

From: ANDREA JOHNSON
Sent: Thursday, January 02, 2020 12:53 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Hamilton Road Corridor Project Concerns

I am the owner (Oct. 2016) and residential occupant (Nov. 2016) of 36 Pegler Street. This is directly behind the Mobil Gas Station, at 487 Hamilton Road. This is the second house I have owned, the first as the sole owner. My address is currently under review for heritage designation.

I am concerned about several of the proposals in the current plan. The City must address deficiencies in the current bylaws and code, as they are relevant to this project, as well as for other residences beside or behind a commercial lot. within the City of London

Residents who live adjacent to commercial property should have the same rights as other residential addresses to freedom FROM their commercial neighbour's activities. This includes a right to quiet enjoyment, privacy, safety, clean air, sanitation. At present the City of London's bylaws and code do not protect residential addresses that are adjacent to a commercial entity.

Proposed Height of Buildings:

There are currently NO 4 story buildings on Hamilton Road between Adelaide and Clarke Rd. The only buildings which approach this height are the church steeples and the waterpark structures. While the city desperately needs more affordable housing units - apartments in particular - 4 story buildings are out of scale with the existing late 19th and early 20th century buildings on Hamilton Road between Adelaide and Highbury. The inventory of heritage buildings with original features must be protected, and there should be incentives for their sympathetic upkeep and preservation. If the existing lots are too small to build commercial/apartment buildings on this corridor, well, there are plenty of vacant buildings on large lots (ie former Roast Buffet building at Hamilton Rd and Gore) where a larger 4 story commercial/apartment building would be a better and easier fit.

I lived on busy streets in major cities for a long portion of my adult life - Broadway and Vine in Vancouver, B.C (1993 - 98), King St. West and Strachan in Toronto (1998 - 2005) and St. Clair West and Oakwood in Toronto (2015 - 2016).

The traffic noise on Hamilton Road is exceptional, the loudest and worst of anywhere I have ever lived.

Is this due to the particular acoustics of the angled road, the building materials used, or the lack of enforcement for modified vehicles and aggressive driving ? The sound level is much worse in

summer, including blasting stereos and racing motorcycles. Developers may discover that they are unable to get a good return on their investment due to the extremely unpleasant aspects of living on or adjacent to Hamilton Road. Are there remedies for the noise, including strict enforcement, timed traffic lights that make street racing difficult, photo radar with fines, plantings and building materials that deaden and absorb sound ? Taller buildings with large windows will amplify and project the sound issues.

Residential neighbours who live adjacent to the proposed buildings will lose privacy in their homes and yards with several stories of windows(and balconies ?) over looking them.

New Zoning as it Pertains to Residences:

My address was inexplicably designated as Residential AND AC 4 and AC5 sometime in the 1990's. This house had never been the site of a business. To apply to get this zoning changed is cost prohibitive (\$ 12,000 !) and I have been told that changing this zoning designation is not relevant to the current plan or project. I am unclear as to whether the new zoning designation for residential addresses behind Hamilton Road commercial addresses will automatically receive the new BDC designation or if this only occurs if/when a Hamilton Road commercial property acquires the adjacent residential property. I have spoken with a variety of real estate appraisal professionals. For a residential address with dual commercial zoning, the fee for an appraisal jumps from about \$ 400.00 (for a house with only residential zoning) to about \$ 2400.00 for a house in my situation. This has negative implications for any residential property owner who needs an appraisal due to things like divorce, refinancing, being the executor of an estate, etc.

The proposed changes in zoning should not create headaches and extra expenses for the owners of modest homes in the the Hamilton Road Corridor. There are more residences than businesses in this corridor.

Pedestrian Safety:

The City of London appears to favour the rights of vehicles over the safety of pedestrians. An afternoon of observation and documentation would quickly reveal the amount of people who are running into traffic to cross Hamilton Road.

The large distances between signal crosswalks is challenging for anyone but an able bodied adult.

Demographics show this area has a large amount of people living at or below the poverty line. Many of these people do not have cars. There are schools in the area but no speed limits posted. Many pedestrians have young children, strollers, bundle buggies. There are pedestrians who are

elderly with walkers, are in wheelchairs or use mobility scooters. Most bus stops between Adelaide and Highbury do not have a crosswalk with a signal within a block of the stop. The lack of signal timing on traffic lights creates very dangerous and nearly impossible conditions for pedestrians to cross, even at corners. Aggressive driving in this corridor makes this even more dangerous.

The grading on Hamilton Road is terrible. Every local pedestrian can recount a time they were soaked by a large volume of standing water driven through at a high rate of speed by an oblivious driver. Trying to avoid this while carrying many pounds of groceries home from the bus stop is an unpleasant challenge.

The nearest grocery store on a bus route is located at Hamilton and Highbury. This is an extremely unsafe intersection for pedestrians at all of the corners.

The gas station at Pegler and Hamilton Rd is extremely dangerous for pedestrians. There are no raised curbs to direct the traffic flow. As many as six vehicles may be at the pumps at a time, all of which face out onto the sidewalk on Hamilton Road. The pump design, with the red lit bars, obstructs driver's visibility of pedestrians and oncoming traffic. There are advertising signs which further clutter the visual field. As there is no crossing signal at this corner, vehicles quickly pull into and out of traffic at a high rate of speed on Hamilton Road. Many gas station customers are not looking for pedestrians. There have been many fender benders and near misses at this corner. This is a tragedy waiting to happen.

Lack of Site Plan Review for Existing Buildings (My Case History as an Unfortunate Example):

When I purchased this home, it was next to Bart's Used Cars. Bart's sold a small amount of gas with two old fashioned pumps. They were open six days a week, 8 hours a day. The lot was sold and flipped by a gas station developer. Because the existing building was not demolished - only renovated - and there was no change of use, it was exempt from ANY site plan approval or review. I now live next to a 24 hour gas station with SIX pumps, with a convenience store. There are serious safety, light infiltration, noise, pedestrian safety, pollution, privacy, structural, crime, garbage and rodent poison concerns as a result of this development. These issues have an extremely negative effect on my property, and there is nothing I can do to mitigate them.

The City of London offers NO PROTECTION for a residence adjacent to a commercial property. This residential address predates any commercial development at 487 Hamilton Rd by at least 50 years. A visit and subsequent review from Site Planners prior to the site's renovation would have identified most or all of the issues before any redevelopment took place.

The lack of Site Planning Review permits a development like this - which was grandfathered in - to be exempt from requirements like buffer zones, raised curbs to direct traffic, locked enclosures for dumpsters, shielded lighting, etc.. This exemption affects area residents and other commercial operations by lowering permissible standards. This is egregious in already “blighted” areas.

While the station’s signage identifies it as a Mobil station, when I contacted Esso - who owns Mobil in Canada - I was told that Esso does not operate any Mobil stations. They are the responsibility of the “branded wholesaler” - the owner/operator of the station and convenience store. Therefore Esso/Mobil does not take part in any of the design or layout of the station, canopy, pump location, etc. It is my understanding that the entity who owns/operates this station is from Brampton. The owners have only an economic investment in the station but are not participants or residents within this community.

These are the issues which affect my property, and potentially any other residential property adjacent to a commercial address within the City of London:

Light Infiltration:

487 Hamilton Rd is on a higher elevation than Pegler street, which has a slight slope down, southwards. Due to the gas station’s higher elevation, my property has a severe amount of light infiltration from a lit canopy which is oriented towards Pegler Street - a very short residential street. An SUV or truck that enters from Hamilton Rd has headlights which directly shine into the living room windows of several residences, due to the pump orientation. This is unacceptable, and would have been avoided with professional layout and site planning. There are very bright unshielded lights over the tire compressor. Their glare makes visibility in my yard much LESS safe. My house is lit from my commercial neighbour’s excess and misdirected lighting from dusk to dawn every single night. It is bright enough to light the north rooms to the interior far south wall. When I attempted to address my concerns with the previous gas station manager, he told me that I should get “thicker curtains”.

At present London does not have any light pollution or nuisance lighting bylaws or code.

Fig. 1. The north side of my property showing the extent of the light infiltration from my commercial neighbour:



Fig 2 shows the headlights from an SUV at the gas station sweeping across my neighbour's windows, at 35 Pegler Street:



Privacy, Fencing and Structural Issues:

There is no bylaw which compels a commercial operation to erect an opaque and structurally sound fence, when they are located adjacent to a residence.

During the gas station's redevelopment I spoke to the workers and inquired about a fence. I was shrugged off and told there was no fence in the plans. I passed on my contact information to be given to the owner, but no one ever contacted me. When the gas station opened, there was the pre-existing 4' chain link fence, on top of a cement retaining wall. I hung canvas on this fence for some privacy during construction. Since there was no parking delineated, customers parked however. When they parked nose in, their headlights shone through the canvas privacy cloth, and directly through my dining room and kitchen windows (with opaque curtains). The gas station property is on an elevation approximately 48" higher than my backyard. Anyone in their parking area could easily see into my yard. After I contacted Esso regarding my concerns - the gas station manager banged on my door, and was angry that I had contacted Esso. He claimed that a taller fence would be erected. However - he suggested that I contribute \$ 2500.00 towards this fence ! I was never consulted about fence quotes. The manager hired a handyman type, not a professional carpenter, to build a 6' wood fence. The fence is very poorly built, crooked, and the posts are not even set. Some are attached to brackets, others to the previous chain link posts. Due to the concrete retaining wall being full of gravel and rebar, these brackets are not securely bolted.

During a wind the fence creaks and flaps. Despite my property being visibly much lower, there are no bollards to prevent a vehicle from backing through the fence and down into my yard. I contacted City of London's Property Standards and Building Code Division regarding the fence but received no reply to my emailed concerns.

- To build my own privacy fence I would either need to apply for a minor variance or break the City of London's Fence Bylaw to create a fence tall enough (10 feet measured from my yard) so gas station customers could not look over it. The current fence bylaw permits a tall privacy fence - but this must be 48" from the property line, which eats up a significant portion of my yard.

A residence next to a 24 hour business with vehicle traffic should NOT have to bear the costs for an opaque privacy fence. This should be the sole responsibility for the commercial neighbour. The City of London's Fence Bylaw does not even have a clause which addresses structural stability.

- The terrible fence was visible through my dining room, kitchen, back porch and (former bedroom) windows. It was very seasick looking. I spent hours cutting and sewing opaque covers for it, which are attached on my side of the fence. Even black plastic tarp is less awful to look at.

Fig.3 - the fence my commercial neighbour erected, viewed from my back yard:



Fig.4, the fence adjacent to my driveway, built by my commercial neighbour, after 6 months:



Garbage and Sanitation Issues:

Old Google streetview images show where Bart's Used Cars stored their garbage - in a small enclosure to the left of their mechanic's garage.

It can only be presumed - since the City told me they do not have Site Plans for this address since it was done prior to the 1970's - that this is where the Site Plan approved garbage bins to be located. The current dumpster location is in violation of this plan.

The Mobil station has a dumpster in plain view of area residents, visible from my front yard, within a few feet of the sidewalk, blocking the corner visibility triangle, in a location that is far from where it had been. This is particularly unpleasant in the summer when the contents STINK. Often the dumpster gets too full, then staff piles up bags of garbage BESIDE the dumpster. Gas station clients and other passers by also routinely dump trash here. Gas station staff have ignored these piles of trash for more than a week. Area residents and business owners have gone to the gas station to complain directly, and complaints have been made to the city. Other local businesses with dumpsters, like Tile Town and Enerzone do not have these dumping or maintenance issues.

While Site Planning requires dumpsters at places like the Argyle Mall to have locked 6' enclosures for their dumpsters - even though there are no adjacent residences within sightlines - there are no code or bylaw requirements for my gas station neighbour to have a locked enclosure - even with documentation of ongoing issues related to the dumpster and sanitation.

If there is no Site Plan on record for an older address, a new one should be created, including documentation including photos of the address as it was(available on Google Streetview). ALL Site Plans on record should be periodically reviewed for unauthorized changes by the owner/occupant.

Fig. 5: Stinking Garbage piled beside dumpster in Aug.2019



Fig 6: Garbage strewn around dumpster then frozen to the ground, March 2019



Fig. 7 : 2015 Streetview of 487 Hamilton Road. Garbage storage is to the left of the mechanic's bay, in the inset area:



Rodent Control and Sanitation:

This spring, the gas station installed rodent bait stations directly adjacent to my backyard patio area. I contacted Health Canada and discovered the bait stations contain Bromadiolone. This is a powerful anti-coagulant. Rodents that consume it can live for up to five days before dying a cruel death by internally bleeding to death. Any other creature - like an owl, hawk, cat, dog that consumes a contaminated mouse will also suffer an agonizing death without prompt and aggressive veterinary treatment. A commercial user is not required to post any signs warning area residents with poison identification. IF the gas station is having rodent issues - selling only pre-packaged foods in sealed containers - then this suggests that the issues lie with their handling of their clientele's garbage and station sanitation. As a pet owner, the poison bait stations make it unsafe for my pets to be in my own back yard. This is also very close to forested parkland area.

The City of London should not permit rodent bait stations to be used by a business adjacent to a residence. They should not be permitted close to parkland and areas with creeks and rivers, where wildlife live.

Chronic Noise Issues:

While the City of London has a noise bylaw, the lack of Site Plan Review offers no protection for a residential address next to a commercial operation.

A residential address is prohibited from using power tools from 10:00 p.m. to 7:00 a.m. (9:00 a.m. on Sunday). My commercial neighbour installed a tire compressor approximately 6 feet from the property line. This is audible in all of my rooms that face north. I contacted the City with regards to this, and was told that I would need to fill out a noise log with the times and dates when the sound was occurring before my complaint would be investigated. This is absurd.

A 24 hour business adjacent to a residential address should be legally compelled to observe residential noise bylaws.

Any exterior device that create noise - ie tire compressors, vacuum cleaners, etc.should either be shut off between 10:00 p.m. until 7:00 a.m. or be located where they cannot disturb adjacent residences.

While I do not hear the sounds from the gas pumps or convenience store, their customers and suppliers create ongoing noise. Loud stereos, arguments in the parking lot, idling delivery trucks, the thumping sound from the portals for the gasoline storage tank when they are driven over, angry shouts from tire compressor users, loud modified vehicles are all predictable sources of noise from a 24 hour gas station. A 1m buffer zone with plantings is not enough to dampen these issues.

The ongoing noise (and light infiltration) disturbed my sleep many times. In the middle of the night I had to open my window to shout at the gas station manager - having a loud conversation at 4:00 a.m. by the tire compressor - to SHUT UP. Eventually I moved my bedroom. In a house with limited space what this actually meant was that I had to move three rooms around, pay movers, hire an electrician, do extensive plaster repairs then paint these three rooms. In a house with sloped ceilings there are only a few places that things like tall bookcases will physically fit.

Hours of Operation, Social Issues and Crime:

The City of London needs an application and community review process for any commercial business that wants to operate 24/7 near residential property.

There should not be 24 hour commercial businesses in areas with known issues with crime, drug dealing and street prostitution. 24 hour businesses like call centers, dispatch operations, commercial bakeries, etc. do not have counter sales, constant vehicle or foot traffic. 24 hour manufacturing should only be permitted in areas where the sounds, vibration, odours, etc. will not affect area residents. 24 hour convenience stores, etc. create an attitude of “plausible

deniability” for johns who cruise the neighbourhood and pester girls and women, even those in their own front yards. Drug dealers, drug buyers and at least one drug house are also a problem in this vicinity.

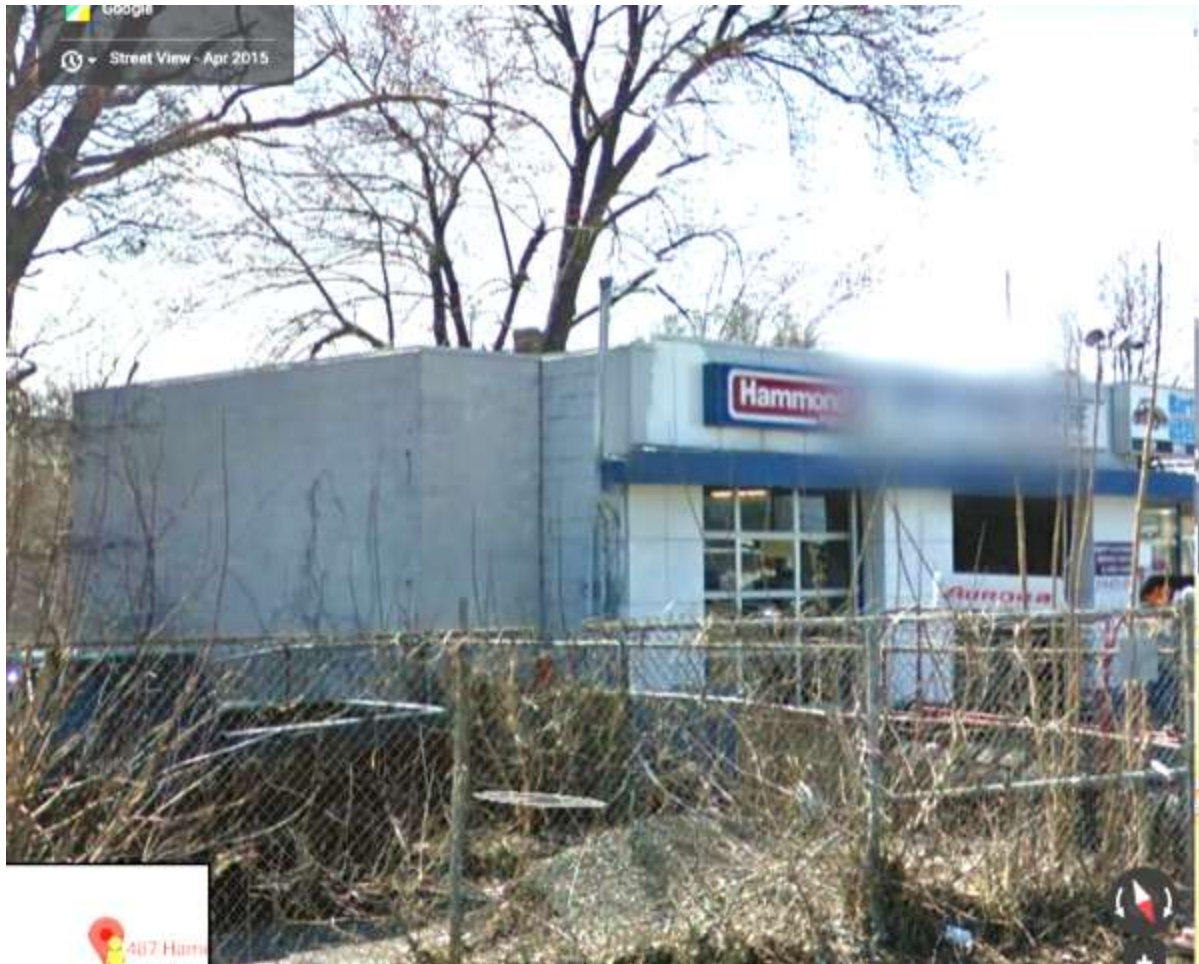
I would have never purchased property next to a 24 hr gas and convenience store. The previous business at this location was open 8 hours a day.

Air Pollution Issues:

Before I purchased this property I did some research about gas stations next to residences. There wasn't much information that was easily found.

The way that the 2016 lot was situated was with two old fashioned pumps close to Hamilton Road. Streetview Images of the address prior to 2018 show one vent pipe for the underground gasoline storage tank, situated to the northeast corner, very close to the parking lot for Enerzone. In the time I occupied my house, while the car lot was operating next door (Dec. 2016 - Jan. 2018), I smelt gasoline ONCE during a tanker refueling. This was on a day that renovations were happening in my kitchen, so we were in and out of the back door many times.

Fig 8: Vent location (single pipe sticking over roofline) in 2015:



The station was renovated in the spring of 2018. A new underground storage tank was installed. The vent pipes - three times as many - were now located 4 feet from my property line.

Fig.9 : New vent location (silver pipes to the left) in relation to my property:



Fig. 10 : Vent pipe location shown in relation to my doors and windows. Two doors and five windows face north. Four windows face west, as does the front door



While other municipalities have Gas Station Design Guidelines, London does not. I assumed there were laws or code that would protect a residence located near a gas station from negative issues, including air pollution. I was wrong.

The gas station opened at the beginning of July, 2018. I did not smell gas around the vent pipes (at this time I did not understand how the underground storage system worked) so I assumed this location was not a problem. During a tanker fill at the beginning of August I experienced my first serious gas vapour infiltration. I do not have AC, my windows were open. Suddenly in the afternoon, my 2nd floor began to strongly smell like gasoline. I looked out the window and photographed the tanker - who was not even using the vapour recovery system which is required by law. I photographed the fill, got the license plate and reported this to the TSSA and the Ministry of the Environment. My eyes burned and my house stunk for at least an hour. I could not open more windows to let out the vapours as they were coming FROM outside. I ran around and checked on all my pets to see what was happening to them. This was horrible. The vent pipes are there to alleviate excess vapour pressure within the underground storage tank during a tanker fill. The vapours are supposed to be recovered back to the tanker truck, but it can't when there is too large a volume.

The TSSA (Technical Standards and Safety Association) is solely responsible for matters pertaining to fuel handling. When I contacted the TSSA with questions about their code, they were unhelpful to the point of being obstructive. I was told that it would cost \$ 120.00, and take 120 days for my questions to be answered. I was told that I could purchase my own copy of the Liquid Fuel Handling Code, for \$ 135.00 plus HST. This code is not available online, not accessible through the library system, not even through University library collections. I managed to acquire a couple of excerpts from the code. I was shocked to discover that the TSSA code had NO GUIDELINES whatsoever for a gas station or other fuel handling facility located next to a residence ! NONE ! I was even more shocked to discover that the distance an underground gasoline storage tank was permitted to be from a property line was 1.5 m - a little over 59” !

Relevant Excerpts from the TSSA “Liquid Fuel Handling Code”:

- 4.3.1.7. Vent pipes, except for emergency vents on aboveground tanks, shall
- (a) be provided with a weatherproof hood;
 - (b) terminate in open air
 - (i) not less than 2 m above grade level for Class II products, and not less than 3.5 m above grade level for Class I products;
 - (ii) outside buildings, such that fumes from the vent cannot enter or be drawn into any building through a window, door, or other opening, including air intakes; and
 - (iii) at a distance of at least 6 m horizontally from truck loading or parking facilities, or other likely sources of ignition, when venting Class I product tanks located in bulk plants or at railway tank car unloading facilities;
 - (c) be firmly supported and protected;
 - (d) when venting Class I product, be located to minimize the impact of gasoline vapours on people, structures, and mechanical equipment;
 - (e) comply with the distances specified in Table 3; and
 - (f) not enter a building.

2

.2.1. Location of tanks

An underground storage tank shall not be installed

- (a) inside or under any building;***
- (b) less than 1 m from a building;***
- (c) less than 1.5 m from a property line;***
- (d) less than 60 cm from an adjacent underground storage tank;***
- (e) less than 15 m from drilled water wells;***
- (f) less than 30 m from a dug water well or waterway; and***
- (g) where the loads carried by a building foundation or supports could be transmitted to the tank.***

According to TSSA’s own code, the vent pipe location was in violation as the gasoline vapours were entering my house. There were visible wavy lines from the top of the vents during a fill and a strong gas smell in my house and yard. Anyone looking at my property from the gas station side could easily see that the vents were in close proximity to my front door, and most of my windows. Gas vapours are heavier than air and sink. The lower elevation of my property is also obvious.

After numerous reports to the Ministry of the Environment and the TSSA, the TSSA sent an inspector. This inspector was the same TSSA employee who APPROVED this new vent location during the renovation. How he had the authority to inspect his own work is incomprehensible.

He claimed that the vents were within the TSSA's code. At no time did he or the representative from the Ministry of the Environment gather any air quality or soil samples, or use any type of testing equipment. I was told that to prove the gasoline vapours were entering my property, that I would need to hire my own Environmental Consultant to take samples and write a report. I spoke to several consultants and was told that this sample gathering, and report writing would cost \$ 2200.00 plus HST. There are no grants for a homeowner in my situation.

I have had an average of one gasoline vapour infiltration per month. Some months had several infiltrations. These are the infiltrations I KNOW ABOUT - and don't include the ones that happened while I was at work or doing errands. This is dependent on the wind direction. When there is a strong west or northwest wind, the vapours are blown into my house through the cracks around the doors and windows. I have storm windows on most of the windows, and weather stripping on my doors. The vapour infiltrations happen even with all of my doors and windows closed.

I have reached out to all possible sources, including my local councillor, Michael Van Holst - who could not be bothered to personally respond, or visit my location to observe the issues. His assistant, who composed the reply to my emails, suggested I contact my member of Parliament regarding this matter. I have contacted the Department of Public Health, Health Canada, various departments within the City of London, numerous Petroleum contractors, the Petroleum Contractor's Association, Environmental Consultants and labs, the Fire Department, the Ontario Fire Marshall's office, numerous real estate agents and property appraisers. I am concerned that due to the neighbour's vent location, that this created a serious defect that I would need to disclose to any potential buyer. What buyer - residential or commercial - would purchase or occupy a property that has a chronic issue with gasoline vapours infiltrating the property? There is nothing I can do to mitigate or correct this problem, which is solely the result of the gas flipper's renovation.

Without exception - every government entity I contacted deferred to the TSSA and said that this was outside of their jurisdiction.

While the City of London has a bylaw that prohibits smoking within 9 m of a Recreation Amenity or the entrance to a Municipally owned building

(<https://www.london.ca/city-hall/by-laws/Documents/smoking-recreation-areas.pdf>),

there are NO bylaws to prevent a commercial entity from polluting the air space or soil of a neighbouring property .

Gasoline vapour is volatile and explosive and can travel many meters low to the ground. Vapours settle in enclosed areas closest to the ground (note my elevation compared to the gas station's).

A common additive to gasoline is benzene. Benzene is a known carcinogen. This has been proven for over 100 years. There have been many studies on the toxic effect of benzene on humans. Chronic benzene exposure leads to a certain type of leukemia (Acute Myeloid Leukemia), cardiovascular damage, neurological problems, among many other illnesses. Recent studies have shown that the soil contamination from the drips from a gas pump nozzle after a fill, is 10 times worse than previously thought. This leeches through the concrete into the soil and groundwater below. Several studies have proven a three to four fold increase in AML in children who live within 50 yards of a gas station:

<https://oem.bmj.com/content/61/9/773>

<https://www.theguardian.com/environment/2014/dec/08/benzene-link-leukemia-children>

<https://academic.oup.com/aje/article/185/1/1/2631401>

<https://www.theglobeandmail.com/life/leukemia-rates-high-for-kids-living-near-gas-stations/article20434890/>

A Canadian study found clusters of AML near industries with high levels of benzene: <https://www.cbc.ca/news/canada/hamilton/cancer-study-1.5153973>

Since gasoline is an ordinary product, we have been conditioned to regard it as somewhat harmless and necessary. Gas stations are a commercial entity who should not be located anywhere near residences, schools, hospitals, etc. Locations within residential areas should be quickly phased out. A person who owns a vehicle is able to drive to a location that is not located near any residence.

Since the gas station opened next door (July, 2018) I had five cats who became acutely ill with a variety of issues - from eye irritation and excruciating oral ulcers to acute liver failure. In a 10 month period (Dec. 7, 2018 - Oct.22, 2019) I had to euthanize THREE cats, who were not responding to veterinary treatment. None of these cats were related. None of these cats were suffering from a contagious or food related illness. None of these cats had been previously ill from the conditions that led to their euthanasias. I am extremely concerned that the chronic exposure to a high concentration of gasoline vapours has seriously affected my pets health. I am seriously concerned for the implications for my own health.

The City of London must acknowledge that certain businesses do not belong adjacent to a residence, or in a residential area under any circumstances. This must be considered with all proposed re-developments of an existing area, including the Hamilton Road Corridor.

Provincial government and local municipalities must challenge the TSSA to create code that ensures the safety of ALL residents and does not prioritize commercial interests. If the TSSA had adequate code and standards for residences, would the OEV explosion have happened ?