

As a result of City staff and neighbourhood concerns, the applicant submitted a revised proposal on September 5, 2019. The amended application requests the same zone change, with modified requests for relief, including a maximum building height of 17.5 metres in place of 13.0 metres, a minimum front yard depth of 2.0 metres in place of 8.0 metres, and a minimum interior west side yard depth of 2.2 metres in place of 6.6 metres. The amended notice also reflects a requested density of 132 units per hectare as a result of a correction to the calculation of density.

A parallel change to the City initiated Official Plan amendment reflected a requested density of 132 units per hectare in the Multi-family, Medium Density Residential designation as a result of the correction to the density calculation.

Concern for:

- Traffic congestion and safety
 - Cumulative impact of development in the area
 - Location of driveway close to existing driveway for 1337 Commissioners Road West
- Inadequacy of on-site parking
- Is the reduced width of the entrance/exit to the underground parking sufficient?
- Inadequacy of buffering to address noise, lighting issues, lack of privacy and security
- Adverse impact of additional intensity on 1337 Commissioners Road West
- Tree removal on site and potential damage to trees at 1337 Commissioners Road West
- Inadequacy of bonus to compensate for the impact on current residents
- Property values, loss of view
- Impacts during construction

Requests:

- Smaller, lower building within current policies of the 1989 Official Plan
- Do not recognize the proposed bonusing as commensurate with the increase in density and height
- Reposition driveway to the west side of the property, including garbage disposal
- Higher fencing, sound barrier type
- Fast growing evergreen trees as landscape buffer rather than purely ornamental plantings
- Reduce outdoor lighting
- Add security cameras
- Add outdoor parking for short-term parking needs
- Provide space for delivery trucks
- Resolve traffic safety issues on Commissioner Road West

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

Telephone	Written
	Pat and Ken Craig 8 – 1331 Commissioners Road West London ON N6K 1E2
	Stan Squires 18 – 1337 Commissioners Road West London ON N6K 4V2
	Edith Hopkins 18 – 1337 Commissioners Road West London ON N6K 4V2
	Glen and Maxine Emmerton 7 – 1337 Commissioners Road West London ON N6K 4V2
	Virgil Gingrich 17 – 1337 Commissioners Road West London ON N6K 4V2

From: Pat Craig
Sent: Sunday, June 23, 2019 8:56 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] 1339 to 1347 Commissioners Rd. W.

Regarding file, O-9082 and Z-9081

My husband and I have moved into complex 1331 Commissioners Rd. W. not yet two years ago. Since moving here and apartment building went up next door to this proposed building and has ruined our view and our privacy, now a new proposed building beside it. This new proposal is going to be devastating to all the condominium owners around it. It is bringing the value of our properties down ruining our privacy and our view. My husband and I are totally against this new proposal.

Pat and Ken Craig
8-1331 Commissioners Rd. W.

.....
(from Pat Craig via Councillor Hopkins – June 23, 2019)

File 0–9082 and Z-9081

Hi Anna, I am a resident the condominium complex at 1331 Commissioners Rd. West. My husband and I have barely been here two years and already one apartment building has gone up on Commissioners Rd. right beside the proposed apartment. It has ruined our view and our privacy and now a new one to go up which will be devastating to owners in my complex. I can't imagine how terrible this is going to be for the condominium complex surrounding this new proposed building. We want to be counted as being against this proposed building. Is there anyway this building could be shorter if people push, such as four stories instead of five?

Thanks,
.....

(from Stan Squires via email, July 14, 2019)

TO: Councillor Anna Hopkins
COPIED TO: Barb Debbert, City Planner
RE: Official Plan and Zoning By-Law Amendments, 1339-1347 Commissioners Rd W,
London

This submission is in response to the proposed Official Plan and Zoning By-Law Amendments to allow a 5-storey, 34-unit apartment building with 44 underground parking spaces and 2 barrier-free surface parking spaces at 1339-1347 Commissioners Road West in Byron.

It is my understanding, from the Notice of Planning Application, dated June 19, 2019, from the Zelinka Priamo's Community Information Presentation, dated June 26, 2019, and from the Zelinka Priamo's Planning and Design Report, dated May 2019, that this area is currently zoned Residential R1/R5 permitting single detached dwellings, cluster townhouses and cluster stacked townhouses. The requested zoning is for Residential R8 Bonus Zoning, to permit apartment buildings, handicapped persons' apartment buildings, lodging houses class 2, stacked townhouses, senior citizens' apartment buildings, emergency care establishments, continuum-of-care facilities, with bonus zoning in exchange for the provision of 10% affordable housing, for the provision of underground parking, and for the enhanced provision of landscaped open space. Changes to the minimum setbacks for the front yard, east interior side yard and west interior side yard are also sought by the developers.

The 1989 Official Plan designated these lands as multi-family, medium density residential zoning. The London Plan permits low-rise apartments with a maximum height of 4 storeys with the potential for up to 6 storeys with Type 2 bonusing. All planning applications including Zoning By-Law Amendment applications, are required to be consistent in accordance with the 2014 Provincial Policy Statement on land use "to achieve livable and resilient communities", and to be consistent with the 2014 Provincial Policy Statement. Section 1. 1. 3.4. ..." while avoiding or mitigating risks to public health and safety".

While a city such as London needs to plan strategically for growth, with appropriate residential infill and intensification, it also needs to protect the environment, preserve green space and maintain its reputation as "Forest City", a challenging balancing act- to address concerns of current residents as well as integrate new residents.

I am a resident of the Byron Woods condominium complex at 1337 Commissioners Road West. Our single-storey Unit, #18, abuts this proposed development, one of four on the north side, facing the planned underground parking entrance, the temporary outdoor garbage site, and balconies on storeys 2-5 of the building.

I wish to express concerns about this proposal, as follows:

1. Natural Features/ Trees: "Any trees on the subject lands will be preserved, where feasible".

Currently there are many mature trees on this property. All of these will be removed by this development. New ones are proposed for the front of the building and for the west side. Nothing is proposed for the north side as the underground parking garage comes right up to the property line. Nothing is proposed for the east side along the new driveways. There does not appear to be enough land to provide large trees to buffer the noise and to add substantial privacy for our existing townhouse complex.

2. Open Views: "The proposed development does not obstruct views to natural features or landmarks".

Rather than facing many mature trees and three low-rise houses, our "open view" will be a five-storey, 34-unit building with balconies overlooking our complex on the north side.

3. **Architectural Continuity:** “The orientation and setback of the proposed building is consistent with the newly constructed apartment building at 1355 Commissioners Road West.”

This is correct. However, this building, at 1355 Commissioners Road West, has a large outdoor parking lot of 64 spaces separating it from the building to its north plus a buffer of tall trees. There is no substantial spatial separation or privacy buffering from the townhouse complex at 1337 Commissioners Road West. The underground garage goes right up to the property line. The driveway on the east side abuts directly the property line, with no indication of adequate buffering.

4. **Streetscape:** ...” establishes a new street edge enhancing the streetscape with high quality building, landscaping and pedestrian connections”.

Removing low-rise buildings set back from the street, and removing surrounding mature trees is not an enhancement to this area. Citing the newly built apartment building at 1355 Commissioners Road West as a precedent indicates that once this type of project has been allowed, it should be impossible for the City Council to reject or to amend any future similar project.

5. **Building Positioning:** ...” the setback is similar to the existing agreement building located at 1355 Commissioners Road West”.

The proposed setback for this project means that there is no allowance for any green space, large privacy trees between the existing complex to the north side of this project or to the east side.

6. **Privacy:** “The building is located close to the street, away from abutting townhouse dwelling to the north and east. [i.e. Byron Woods, 1337 Commissioners Rd West]. Landscaping features will further screen and buffer the proposed building from surrounding uses. These features will be determined throughout the Site Plan approval process.”

Preliminary drawings do not indicate any landscaping features on the north side as the underground garage goes directly to the property line, nor do they indicate any landscaping features on the east side. It will be too late after approval to discover that a Site Plan process cannot accommodate attractive, natural screening and significant buffering features. such as large trees.

“To maximize privacy levels for the units with walls along the east and west elevations, no additional balconies are proposed and the number of windows are reduced, as compared to the north and south elevations.”

However, it is clear that there will be no maximizing of privacy can be planned for the units on the north side facing five storeys of balconies.

7. **Outdoor Space:** Amenity in real estate is defined as “something to benefit a property and thereby increasing its value”. A small passive outdoor green space, (plus two affordable rental units, and an underground parking garage) is part of a very imbalanced exchange with significant impact on an existing townhouse complex, and the already congested arterial Commissioners Road West. A small passive patch of green lawn should not be considered a persuasive bonus for an amendment to zoning space. Neither should this small outdoor amenity space be considered as a sufficient buffer between the proposed building and the townhouse dwellings to the north.

8. **Noise Attenuation:** “The proposed development is not anticipated to increase existing noise levels in the immediate area”.

As we remove three low-rise residences, and build a five-story, 34- unit building, with balconies, an underground garage for 44 spaces, the noise will be amplified, not reduced.

9. **Gateways:** “ The proposed development will contribute to the enhancement of the Commissioners Road West Corridor for pedestrians, cyclists, transit-users, and motorist when travelling eastbound toward Byron Village’:

A large five-storey building with the removal of mature trees, the addition of driveways onto an already-congested road, and the inadequate protection of the privacy and

environment for the existing townhouse complex contributes only to the on-going deterioration of an attractive area of Byron; it is not an enhancement.

10. Traffic safety. " The proposed driveway will be of similar width as the abutting driveways to the east [Byron Woods townhouses, 1337 Commissioners Road W], with two-way, full turn driveways " .

There is little buffer between the proposed two-way driveway and the existing two-way driveways of the townhouse dwellings. There is one shared turning lane on Commissioners Rd, allowing turning in two directions simultaneously, already creating a hazardous condition as parents turn into St. Anne's Church parking lot on the south side of Commissioners Rd to drop off/ pick up children from Byron Northview elementary school, as others use the turning lane to pass the congestion created by Tim Hortons customers, and as residents attempt to turn into their townhouse complexes/buildings. There are cycling lanes on both sides of Commissioners' Rd. Traffic lights exist only at the Boler Rd intersection and farther west at the Chestnut Hill/Cadeau Terrace intersection.

The growing commuter traffic, few traffic lights and new exits/entrances to townhouse complexes escalate what is an already unsafe traffic situation.

The Byron Woods Townhouse complex consists of seventeen units, with the residents primarily elderly, many with health issues. It is not possible to mount a large, placarded, full-scale opposition to this amendment application. However, I hope that our residential voices will be heard over those of persuasive, experienced developers. I hope that the response of the Council is not that expressed by the developers at the June 26 community meeting: a shrugged-off: "we have heard it all before".

I ask why it is necessary to approve this amendment and not go forth with a gentler intensification.

I am not against intensification. I understand that this is a preferred alternative to gobbling up all the green space around the city.

In 2000, the City Council responded to residents' concerns about building a Tim Hortons' with a drive-through onto Commissioners Road West. It had made the right decision and turned down the proposal, supporting residents' concerns about safety and congestion. Its decision, albeit appealed, has been proven to be correct, with Commissioners Road backed up with traffic, while drivers enter and exit the Tim Hortons facility, making use of the drive-through both from the west and from the east- a congestion and safety issue, particularly at commuting times.

Please continue to make the correct decision again.

I ask that you consider the following recommendations for residents:

1. Please do not allow token bonusing consisting of two-three affordable housing units, a small passive outdoor green space, and an underground parking garage, to override the City's Official Plan of height restrictions and set-backs. The bonusable features are not "commensurate with the increase in density and height sought for the subject lands"

2. Please do not be persuaded by the argument of the precedent of the building at 1355 Commissioners Road West.

3. Please turn down this planning application. Do not approve a five-storey, 34-unit building abutting immediately and impacting significantly the Byron Woods townhouses, with minimal buffering.

4. Ensure that any project meets the Official Plan of height restrictions and setbacks, and meets the needs of current residents for privacy, buffering and driving safety.

5. Require developers to work with the current residents of 1337 Commissioners Road West and negotiate on their needs for privacy, noise buffering and traffic safety before any building project/amendment

Then it will be a win-win-win: developers walking away with their profit, the council fulfilling its intensification goals, and current residents maintaining some privacy, green space and road safety.

Thank you for your consideration of this submission.

Sincerely,
Stan Squires
18-1337 Commissioners Rd. West
London, ON N6K 4V2

.....
(from Edith Hopkins via email, July 17, 2019)

Dear Councillor Anna Hopkins

*RE; Proposed Official Plan and Zoning Amendments for 1339-1347 Commissioners Road West.
File # O-9082 and Z-9081*

I am submitting this response to you as a resident of the Byron Woods condominium complex at 1337 Commissioners Rd. W. I attended the Community Presentation on June 26 2019, hosted by the developers Zelinka Priamo. There I learned that the developers are seeking an Official Plan and Zoning Bylaw Amendment in order to build a 5-storey, 34-unit apartment building directly in front of, and beside our 17-unit, low-rise condominium complex, Byron Woods.

For me, a rational discourse is my personal preference to reacting noisily and angrily with placards. I have seen that the latter can be effective, and worthy of media sound bites, in Council Chambers, but I hope to rely on Council members to make their decisions based on what is best for the City of London and for the community of Byron.

Strategic planning is of critical importance to any city. This is why London develops such plans as its Official Plan, the London Plan and its Smart Moves 2030 Transportation Plan. While infill is a necessary development for a growing city, I believe that London's Official Plan **supports infill in more effective areas on the major arteries of London and specifically close to downtown**. This is emphasized in its transportation plan and long-term upgrades of the major arteries such as the Oxford, Wharncliffe, and Wonderland roads. I do not see any plans for upgrades to the existing two-lane Commissioners Road W. in Byron with its centre turning lane and bike lanes.

The proposed development at #1339-1347 Commissioners Rd. W, runs counter to several of the City of London's plans and its directions established by the Mayor and Council, that is why amendments are being sought by the developers. To quote from the City's Official Plan ...

“to encourage infill residential development in residential areas where existing land uses are not adversely affected...”;

“the site or area is of suitable shape and size to accommodate medium density housing and to provide for adequate buffering measures to protect any adjacent low-density residential uses;

“traffic to and from the location should not have a significant impact on stable, low density residential areas.”

My specific comments, are around the issues of traffic safety, parking, the environment, quality of life and privacy. They are based on my understanding of the directions of three key plans for the City of London:

- *2030 London Transportation Master Plan: Smart Moves*
- *The City of London Official Plan and*
- *The London Plan including ReThink London*

1. Intensification and Traffic Safety

Intensification for the City of London is NOT my issue and is NOT disputed; my concern is the specific location and size of the proposed building, which increases density from 3 low-rise, family homes to a 5-storey, 34-unit building in the same location and its significant impact on traffic safety. Commissioners Rd W is NOT Wonderland, Oxford, Wharncliffe or any other 4-6 lane arterial roads. It is two-lane road with a two-directional centre-turning lane, and bike lanes on each side of the road.

Already, within a distance of 300 metres, (between the elementary school and Tim Horton's) there are approximately seven multi-unit residential complexes, plus the Byron Northview Public School and St. Anne's Anglican church, providing traffic entering and exiting Commissioners Rd. W., compounded by traffic in both directions using the Tim Hortons facility and drive-through. It is already a heavily-used road, particularly at commuting times. Parking on both sides of the street in the Byron business area complicates the traffic problem.

As the traffic increases on Commissioners Rd. W., residents are taking unnecessary risks entering Commissioners Road to travel east and west. Every day drivers can be seen attempting to merge into a gap opportunity in the traffic flow. Currently, vehicles accelerate from the traffic lights at the Hall Mills Road intersection, moving west along Commissioners with higher speeds reached in the subject areas.

There is a large component of seniors living in this area. Reaction times are slower with older drivers – a challenge as drivers attempt to merge into the flow and to cross the flow to go in opposite direction.

This traffic issue is further compounded by the traffic into Tim Hortons and the constant spillover and backup onto Commissioners. In the year 2000 residents (and Council) were correct in forecasting the traffic problems with the construction of this Tim Hortons business. This section of Commissioners Rd. W is not even listed in the lists of the Master Transportation Plan expansions. (*Smart Moves: A new mobility transportation plan for London.*) The planners obviously determined that it is NOT possible/necessary to improve or expand the road in this area.

Current traffic turning into the Church parking lot for the Byron Northview Public School drop off and pickup, as well as throughout the day with users of the various church programs, clash with cars turning into the complexes at #1337 and #1331. If yet another complex with multiple cars turning is added, this is an accident waiting to happen. The new building at #1355 has already added to the density and traffic turning in and out of the driveways. To add yet another multiple user driveway, directly adjacent to #1337 will exacerbate the situation.

Please consider the growing traffic issue on this two-lane road with any intensification plan. Infill is an admirable goal but there are some arterial roads more suited than others for some intensification projects.

2. Parking

The proposal includes an underground parking garage with space for 44 vehicles, plus two aboveground accessibility spaces. Where are the above-ground spaces for quick deliveries/ short-term needs? Already the Byron Woods driveway is used for deliveries to the three existing houses.

A building of this size will require a construction force. Where will the workers park? Where will the construction equipment and materials be housed? The nearest large location is St. Anne's Anglican church on the south side of Commissioners Rd opposite the proposed site. However, the church parking lot is already used heavily early in the

morning and mid-afternoon by parents dropping off/picking up children for Byron Northview Public School.

Heavy construction equipment and young children is not a healthy mix. During the day the St. Anne's church has activities, many of which are with seniors. Where will the users of the church park?

3. Trees and the Environment

"The decisions we make are environmentally responsible for today and sustainable for tomorrow. We are a community that is growing but understands it must take a careful and balanced approach to preserving and protecting our natural environment..."

"A cohesive landscape design should demonstrate how existing trees are protected and proposed landscape design integrates this project into its context with the community and adjacent "natural" environment essential to our prosperity, sustainability and quality of life". – London City Council's Strategic Policy

The Thames Valley Corridor Plan recommends that more emphasis is needed on protecting our natural heritage rather than allowing things like infrastructure, residential encroachment, lack of stewardship, and fragmentation to occur.

In the current location of the 3 houses, many mature trees, some 40 plus feet high exist. In the new development proposal, there is no designated plan to replace these mature trees. New plantings are shown on the west and south side of the building but none on the north or the east side or on the interior property. Not only does this run counter to the Mayor and Council's own strategy of planting NEW trees, worse it destroys well-developed mature trees and the advantages given by such cover with natural sound absorption, the cover for bird life, shade, the production of oxygen, and the protection of privacy. This natural buffer would muffle noise from the parking garage adjacent to the homes at #1337 Commissioners Rd W, specifically for units # 18-17-16, 15 which are mere metres away from the entrance to the underground garage.

You will see from the photograph below taken on the west side of 1337 Commissioners Rd W., the importance of mature trees, separating the apartment building at #1369 Commissioners Rd. W. from the townhouse complex. I believe that the lack of planned mature tree replacement on the north and west side of the project is counter not only to City goals, but is also poor environmental management for an established area of the City.

With any future project I would suggest that a natural high barrier be planted to achieve all three objectives of privacy, noise absorption and environmental friendliness, supportive of the Mayor's goal of one million trees.

The key points are to plant more, protect more and maintain better.

Figure 1
1337 Commissioners Rd. facing west toward the 4-storey building at #1369
Commissioners Rd W.



4. Quality of life

The term '*quality of life*' is inherently ambiguous, as it can refer both to the experience an individual has of his or her own life, and to the living conditions in which individuals find themselves. Encyclopedia Britannica.

Quality of life is a very subjective concept, and one in which certainly the profit interest of a developer will clash with seniors living out their retirement in their dream home. No one denies a businessman the right for profit making, but there has to be a balance with the quality of life for those most affected. London has prided itself on developing a community compassionate city mindful of all groups including the seniors.

5. Privacy

The introduction of a five-story, 34-unit building within close proximity impacts the privacy of the existing condominiums at 1337 Commissioners Rd West. Privacy, as with quality of life, may not be high in the priorities of a developer, but they are qualities that distinguish a caring community from one that is building maximum density living accommodation to fit the equation of maximum profit.

Beyond choosing an alternative, and in my opinion, a much more suitable location, I submit that there are options to mitigate the disruption. The screen of tall trees on the north and south side would help. A smaller building with better setbacks would help. Such a natural tree buffer, with reduced heights and setbacks, would be aesthetically pleasing and an additional attractive feature of the development for prospective tenants.

CONCLUSION

This over-sized infill project imprinting into a small physical space is analogous to forcing a large square cork into a small, round bottle, or shoe-horning Cinderella's stepsisters' large feet into her small glass slipper. It is just a bad fit.

This is by no means a Not-in-my-back-yard (NIMBY) response. I recognize and welcome newcomers from around the world to experience the same freedom and opportunities that are available to others here, and, in particular, to the most fundamental right of housing.

However, I do believe that intensification decisions have to be made wisely as the London Plan states: ***"This is not to say that infill and intensification is appropriate everywhere"***.

Please reconsider this proposal, approve a building within the current guidelines of the City's plan, with appropriate heights, adequate setbacks, and larger natural barriers. Protect the privacy and minimize the potential noise impact for those living in the townhouses on the north and east side of this proposed building.

Consider the future implications for the escalating congestion on Commissioners' Road W., Byron

Thank you for your consideration of my concerns.

Sincerely,
Edith Hopkins
18-1337 Commissioners Rd, West
COPIED TO: Barb Debbert, City Planner

.....
From: EDITH HOPKINS [mailto:]
Sent: Sunday, September 15, 2019 4:38 PM
To: Hopkins, Anna <ahopkins@london.ca>
Cc: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] 1339-1347 Commissioners Rd. West, File #0-9082 and Z-9081

Dear Councillor Hopkins

I am in receipt of the Notice Of Planning Application: Official Plan and Revised Zoning By-law Amendments for 1339-1347 Commissioners Road West.

In this notice there are revisions to the proposed site concept that include "shifting the building to the west to accommodate landscaping along the east property line and increasing the building height by approximately 1 metre.

IF this project goes ahead, it is important to have buffering on the north and east sides of the proposed building to shield the existing condominium complex at 1337 Commissioners Road West.

This necessary buffering should be adequate to deal with noise issues, lighting spillover, security and the protection of privacy.

I am unclear from the landscape plan dated September 5, 2019 what type of landscaping is being planned. It appears to be primarily ornamental trees and shrubs, which only provide decorative value.

Could you clarify the following for me:

Is there a consideration for high, fast growing coniferous trees on the north and east side of the project?

Will the plan also include high, sound-limiting fencing on the north and east side?

Could high, coniferous trees, and high fencing be installed ahead of construction, thereby shielding current residents immediately from the noise and dust?

If the project is approved, will these concerns and suggestions only be dealt with at the Site Planning stage?

If so, will current residents significantly impacted by this building, have an opportunity to request appropriate shielding?

Many thanks for your consideration of these questions.

We look forward to seeing you on Thursday, September 19 at 9.30 a.m. at 18-1337 Commissioners Rd. West for a site tour.

Sincerely,
Edith Hopkins
Unit #18, 1337 Commissioners Road West.

.....
(from Byron Woods Condo Board co-ordinating subcommittee – summary of residents concerns, via email from Edith Hopkins September 15, 2019)

September 18, 2019
To: Councillor Anna Hopkins
Copied to: Barb Debbert, City Planning
Re: Proposed Apartment Building
1339-1347 Commissioners Rd West

Dear Councillor Hopkins:

As one of the coordinators of our condominium members' concerns about the construction of a 5-storey building to the west and south of Byron Woods, 1337 Commissioners Road West, I have summarized concerns and suggestions (if this project goes forward). Here is a summary of their concerns and suggestions:

CONCERNS:

1. Traffic congestion and safety

- Two land road, bike lanes, Tim Hortons drive-through, two-directional centre turning lane, church uses, elementary school, drop-offs/pickups of children, seven multi-residential complexes all within 300 metres of proposed building, two exit/entry driveways side-by-side

2. Parking

- No allowance for above-ground short-term needs (beyond loading and two visitors' spots), private Byron Woods complex will be used for these needs.

3. Buffering

- Design has not included any buffering on north and east side of project. Existing fencing is not adequate to deal with noise, lighting issues, lack of privacy, security.

4. Architectural Continuity:

- Comparisons to the newly building 5-storey building at 1355 Commissioners' Rd. W do not recognize that there did exist an apartment building behind the site. There is little recognition that the single-story condos to the north and east of this site are significantly and adversely affected.

5. Environment

- All mature trees on this site will be removed with no indication of a plan to replace; may be considered at Site Plan stage which will be too late to recognize a problem, potential damage to condo trees

6. Bonussing

- 10% of the bonusable units, and a small outdoor amenity area do not compensate for the impact on the current area residents.

7. Quality of Life

- Too much building in too little space, effect on property values, trespassing, security, poorer view

SUGGESTIONS (IF PROJECT MOVES FORWARD)

- Smaller, lower building
- Reposition building for driveway/entrance on west side, including garbage disposal
- Higher fencing, sound barrier type

- High evergreen trees
- Reduce outdoor lighting
- Add security cameras
- Add outdoor parking spaces for short-term parking needs

Edie Hopkins
Unit #18

.....
(from Glen and Maxine Emmerton via email from Edith Hopkins, September 16, 2019)

September 2019
RE: Proposed Apartment Building, 1339-1347 Commissioners Road West
File# 0-9082 and Z-9081

CONCERNS

- Extra traffic - we already experience very heavy traffic on Commissioners with commuters, school, church and Tim Hortons, this will add to it
- Driveway - apartment driveway right beside ours will make it more difficult to get out
- Mature trees - loss of the mature trees providing cover for units 15-18
- Noise - traffic getting to underground parking
- Privacy - balconies facing north looking down on units 15-18
- Deliveries - trucks using our driveway to make deliveries to apartment building
- Visitors - with little apparent visitor parking they might use ours

CRITICAL CHANGES / INCLUSIONS IF PROJECT MOVES FORWARD

- new higher fence along our driveway and back of 15-18
- tall tree cover along fence 15-18
- driveway changed to west side of building (there would be a green buffer between the two apartment driveways)
- provide spaces for visitor parking and delivery trucks

Glen and Maxine Emmerton
Unit # 7-1337 Commissioners Rd. West

.....
(from Virgil Gingrich via email from Edith Hopkins, September 16, 2019)

September 2019

RE: Proposed Apartment Building, 1339-1347 Commissioners Road West
File# 0-9082 and Z-9081

I am a preacher/professor, not a negotiator! For quite a few years in Ottawa, I preached to Sunday morning audiences of 750, but now it is difficult for me to express myself fluently, so will leave the presentation to others who are more eloquent.

We moved here over 12 years ago, because it seemed to be a quiet, peaceful, lovely place in which live our senior years. But now there is to be built a big, 5-storey monstrosity not far from our rear decks. All that peace and quietness will be gone when the construction takes place over the period of a year or so. And all that noise and dust! It will really be bad for our 4 units that are adjacent to the property line! It is outrageous, unfair and unacceptable!

With their exit/entrances right next to ours, it will be difficult and dangerous, especially with all of the Tim Horton's traffic.

When I spoke to the gentleman who lead the meeting in June he said dismissively that “those condos should never have been built there, in the first place!” Well, they were built and we bought them- planning to live and die here. I am now 89 years old and my wife is in long-term care.

There is no doubt that if this building is erected, it will have a negative effect on our property values.

There seems to be no sympathy or compassion for our potential loss in all this!

(If this project moves forward) Changes I would like to see:

When the 5-storey building was constructed to the southwest of us there were no 1-storey condos immediately behind it. There was rather a 4-storey apartment building. I think they should reduce the height of the building to 3 or 4 storey building.

On their site plans there seems to be trees planted in the ‘5 circles’ and ‘10 circles to the south and west. Couldn’t they do the same with the north side?

And the ‘temporary garbage disposal’ right next to the property line is unfortunate. Could some other place be found for it, not so close to us? And what is the danger of rodents?

(Signed) Virgil Gingrich
Unit #17
1337 Commissioners Rd. West

.....
(from Edith Hopkins and Stan Squires via email September 24, 2019)

Subject: Proposed Official Plan and Revised Zoning Amendments for 1339-1347 Commissioners Rd; File: # O-9082 and # Z-9081

Dear Ms. Debbert:

Further to our formal submissions of July 15th and July 17th, we would like to respond to the Official Plan and Revised Zoning By-law Amendments, received on September 13, 2019. As representatives of the Byron Woods Condominium Board, we are summarizing our continuing concerns and those of the condominium members surveyed in early September.

Firstly, we appreciate the revisions that reflect the addition of two visitors’ outdoor parking spaces, and the shifting of the building west to accommodate landscaping along the north and east property line as denoted in the Landscape Plan of September 5,2019.

What continues to be of primary concern with this landscaping plan is that it does not plan for high **perimeter buffering to protect against noise/light spillover and invasion of privacy**- only ornamental shrubs/ grasses, small trees, and raised flower beds are described. We would like to see high coniferous trees and the continuation or replacement of the current high fences to protect the already-established, neighbouring, 20 -year old, one-storey condominiums.

The proposed revised landscaping to the north side of the proposed building reduces the width of the entrance/exits to the underground parking garage. Is this change adequate for vehicles, and is enough width provided for the turnaround of large vehicles?

We are aware that the issues of landscaping, lighting, fencing will be dealt with in the Site Planning process, but what is/is not feasible may affect overall amendment decisions and should be considered before a final decision is made.

In addition to landscaping and other privacy buffering needs, we wish to re-emphasize our continuing concerns about **traffic safety**. While we recognize that the installation of crosswalk traffic signals for the Byron Northview School will assist with the safety issue related to the school, the proposed new driveways abutting the driveways to the east [Byron Woods townhouses, 1337 Commissioners Road W], with two-way, full-turn driveways will introduce additional traffic safety hazards.

There is one shared turning lane on Commissioners Rd, allowing turning in two directions simultaneously, already creating a hazardous condition as parents turn into St. Anne's Church parking lot on the south side of Commissioners Rd to drop off/ pick up children from Byron Northview elementary school, as others use the turning lane to pass the congestion created by Tim Hortons customers, and as residents attempt to turn into their townhouses/apartments. There are cycling lanes on both sides of Commissioners' Rd. The addition of this 5-storey, 34-unit building adjacent to the 1337 Commissioners Rd West complex with two entrance/exit driveways, side-by-side, with minimal separation, onto a busy road with an immediate two- directional turning lane, bike lanes, and Tim Horton's congestion escalate an already unsafe traffic situation.

Lastly, The Thames Valley Corridor plan recommends that more emphasis is needed on the protection of our **natural heritage** rather than allowing things like infrastructure, residential encroachment... to occur. In the current location of the three houses, many mature trees, some 40+ feet high exist. All of these will be lost, replaced by ornamental shrubs/trees/grasses/raised flower beds.

Intensification and affordable housing needs in this growing city and the guidelines of the Official/London Plans are understood but we ask why it is necessary to approve this amendment and not go forth within the current guidelines and seek gentler intensification.

In summary, to quote from the values in the 1989 Plan, London Plan and Rethink London:

- *"While it is recognized that there may be redevelopment, infill, and intensification in some established residential neighbourhoods, higher intensity land uses will be directed to locations where the character of the residential area is enhanced and existing land uses are not adversely affected."*
- *"Think sustainable – Financial, social, and environmental sustainability will be an underlying consideration in all of the planning that we do."*
- *"A sustainable or resilient London – one where environment, economy and community are considered equal. This is referred to as the "triple bottom line". ...Combined, these efforts will result in a more resilient City, able to respond to changing environmental pressures, to changing economic pressures and to the strengthening of neighbourhoods in London."*

We ask that you consider the following suggestions:

1. Approve a building within the current practices, with appropriate heights, adequate setbacks, and larger, natural barriers.
"Normally height limitations will not exceed four storeys and density will generally not exceed 75 units per hectare, with provision for up to 100 units per hectare with bonusing."
2. Do not allow bonussing consisting of three affordable units, and a small passive outdoor green space override the City's current plans and zoning bylaws. (Underground parking is a necessity, not a bonus as the site is too small to allow for substantial above-ground parking.) The bonusable features are not commensurate with the increase in density and height sought for the subject lands. The newly-constructed building at 1355 Commissioners Rd. West should

not be seen as a precedent as it has been built in front of an existing 4-storey apartment building and two-storey townhouses.

3. Protect the privacy and minimize the potential noise and lighting spillover impact for those living in the townhouses on the north and east side of any proposed building.
4. Resolve the traffic safety issues on Commissioners Rd. West.

If these recommendations are implemented, it will be a win-win-win: developers will realize their profit, the council will fulfill its intensification and affordable housing goals, and current residents will maintain some privacy, green space, and road safety.

Thank you for your consideration of these concerns and suggestion.

Sincerely,
Edith Hopkins/ Stan Squires, #18-1337 Commissioners Rd. West

Agency/Departmental Comments

Urban Design (September 9, 2019)

- Urban Design staff commend the applicant for incorporating the following into the design: Providing a five storey residential apartment building that is in keeping with the vision of the current Official Plan as well as the London Plan; Locating along the street frontage with a reduced front yard setback; Providing for a continuous street wall along the Commissioners Road frontage; Providing for appropriate scale/ rhythm/ materials/ fenestration; Incorporating the majority of parking underground, away from the street frontage; and Providing active ground floor uses with transparent glazing and principles entrances facing the street creating an active edge.
- Urban design staff have been working closely with the applicant through the rezoning process to address many of the design concerns that have been raised by the community, the Urban Design Peer Review Panel (UDPRP), and City staff. There are several items that have been identified by staff, the UDPRP and the community to be further reviewed through the site plan process including; garbage location, increased east side yard setback of the building, and increase in landscape buffering along the north and east property lines.

Urban Design Peer Review Panel (June 19, 2019) – see Appendix E for UDPRP comments and the applicant's reply

Site Plan (August 29, 2019)

- Based on the tree spacing requirements of the site plan control bylaw, I would suggest that enhanced landscaping would be elements incorporated into the site beyond the standard 1 tree per 12 m of frontage and 1 tree per 15 m of interior and side yard length. It appears that the tree placement in this case would exceed the minimum requirements. Although I would suggest that the plan south side (interior side yard) should be a minimum 3.0 m.

Parks Planning (August 15, 2019)

- Parkland dedication in the form of Cash-in-lieu of parkland will be taken at the time of site plan approval.
- A tree preservation report will be required as part of the site plan approval process.

Engineering:

Transportation (August 21, 2019)

For consideration of the Zoning By-law Amendment Application

- The Institute of Transportation Engineers (ITE) Trip Generation Manual indicates that a midrise apartment building (between 3-10 stories) with 34 dwelling units will generate 7 vehicle trips in the PM peak hour and 2 vehicle trips in the AM peak hour. The existing Annual Average Daily Traffic (AADT) on Commissioners Road West at this location is 16,500 vehicles, indicating there is capacity on the roadway to support additional traffic generated from the proposed development.
- The area is well served by transit, cycling facilities and walking.
- Additionally staff reviewed the collision history to review the safety performance of Commissioners Road in this general location, staff noted 10 collisions in the past 5 years (8 property & 2 injury) based on the road classification, and volume of traffic, Commissioners road is performing as expected to slightly better than expected in comparison to similar roadways within the City. The small increase in traffic is not expected to negatively impact the safety performance of the roadway.
- The existing two way left turn lane provides for appropriate access to this development.
- The access arrangement will need to comply with the City's Access Management Guidelines as it relates to design.
- Transportation will look for opportunities through the site plan process to provide for greater separation between the existing driveway located to the east of the site and the proposed driveway.

For consideration at the site plan approval stage:

Transportation has reviewed the application and provides the following comments:

- Road widening dedication of 18.0m from centre line required along Commissioners Road West
- The easterly access will need to shift to the west so as not to encroach into the existing easterly neighbour's driveway
- Detailed comments regarding access design and location will be made through the site plan process
- Relocate sidewalk to standard location

Sanitary Engineering comments (September 4, 2019)

For consideration at the site plan approval stage:

The municipal sanitary sewer available for the subject lands is the 525mm dia trunk sanitary sewer on Commissioners Road West.

- The Applicants Engineer is to size a sanitary p.d.c. to City Standards, and all to the satisfaction of the City Engineer.

Stormwater Engineering Comments (August 30, 2019)

For consideration at the site plan approval stage:

- According to as-con 26451, the site does not appear to have a PDC connection to the 600mm on Commissioners Road West, and as such the applicant is to submit hydraulic calculations (storm sewer capacity analysis) to demonstrate that capacity of the sewer system to service the site is not exceeded and that on-site SWM controls will be designed to the satisfaction of the City Engineer. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, etc.

Stormwater Engineering Comments from formal Pre-consultation (March 4, 2019)

The Stormwater Engineering Division staff have no objection to this pre-application.

For the benefit of the project, please ensure the applicant is informed about the following SWM issues/requirements to be considered by the applicant's consultant engineer when preparing the stormwater servicing strategy for this land during the development application stage:

Specific comments for this site

- There is an existing 600mm municipal storm sewer to service this site on Commissioners Road West.
- As per attached as-constructed 26444, the site at C=0.50 is tributary to the existing 1200mm storm sewer traversing Halls Mills Park. Any changes in the C value of 0.5 required to accommodate the proposed development will trigger the need for hydraulic calculations (storm sewer capacity analysis) to demonstrate that capacity of the sewer system to service the site is not exceeded and that on-site SWM controls will be designed to the satisfaction of the City Engineer. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, etc.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution and rationale about the following points:
 - Description of relevant site features, including topography and surface water drainage, regional overburden geology, regional hydrogeology, and proximity to nearby natural heritage features (e.g., stream, ponds, wetlands, woodlots, etc.).
 - Advancement of boreholes at the site, including the installation of a minimum of one monitoring well.
 - Infiltration measurements from areas within the Site using standards infiltration/percolation testing methods (e.g., Guelph Permeameter Test, Double-ring infiltrometer test, etc.).
 - Description of the measured relevant site hydrogeological information, including aquifer properties (e.g., hydraulic conductivity) and static groundwater levels.
 - Establishing seasonal fluctuations in water levels, including capturing a representative seasonal high elevation. Note that the use of borehole and/or test pit observations to establish both static water levels and potential seasonal fluctuations is not standard practice.
- Additional SWM related comments will be provided upon future review of this site.

General comments for sites within Downstream Thames Subwatershed

- The subject lands are located in the downstream Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Downstream Thames Subwatershed Study that may include but not be limited to, quantity/quality control, erosion, water balance, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained

on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.

- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Housing Development Corporation (September 16, 2019)

Background:

Housing Development Corporation, London (HDC) was engaged as a third party to support information, facilitate negotiation, and assist in the provision of a fair recommendation to City of London Development Services in response to Official Plan and Zoning By-law amendment applications for the subject lands that include a request for increased height and density (“bonusing”) in return for the provision of affordable housing.

Requested Official Plan and Zoning By-law Amendments:

The purpose and effect of the amendments requested by Milan Starcevic (the proponent) is to provide for the development of a 5 storey, 34-unit residential apartment building on lands known municipally as 1339 - 1347 Commissioners Road West. The development concept further anticipates 44 underground parking spaces and 2 (barrier-free) surface parking spaces.

The details of the requested Official Plan and Zoning By-law amendments, including the identification of facilities, services and matters of public benefit, are identified in the proponent’s June 2019 Planning and Design Report (prepared by Zelinka Priamo Ltd.).

To provide for the increased height and density sought, Zelinka Priamo Ltd. has engaged in discussions with HDC to facilitate the provision of affordable rental housing units. This letter reflects the recommendation of HDC to City of London Development Services as fair consideration of bonusing for affordable rental housing.

RECOMMENDATION:

HDC would acknowledge the efforts and creativity displayed by the proponent in the negotiation of the elements to the Bonus Zone detailed below. The recommended bonus provides for multi-bedroom units, deeper levels of housing affordability, and the alignment of the bonus with populations in need of housing with supports.

Based on the review of the proponent’s proposed plans for 1339-1347 Commissioners Road West, it is the recommendation of HDC that the Director, Development Services advance the following requirements within the affordable housing bonus zone:

- 1. A total of three 2-bedroom units be considered for dedication to affordable rental housing in exchange for the granting of increased height and density. At minimum, two of these units are to be accessible and are to be located on the ground floor.**
- 2. “Affordability” for the purpose of any associated encumbrance agreement (see below) be defined as rents not exceeding 85% of the CMHC Average Market Rent, as defined at the time of occupancy, and where:**
 - i. Average Market Rent (AMR) of the affordable units be defined as the 2-bedroom AMR rate for the London Census Metropolitan Area by CMHC at the time of building occupancy;**
 - ii. the identified units may be constructed to a more modest level but within the Affordable Housing Size and Attribute Guidelines of HDC (see Attachment 2); and,**

iii. **the rents of the defined affordable units will only be incremented to the allowable maximum once per 12-month period in accordance to the *Residential Tenancy Act* or any successor legislation.**

3. **The duration of the affordability period be set at 15 years from the point of initial occupancy of all 3 designated affordable rental units. Sitting tenants residing in designated affordable housing units at the conclusion of the agreement would retain their security of tenure and adjusted affordable rents until the end of their tenancy. These rights would not be allowed to be assigned or sublet.**

These, and any other amended conditions to be confirmed by Municipal Council, need to be secured through an encumbrance agreement ensuring compliance and to retain the value of the affordable rental housing bonus Zone (at an estimated rate of approx. 50% of the construction cost of the affordable units) over the 15-year affordability period. An agreement would also address other conditions including tenant selection. Any such agreement to retain the affordable rental housing would be subject to terms defined by the City Solicitor and to compliance reviews and remedies similar to other affordable housing development agreements of the City and HDC.

In addition to the items to be secured through the encumbrance agreement identified above, HDC would recommend that the proponent be required to enter a Memorandum of Understanding with the City of London to align the bonus units with an identified population in need of housing with supports. Under the Memorandum of Understanding, the property owner/manager would retain final tenant selection noting compliance of any eligibility requirements that may be related to the subject units.

Rationale for Affordable Housing Bonus:

The London Plan recognizes that average market rent is out of reach for many Londoners and that housing affordability is one of the City's principle planning challenges. Accordingly, the Housing policies of the Plan identify affordability targets stating that planning activities will serve to provide for both a mixture of dwelling types and integrated mixtures of housing affordability. In pursuit of this goal, the policies of the Plan identify bonusing as a planning tool in support of the provision of affordable housing in planning and development proposals.

The subject lands (which include three single detached dwellings on individual lots of record) are located on the north side of Commissioners Road West, approximately 400 metres west of the Boler Road/Commissioners Road West intersection in Byron. The lands are embedded in an area characterized by a mixture of residential built forms including single detached dwellings, cluster townhouses and low-rise apartment buildings. The Planning Justification Report notes the proximity of a range of commercial, office, retail, institutional and open space uses to the subject lands. The lands are further served by public transit (Routes 5 and 17) and transit supportive infrastructure (sidewalks, street lighting, transit stops and bus shelters). Delineated on-road bicycle lanes along Commissioners Road West (affording direct connections to the City's multi-use Thames Valley Parkway system including the Downtown) also serve the site.

The locational attributes of the site directly align with the guidelines and considerations used by HDC to advance affordable housing. HDC would further note that a review of housing analytics from the Canada Mortgage and Housing Corporation (CMHC) indicate average apartment vacancy rates and rents in the defined southwest area of London demonstrating housing affordability challenges.

The recommended bonus zone is specific to the mid-rise apartment building identified in Attachment 1 and does not apply to any other development by any perceived similarity in lift or built form.

Conclusion:

The *Planning Act* provides municipalities the ability to advance public facilities, services or matters in exchange for additional height and density above existing zoning

permissions. The ability to utilize this important tool as a mechanism to advance affordable rental housing aligns with a critical need in London, noting that London is currently ranked 5th in Canada for the highest percentages of households in “Core Housing Need” in major urban centres. (CMHC, July 2018).

This recommendation recognizes Council’s expressed interest to seek “...options for implementing and coordinating [planning] tools to be most effective...” to “...promote the development of affordable housing in London”. (4.4/12/PEC, July 25, 2018)

HDC will be available to the Planning and Environment Committee and to Civic Administration to further inform this recommendation or respond to any associated questions.

Archaeology (August 19, 2019)

Archaeological Potential at the above properties is identified on the City’s 2018 Archaeological Mapping and includes both historic and indigenous potential encompassing the entirety of the properties.

We have no records in Heritage Planning of these properties being cleared of their archaeological potential.

- All archaeological assessment reports, in both hard copy format and as a PDF, will to be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.
- No soil disturbance arising from demolition, construction, or any other activity shall take place on the subject properties prior to Development Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

Archaeology (Updated September 20, 2019)

- I have reviewed the following and find the report’s analysis, conclusions and recommendations to be sufficient to fulfill the archaeological assessment conditions for the OP/ZBA and site plan applications (Z-9081, O-9082, SPC19-130):
 - *Stage 1-2 Archaeological Assessment of 1339-1347 Commissioners Road West, London, Ontario (P344-0344-2019), September 2019.*
- An Ontario Ministry of Tourism, Culture and Sport (MTCS) archaeological assessment compliance letter has also been submitted, dated September 20, 2019 (MTCS File # 0011443).
- Archaeological conditions can be considered satisfied for this application.

London Hydro

- These sites are presently serviced by London Hydro. Contact the Engineering Dept. for the new service that is required to facilitate the new buildings. Any new and/or relocation of existing infrastructure will be at the applicant’s expense. Above-grade transformation is required. **Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.**
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix D – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2014 (PPS)

Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 b)

1.1.3

1.1.3.1

1.1.3.2

1.1.3.3

1.1.3.4

1.4 - Housing

1.4.3

Section 1.6 – Infrastructure and Public Service Facilities

1.6.7.4

Section 1.7 – Long Term Economic Prosperity

Section 2.6 Wise Use and Management of Resources, Cultural Heritage and Archaeology

2.6.2

1989 Official Plan

General Objectives for All Residential Designations

3.1.1 ii)

3.2.3.2 – Residential Intensification, Density and Form

3.2.3.4 – Compatibility of Proposed Residential Intensification Development

Multi-family, Medium Density Residential Designation

3.3 - Preamble

3.3.1 - Permitted Uses

3.3.2 - Scale of Development

3.3.3 - Residential Intensification

3.7 - Planning Impact Analysis,

3.7.2 – Scope of Planning Impact Analysis

3.7.3 - Required Information

Heritage Resource Policies

13.2.3 – Alteration, Removal or Demolition

Implementation

19.4.4 – Bonus Zoning

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 55_13. Our Strategy, Key Directions, Direction #1 Plan Strategically for a Prosperous City

Policy 59_1, 2., 4., 5. and 8. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 61_10. Our Strategy, Key Directions, Direction # 7 Build Strong, Healthy and Attractive Neighbourhoods for Everyone

Policy 66_ Our City, Planning for Growth and Change

Policy 79_ Our City, City Structure Plan, The Growth Framework, Intensification

*Policy 83_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 256_City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 259_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

Policy 554_2. City Building Policies, Cultural Heritage, What Are We Trying To Achieve

Policy 608_ – 611_. City Building Policies, Cultural Heritage, Archaeological Resources

*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

*Table 11 Range of Permitted Heights in Neighbourhood Place Type

*Policy 919_ Place Type Policies, Urban Place Types, Neighbourhoods, Approach for Planning Neighbourhoods – Use, Intensity and Form

*Policy 937_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods

*Policy 939_ Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

*Policy 953_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

*Policy 1578_ Our Tools Planning and Development Applications, Evaluation Criteria for Planning and Development Applications

*Policies 1638_ to 1654_. Our Tools, Planning and Development Controls, Bonus Zoning

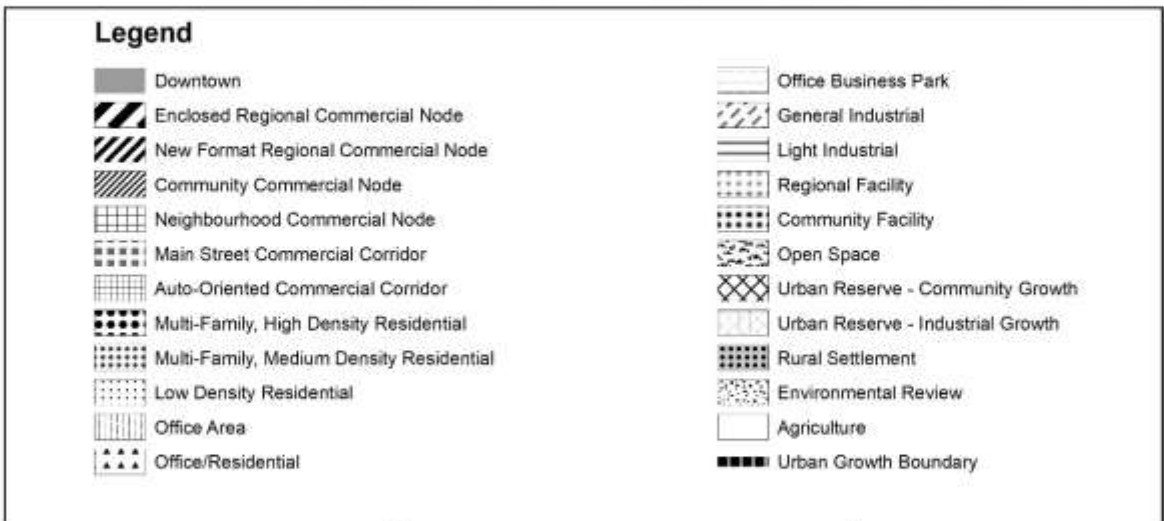
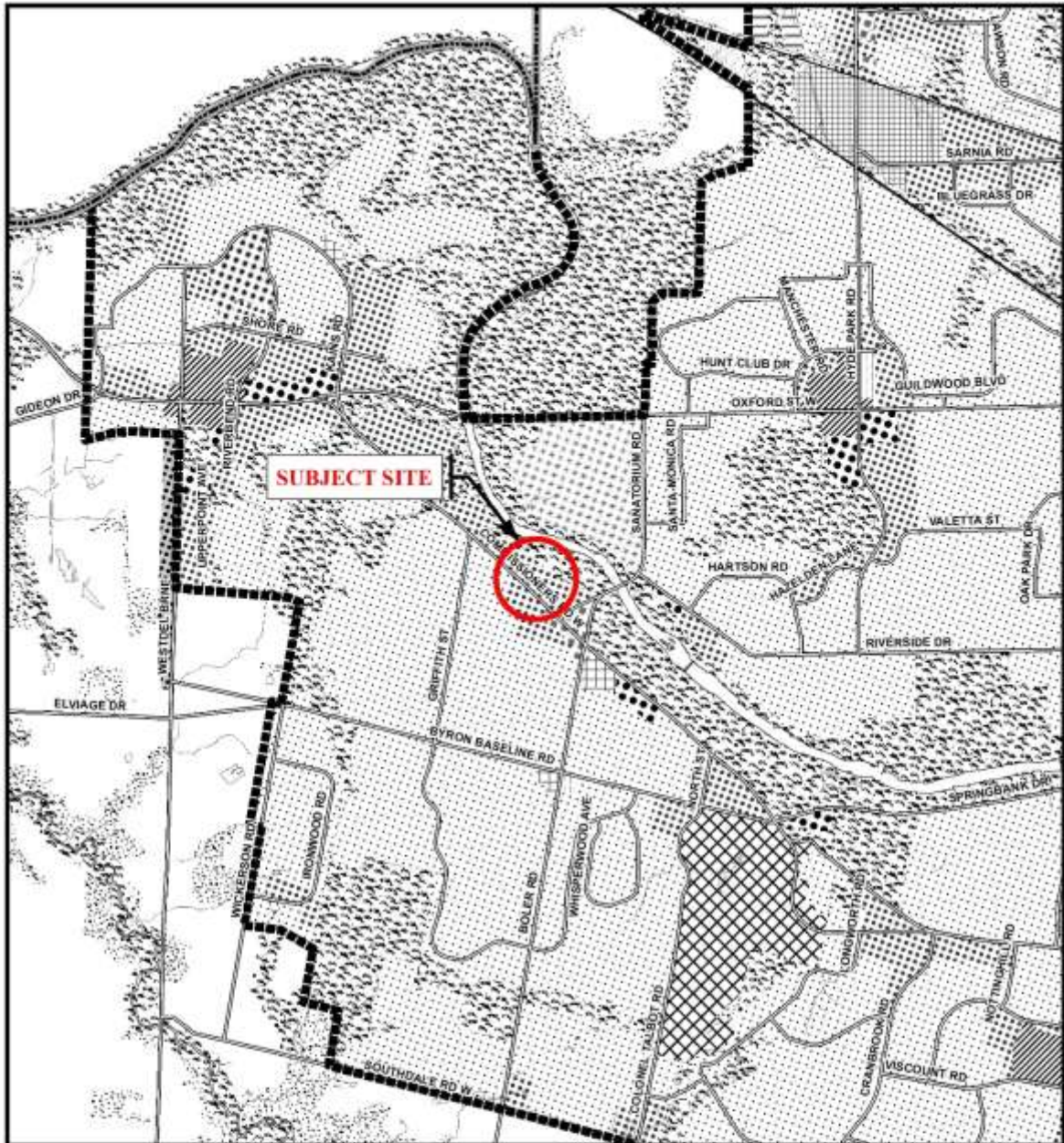
3.7 Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land use is an accepted use in the Official Plan, similar to other uses in the area, and contributes to a variety of housing forms within the neighbourhood.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	Due to the provision of underground parking the revised site concept achieves an intensity that allows for other on-site functions such as guest parking, emergency services and open space.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is no vacant land in the area already designated and/or zoned for the proposed use.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	The subject site is located just west of the Byron Village commercial area, is located directly across from an elementary school and a church, and is located in close proximity to the Byron River Valley Corridor as well as Halls Mills Park. Commissioners Road West is a major transit throughfare.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	The proposed development is in an area in need of affordable housing units and provides for three affordable units at 85% of the Average Market Rent for a period of 15 years.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The scale or height of the proposed apartment building on the adjacent single storey townhouse development to the north and east is mitigated by the proposed yard depths and building situation on the lot. Impacts on adjacent properties such as overlook, noise and light penetration would be mitigated through a combination of yard depth and appropriate space for landscape screening and photometric and noise analysis and mitigation at the site plan approval stage.
The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;	The proposed development does not provide for the retention of existing vegetation that contributes to the visual character of the surrounding area. Tree replacement measures are proposed around the periphery and internal to the site. Site concept revisions provide additional green spaces in which tree planting can occur.

<p>The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties</p>	<p>Transportation Planning and Design was circulated on the planning application and development proposal and is satisfied that driveway location and design can be addressed at the site plan approval stage. Commissioners Road West is a high-order street and is intended to move medium to high volumes of vehicular traffic at moderate speeds. The recommended amendment and total number of dwelling units (34) it could add along Commissioners Road West is not expected to affect capacity of Commissioners Road West in a significant way.</p>
<p>The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;</p>	<p>The applicant is commended for designing a 5-storey residential apartment building that is in keeping with the vision of the current Official Plan as well as the London Plan; Locating along the street frontage with a reduced front yard setback; Providing for a continuous street wall along the Commissioners Road frontage; Providing for appropriate scale/ rhythm/ materials/ fenestration; Incorporating the majority of parking underground, away from the street frontage; and Providing active ground floor uses with transparent glazing and principles entrances facing the street creating an active edge.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>No natural heritage features are present that will be affected by the proposed development.</p>
<p>Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;</p>	<p>n/a</p>
<p>Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and</p>	<p>The proposed form of development will be required to conform to the in force Official Plan policies and comply with the City's regulatory documents prior to approval of the ultimate form of development through the Site Plan Approval process.</p>
<p>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;</p>	<p>As discussed above, tree planting and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.</p>
<p>Impacts of the proposed change on the transportation system, including transit</p>	<p>The residential intensification of the subject lands will have a negligible impact on the transportation system.</p>

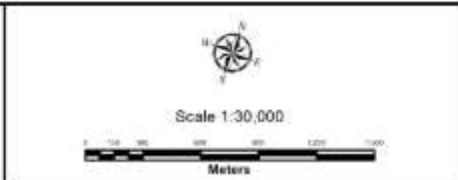
Appendix D – Relevant Background

Additional Maps

1989 Official Plan

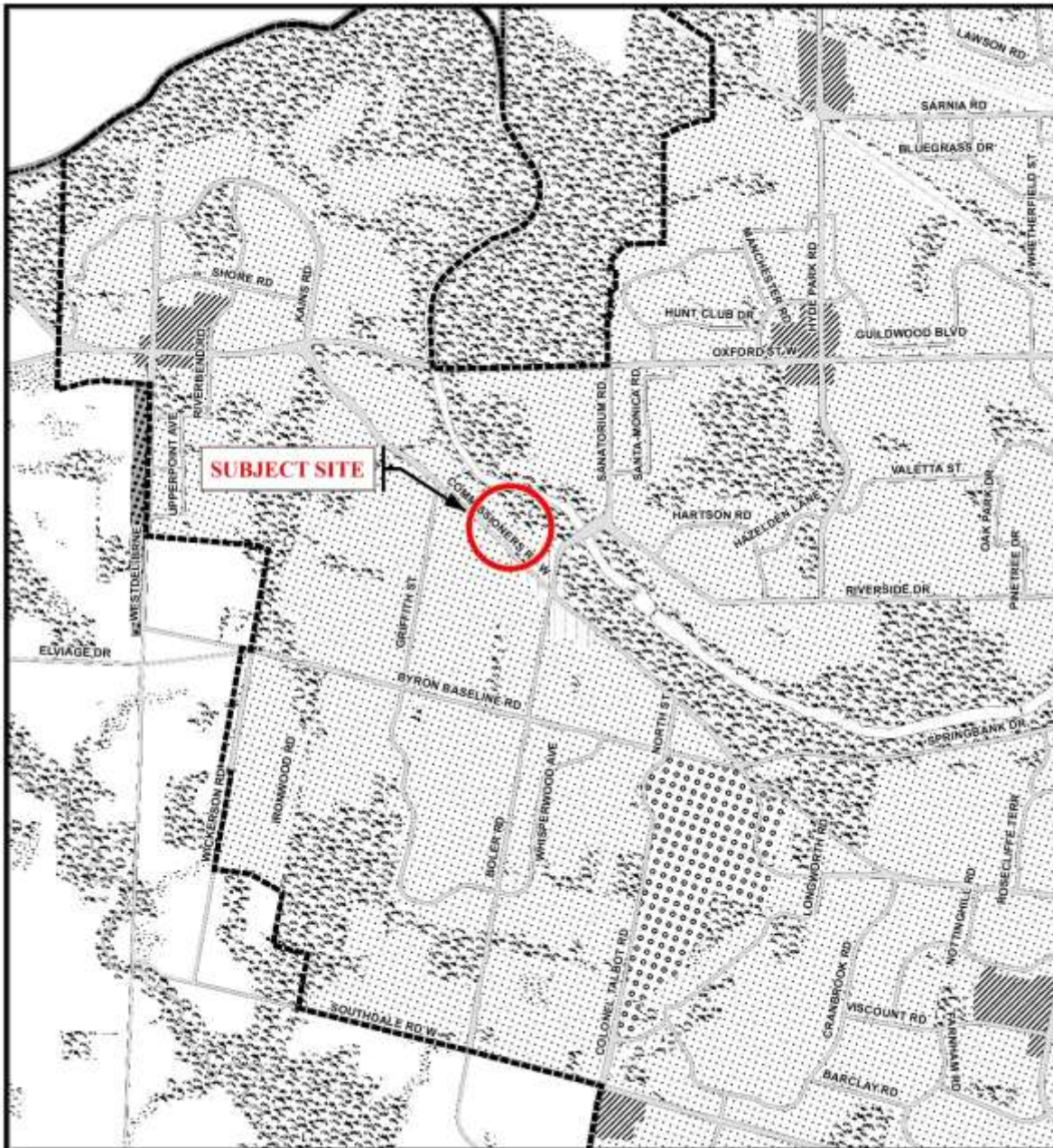


CITY OF LONDON
 Department of
 Planning and Development
OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9081/O-9082
PLANNER: BD
TECHNICIAN: DM
DATE: 2019/09/05

The London Plan



Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

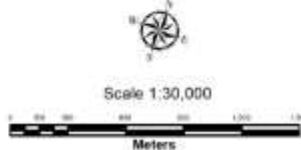
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
 Development Services

**LONDON PLAN MAP 1
 - PLACE TYPES -**

PREPARED BY: Planning Services



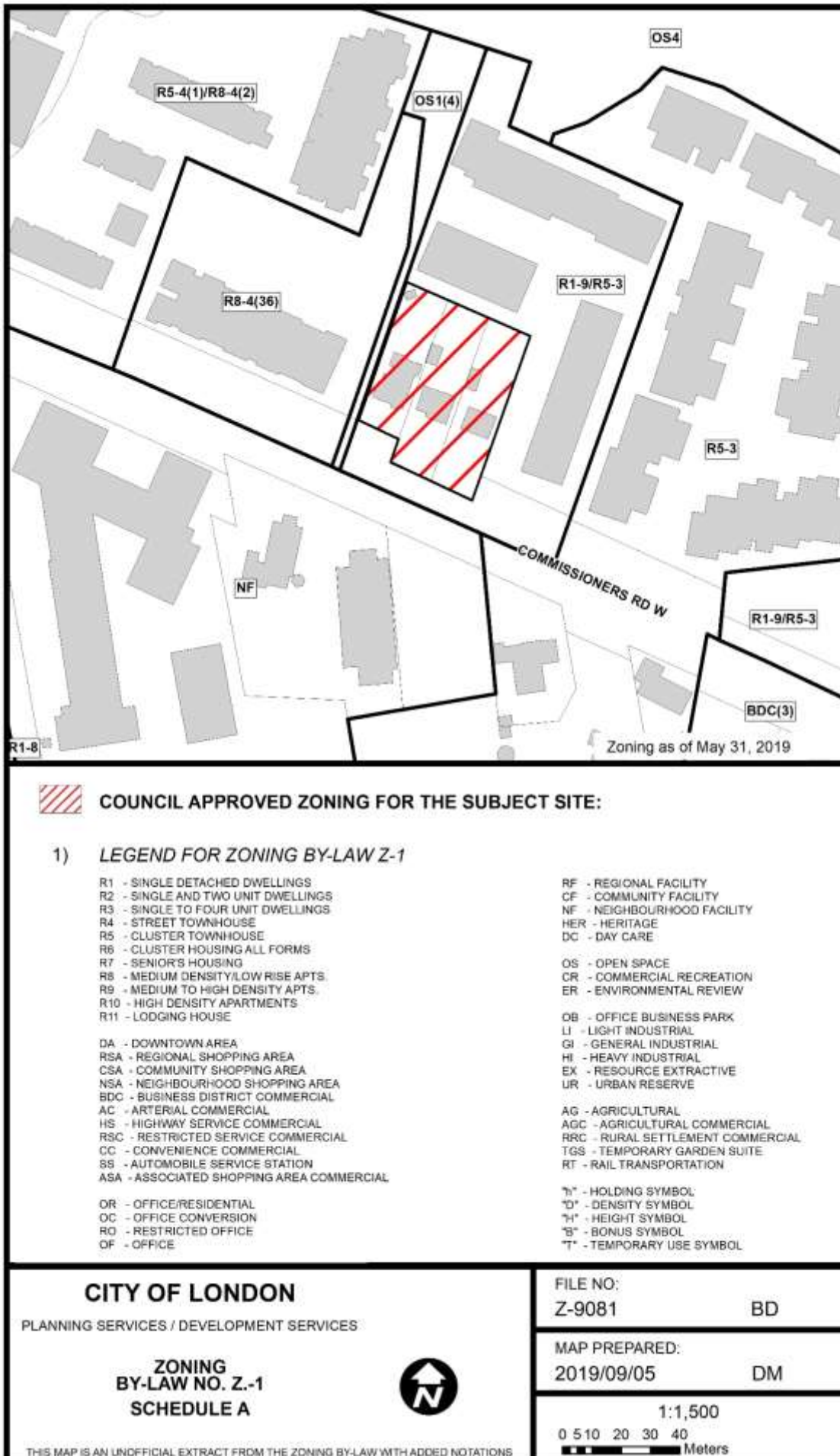
File Number: Z-9081/O-9082

Planner: BD

Technician DM

Date: September 5, 2019

Zoning By-law



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "H" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
 BY-LAW NO. Z.-1
 SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
 Z-9081 BD

MAP PREPARED:
 2019/09/05 DM

1:1,500
 0 5 10 20 30 40
 Meters

Appendix E –Urban Design Peer Review Panel Comments/Response

Urban Design Peer Review Panel Response (June 19, 2019)

Considering that the application a zoning by-law amendment, the comments provided herein are meant to inform the decision-making with respect to the zoning by-law amendment application, though detailed comments to inform the future Site Plan application(s) have also been provided for consideration. The applicant is encouraged to return to the Panel again through the site plan approval process when more details about the design are available for review.

The Panel provides the following feedback on the zoning by-law amendment application:

- The Panel commends the applicant for the placement and scale (similar to that of the new development to the west) of the building on the subject lands.
- The Panel commends the applicant for screening the parking area from view of the public realm (parking in rear and below grade).
- The east/west and north/south elevations have a very dissimilar look. The applicant should consider reviewing the glazing strategy to create a more cohesive look for the entire development.
- The current design calls for new trees to be planted on top of the underground parking level. The Panel suggests the applicant review the tree species and required soil depths necessary to allow the trees to survive.
- The Panel is supportive of the street trees and forecourt used on the ground level which will assist with the public experience as those on foot enter the development.

Concluding comments:

The Panel is supportive of the proposed development in terms of its proposed size, density and position within the subject lands. The Panel has offered feedback to ensure the applicants consider the holistic appearance of the exterior of the building. The Panel suggests that the applicant work closely with their Landscape Architect to select plantings, trees, and soil conditions that will support growth on top of the underground parking.

Starcevic Response to UDPDP Comments

Comment:
The east/west and north/south elevations have a very dissimilar look. The applicant should consider reviewing the glazing strategy to create a more cohesive look for the entire development.
Applicant Response:
This aspect of the design was considered during the design process and reconsidered after receiving comments. The intent of both elevation types is for the brick components to be read as piers; the narrow face oriented north south, thereby most open to the street and the interior private space of the property, with privacy from oblique views managed by the frequency and depth of the piers. The flanking east and west faces of the same piers are intended to be read as varying in depth depending on their location, providing more wall at the property lines, and to the almost direct views from traffic along Commissioners. The intent is that they are the same architectural and structural feature applied consistently in two orientations to achieve appropriate responses to the different aspects of the site. No change is proposed.

Comment:

The current design calls for new trees to be planted on top of the underground parking level. The Panel suggests the applicant review the tree species and required soil depths necessary to allow the trees to survive.

Applicant Response:

We have proposed to include, as an extension of the garden wall which encloses the grade level private terraces of the 2 grade level units, a raised planter. Please see revised site and landscape plan for locations. The planter would be insulated, and frost protected. The trees would be appropriately scaled for this application and pending further consultation with a landscape architect could include species such as; Japanese White Pine, Hornbeam or hedge Beech, flowering Dogwood and various ornamental fruit trees. The proposed trees are expected to reach a height of between 5 and 10 metres and provide an attractive privacy boundary for the property.