

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Milan Starcevic
1339-1347 Commissioners Road West

Public Participation Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions **BE TAKEN** with respect to the application of Milan Starcevic relating to the property located at 1339-1347 Commissioners Road West:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of a five storey, 34 unit apartment building; and,
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The development for consideration is a five (5) storey, 34 unit apartment building on the north side of Commissioners Road West, west of Halls Mill Road. The site is to be developed with municipal services and vehicular access from Commissioners Road West. The development proposal is subject to a public site plan meeting in accordance with the holding (h-5) zone regulations set out in the Zoning By-law.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to report to the Approval Authority any issues or concerns raised at the public site plan meeting with respect to the application for the Site Plan Approval.

Rationale of Recommended Action

1. The proposed Site Plan is consistent with the Provincial Policy Statement, which directs development to designated growth areas and that development be adjacent to existing development.
2. The proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.
3. The proposed Site Plan is in conformity with the policies of the Multi-Family Medium Density Residential designation of the Official Plan (1989) and will implement an appropriate form of residential intensification for the site.
4. The proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law.
5. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

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. At present, the subject lands are comprised of three (3) lots, each occupied by a single detached dwelling. The lands are generally flat and populated with mature trees that do not ecologically relate to the natural heritage features associated with Byron River Valley located on the nearby lands to the north.

Commissioners Road West is classified as an Arterial Road by the 1989 Official Plan (in effect OP policy) and is intended to move medium to high volumes of traffic at moderate speeds.

1.2 Current Planning Information (See Appendix 'C')

- 1989 Official Plan Designation – Multi-Family Medium Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R8, Bonus Zone (h-5, R8-4, B-63) with a maximum height of 17.5 metres

1.3 Site Characteristics

- Current Land Use – 3 single detached dwellings
- Frontage – 45.95 m
- Depth – variable – approximately 50 m
- Area – 0.26 ha (2580 m²)
- Shape – Rectangular with irregular front lot line

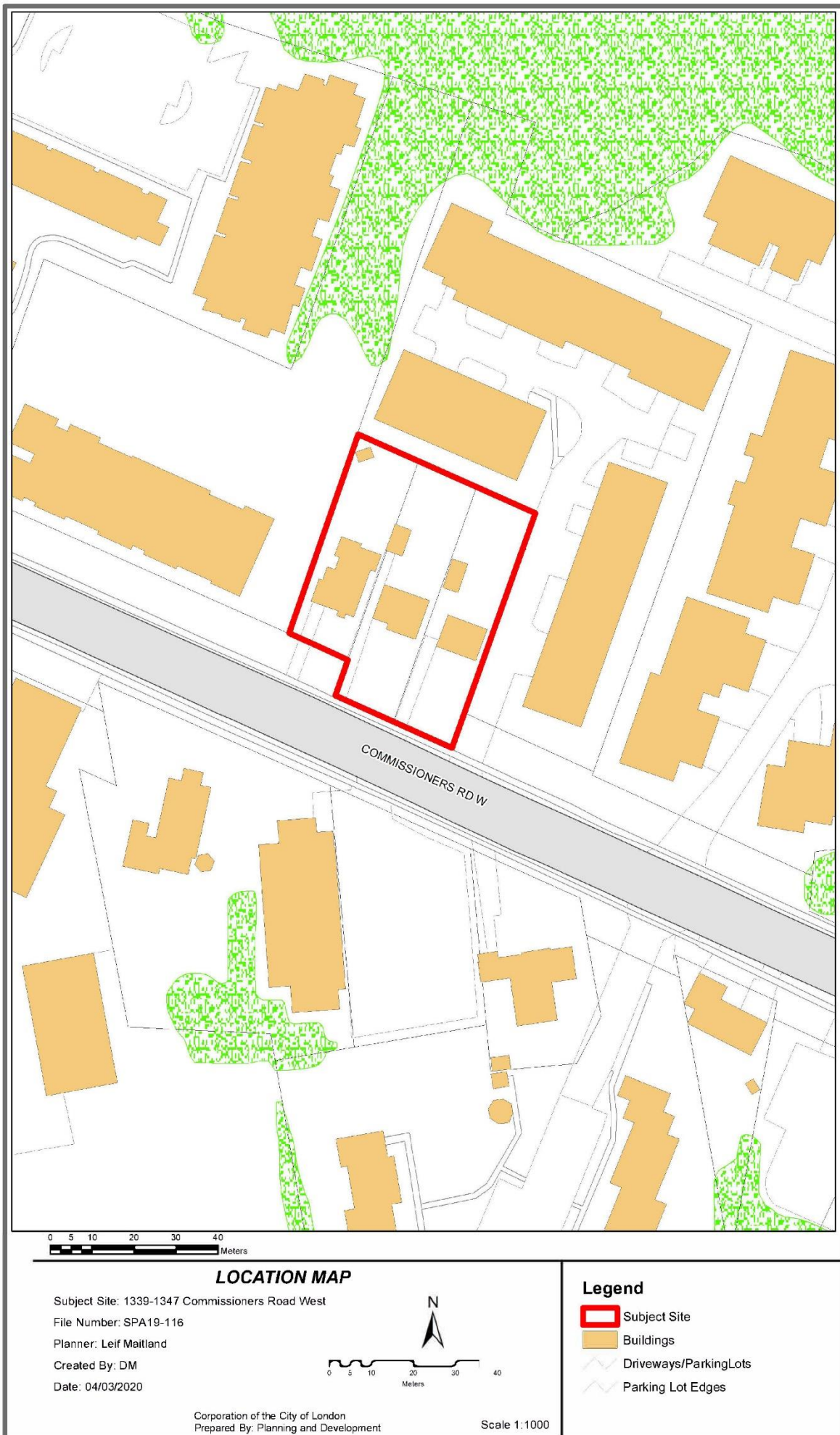
1.4 Surrounding Land Uses

- 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 – 5-storey apartment building, townhouse and apartment non-profit housing (P.A.M. Gardens)

1.5 Intensification

- The proposed apartment building is not located inside the Primary Transit Area as identified in Figure 4.23 of the Zoning By-law.

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The development for consideration is a five (5) storey, 34 unit apartment building on the north side of Commissioners Road West between Stephen Street and Halls Mills Road. Access to the proposed development is provided from Commissioners Road West on the east side of the property, adjacent to the driveway for the neighbouring townhouse condominium development located at 1337 Commissioners Road West. Functionally, the driveway into the development provides a direct fire route to the southern face of the proposed building, and to the two (2) surface parking spaces. The remaining parking is contained within an underground parking facility (42 spaces). Two barrier-free parking spaces are provided below grade. The access to the underground parking facility is situated directly adjacent to the north property line. The space below the building cantilever, located along the east end of the building, includes the exit driveway and a lay-by for a service/drop-off area.

The building is centred east-west on the property, providing for reduced interior west side yard setbacks of 2.2 metres, and east side yard setback of 6.0 metres. The rear yard depth is 18.79 metres, in excess of the required depth of 6.0 metres. Landscaping is proposed in the front yard, and also along the civic boulevard, west property line and east property line adjacent to the existing 5 storey apartment building.

The outdoor amenity area is provided to the rear of the proposed building at the North West corner of the site.

Materials identified on the proposed elevations include red brick veneer.

Detailed plans of the development are contained in Appendix 'A' of this report.

3.0 Relevant Background

3.1 Planning History

Subject Site - Zoning By-law Amendment Application (Z-9081), Official Plan Amendment (O-9082), and Site Plan Control Application (SPA19-116)

On June 17, 2019, staff received a Zoning By-law amendment application (Z-9081) for the subject lands. The requested amendment to the Zoning By-law was to change the zone from a Residential R1/Residential R5 (R1-9/R5-3) to a Residential R8 Special Provision Bonus (R8-4()*B-) Zone. The requested change would permit a range of apartment building types, stacked townhouses, lodging house class 2, emergency care establishments and continuum-of-care facilities. Additionally, relief from zoning requirements was requested, including an increase in density, increased building height and reduced front and interior side yard setbacks.

The Bonus Zone (B-63) facilitates the development of a high-quality residential apartment building with a maximum height of five storeys, 32 dwelling units and a maximum density of 132 units per hectare. The development will substantially implement the site plan, landscape plan and elevations within the by-law. The Bonus Zone is contingent on the development, providing affordable housing in the form of 34 dwelling units (132 units per hectare), enhanced landscaped open space and underground parking.

The City concurrently initiated an Official Plan amendment to add a Special 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. The intent of this amendment was to align the policies of the 1989 Official Plan with The London Plan.

Zoning of the subject lands went before the Planning and Environment Committee of October 7, 2019 and later passed by Municipal Council on October 15, 2019.

In August 2019, Development Services received a request for site plan consultation for the subject lands. Consultation occurred during the re-zoning process. Comments from staff included the labelling of long term bicycle storage, location of snow storage and outdoor garbage, and called for additional plantings along the rear property line. As Archaeological Potential was identified on the subject lands, an archaeological assessment was required.

In December 2019, the subject application of this report, being a Site Plan Control Application for a five storey, 34 unit apartment building, was received by the City of London. Conditional approval was issued on January 22, 2020.

Neighbouring property (Z-8635 and SPA17-024)

Also, 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 for the neighbouring property to the west, known as 1335 Commissioners Road West. The amendment application was to change the zoning 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 five storey apartment building and a hiking trail access between Commissioners Road West and Byron River Valley along the east property line. Site Plan Approval was given on October 3, 2017.

3.2 Community Engagement (see more detail in Appendix B)

Notice of Application

On March 12, 2020 Notice of Application was posted in the Londoner, and circulated to residents within 120m of the subject lands

Notice of Public Meeting

On June 25, 2020 Notice of Public Meeting was posted in the Londoner, and circulated by regular mail to 134 residents within 120m of the subject lands.

Comments

At the time of this report, no comments have been received.

Comments raised during the Zoning By-law amendment included the following matters:

- 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

3.3 Policy Context

Provincial Policy Statement, 2020 (PPS)

The PPS encourages intensification and redevelopment where it can be accommodated, which takes into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3 PPS). The proposal will redevelop an underutilized site that has full access to municipal services within an established mixed use neighbourhood. Land use within settlement areas shall be based on densities that efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation ((1.1.3.2.a) and 1.4.3.d)). The proposal efficiently utilizes public services within an established mixed use neighbourhood. Further, the proposed redevelopment will assist in achieving an established intensification target for built up areas, consistent with the goals of Municipal Council and in accordance with the PPS (1.1.3.5).

The proposed development is consistent with the policies of the PPS as it will facilitate the redevelopment of an underutilized site within a settlement area. The proposed redevelopment introduces an efficient form of development within a mixed residential area, along an existing Civic Boulevard (Arterial), proximate to transit. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. As such, the recommended amendment is consistent with the policies of 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 subject site is located within the Neighbourhoods Place Type of The London Plan near the intersection of a Civic Boulevard/Main Street (Commissioners Road West) and another Civic Boulevard (Boler Road).

The Our Strategy section of The London Plan establishes key directions to guide planning and development in our neighbourhoods. The proposal seeks to achieve the key directions by promoting and developing affordable housing options to attract diverse populations to the city, and by developing housing options within close proximity to employment lands. Additionally, the proposal seeks to build a mixed-use compact city by developing in a manner that achieves a compact, contiguous pattern of growth by developing inward and upward, and by intensifying development within the Urban Growth Boundary to protect valuable agricultural lands.

Beyond the key directives, the Neighbourhoods Place Type seeks to create a strong neighbourhood character, sense of place and identity; create attractive streetscapes, buildings, and public spaces; provide a diversity of housing choices; encourage well-connected neighbourhoods; provide opportunities for close employment lands; and, locate close to parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering spaces. The proposal achieves the above by providing a high level of design detail that directly faces the street, providing an affordable housing option in an established neighbourhood, increasing density in close proximity to employment lands, and locating the proposed development adjacent to park lands.

Taking the above into consideration, the development is considered to be in conformity with The London Plan.

1989 Official Plan

The subject site is designated Multi-Family Medium Density Residential in the 1989 Official Plan, which permits multi-unit residential developments having a low-rise profile, with a maximum height of four storeys and a density of 75 units per hectare. In some instances, however, height limitations may be permitted to exceed this limit, determined through a compatibility report (3.3.3 i) and ii)). The applicant's proposal is for a 5-storey, 34 unit (132 units per hectare) apartment building. Through the Official Plan Amendment (O-9082) the proposal is consistent with the intent of the 1989 Official Plan.

Z.-1 Zoning By-law

The subject lands are zoned Residential R8 (h-5, R8-4, B-63). For the purpose of this development, the R8 zone permits the proposed apartment building with a maximum height of 13.0 metres, and a maximum density of 75 units per hectare. Setback, coverage, parking, and area regulations of the Zoning By-law are also being met. The proposed development meets the requirements of the Z.-1 Zoning By-law.

4.0 Key Issues and Considerations

4.1 Use

The use is contemplated in The London Plan and 1989 Official Plan. The Neighbourhoods Place Type strives for attractive streetscapes, buildings, and public spaces to create strong neighbourhood character with a sense of identity. It also strives for diversity in housing choices allowing for affordability and giving people opportunity to remain in neighbourhoods as they age. It strives to create safe, comfortable convenient and attractive alternatives for mobility and establish parks, pathways, and recreational opportunities that strengthen the community and serve as connectors and gathering spaces (*Policy 916_). The Site Plan Control application proposes a 34 residential unit apartment, which is located near the intersection of a Civic Boulevard/Main Street (Commissioners Road West) and another Civic Boulevard (Boler Road). Access to transit, pathways, and green spaces are available to the site.

4.2 Intensity

The Site Plan Control application proposes a 34-unit (132 units per hectare) apartment building, which is within the maximum permitted density established through the zoning for the lands (132 units per hectare (B-63)). The intensity complies with the Zoning By-law and maximums allowed in The London Plan and 1989 Official Plan.

4.3 Form

Under the Neighbourhoods Place Type within The London Plan, new residential development should provide for frontage onto streets, and create both vibrant and recreational spaces (*Policy 919_ and 920_). Direct pedestrian access into the building and connection to the public sidewalk are provided to address the policies of The London Plan. Additionally, Policy *259_ states that buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment, which is achieved in the proposed building location.

4.4 Landscaping

The subject lands are located within a Tree Protection Area and Open Space Zone (OS1 (4)), with several existing trees on site. All trees on the site are located within the proposed building footprints, parking areas and setbacks where grading and servicing requirements are to be met. As part of the landscaping plan for the development, the applicant is proposing 44 trees throughout the site. Along the westerly property line, seven trees are proposed in various locations. Along the easterly property line, 12 trees are proposed. The landscaping for the site meets the requirements of the Site Plan Control By-law.

4.5 Privacy and Fencing

Fencing for the site is provided along the westerly, easterly and rear property line adjacent to the existing apartment building and townhomes. The existing fence is a 1.8m wooden board privacy fence that will be maintained along all common property lines, in accordance with the Site Plan Control By-law, prior to Site Plan Control approval.

4.6 Garbage

In accordance with Site Plan Control By-law, the applicant is to provide an internal garbage and recycling storage room as the primary storage area. An external separate staging area is proposed internal to the site, next to the ramp to the underground parking, to accommodate for garbage pick-up. Garbage bins will be required to be returned to the internal storage area following collection.

4.7 Parking

Automobile parking is provided in the form of 42 below grade spaces, and two above grade spaces. Two barrier free spaces are provided below grade. The above grade parking spaces are located internal to the site, well within the Site Plan Control By-law setback requirements. Long-term bicycle parking is provided below grade at a rate of 0.75 per unit (26 spaces).

4.8 Lighting

The applicant submitted a photometric plan (lighting plan) as part of the first submission. The plans provided show minimal light infiltration on abutting westerly and easterly parcels. The light fixtures proposed are downward facing and function in a manner which has limited light dispersion so as to reduce impact on abutting uses.

4.9 Outstanding Site Plan Comments

Third submission site plan control comments were provided to the applicant June 2, 2020. The comments request that the applicant fulfill the following:

- Enter into a bonus agreement. The Bonus provision (B-63) shall be implemented through a bonus agreement to facilitate the development of a high quality residential apartment building, in addition to the development agreement. 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 h-5 requires a public site plan meeting before the Planning and Environment Committee (PEC), which is the subject of this report and appearance at the public participation meeting of PEC on July 13, 2020.
- The applicant has resolved all previously identified design concerns. However, in this latest submission it appears they have added some spandrel panels to the ground floor facing the Commissioners Road frontage where this area was originally intended to be all transparent glazing as part of the bonus. Without a floor plan to better understand this change to make suggestions, Site Plan staff have requested the applicant to revert back to the elevations provided in the first and second submission, for this portion of the building, in order to conform to the Bonus Zone.

5.0 Conclusion

The proposed Site Plan is consistent with the Provincial Policy Statement, 2020 has regard to The London Plan, and is in conformity with the City of London Official Plan, 1989. The application has been reviewed in accordance with the Z.-1 Zoning By-law, and, as proposed, complies with the regulations of the Zoning By-law. The proposed Site Plan and elevations will result in development that will not conflict with the character of the area, and is in compliance with the Site Plan Control By-law.

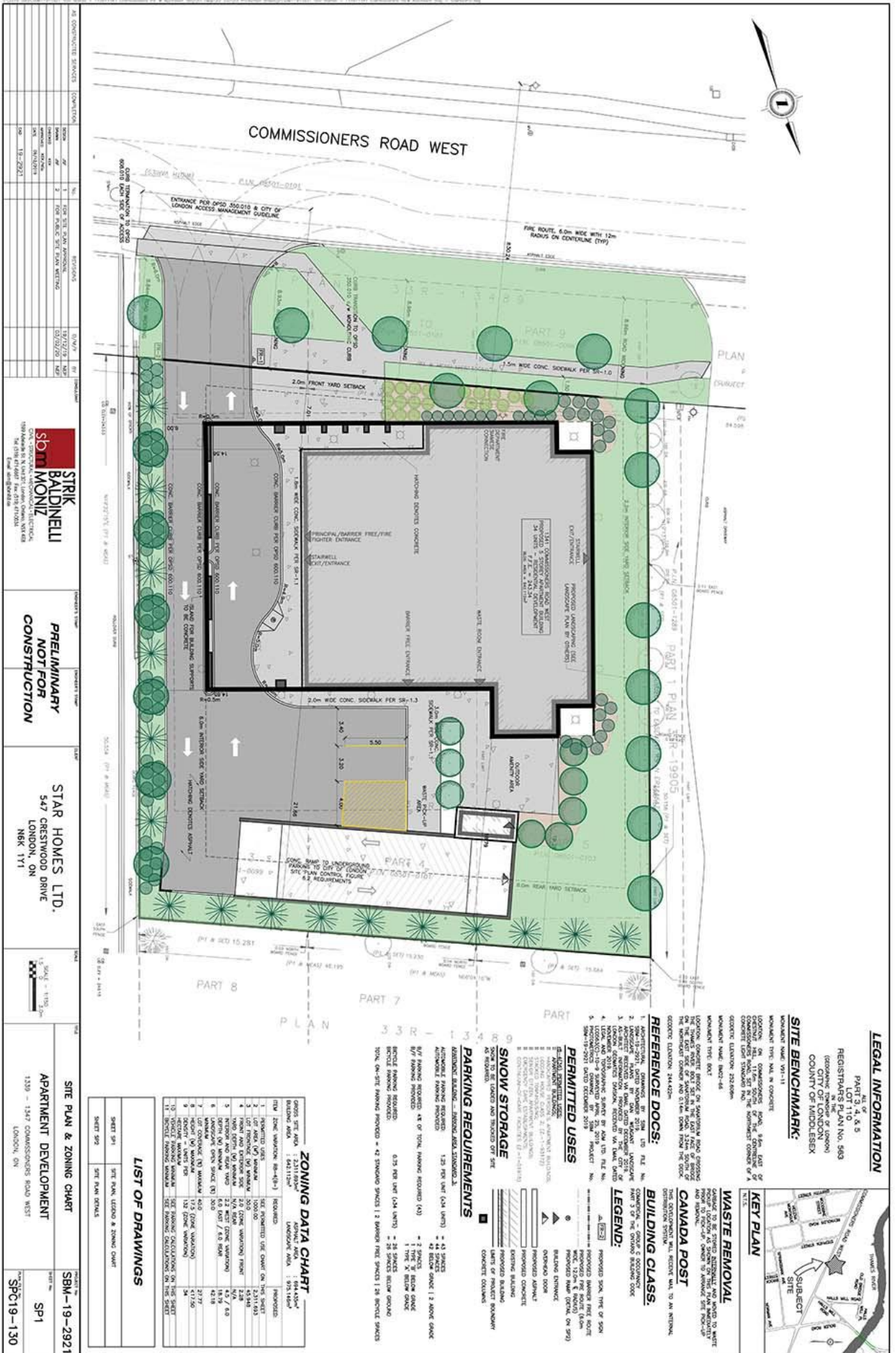
Prepared by:	Leif Maitland Site Development Planner
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.Eng. Managing Director, Development and Compliance Services & Chief Building Official
The opinions contained herein are offered by a person or persons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

July 6, 2020
LM/mp

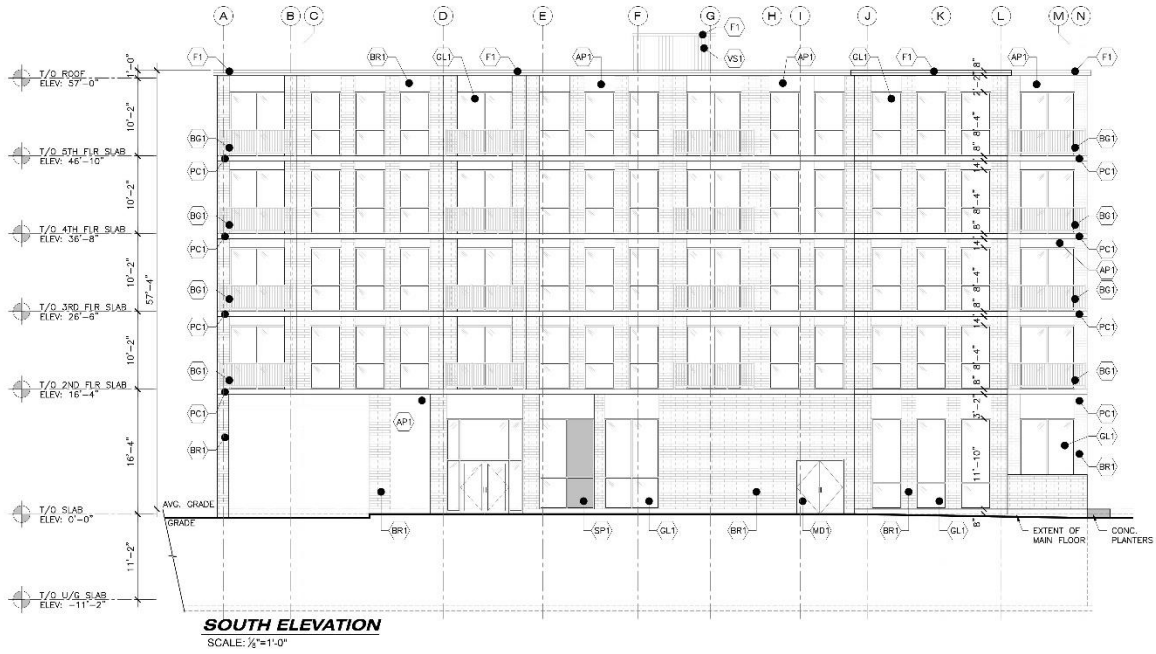
CC: Heather McNeely, Manager, Development Services (Site Plan)
Michael Pease, Manager, Development Planning
Ismail Abushehada, Manager, Development Engineering

Appendix A: Plans

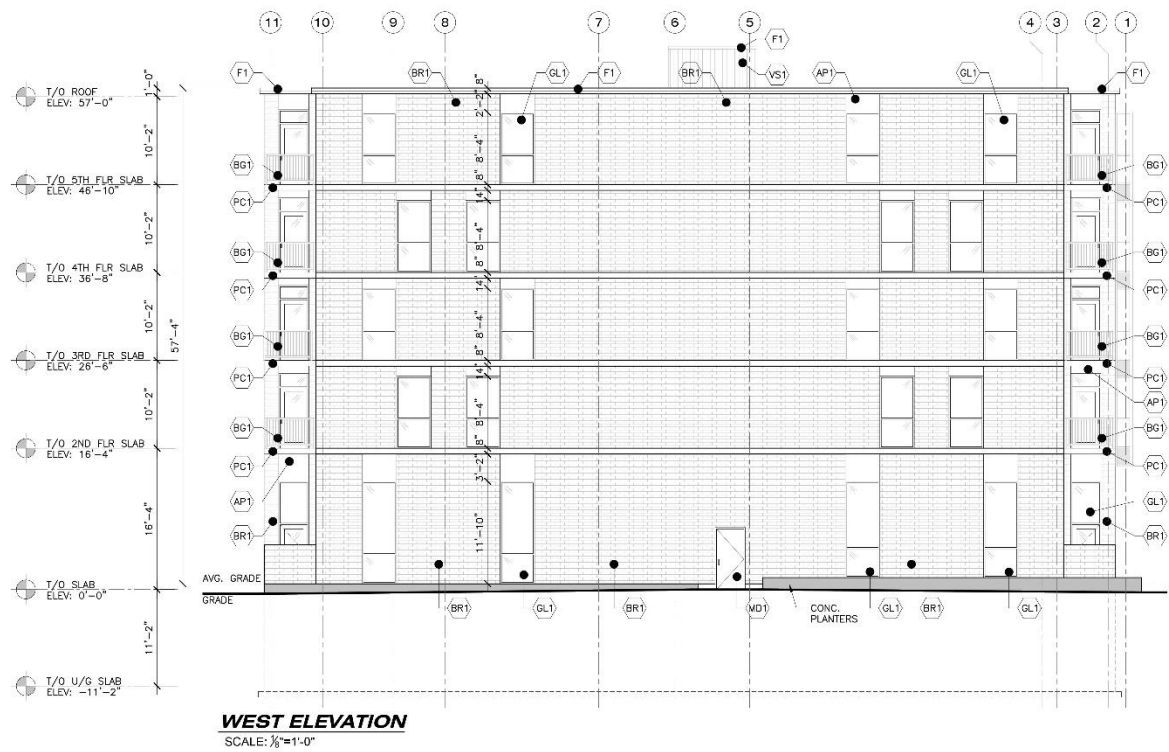
Site Plan (Coloured by Staff)



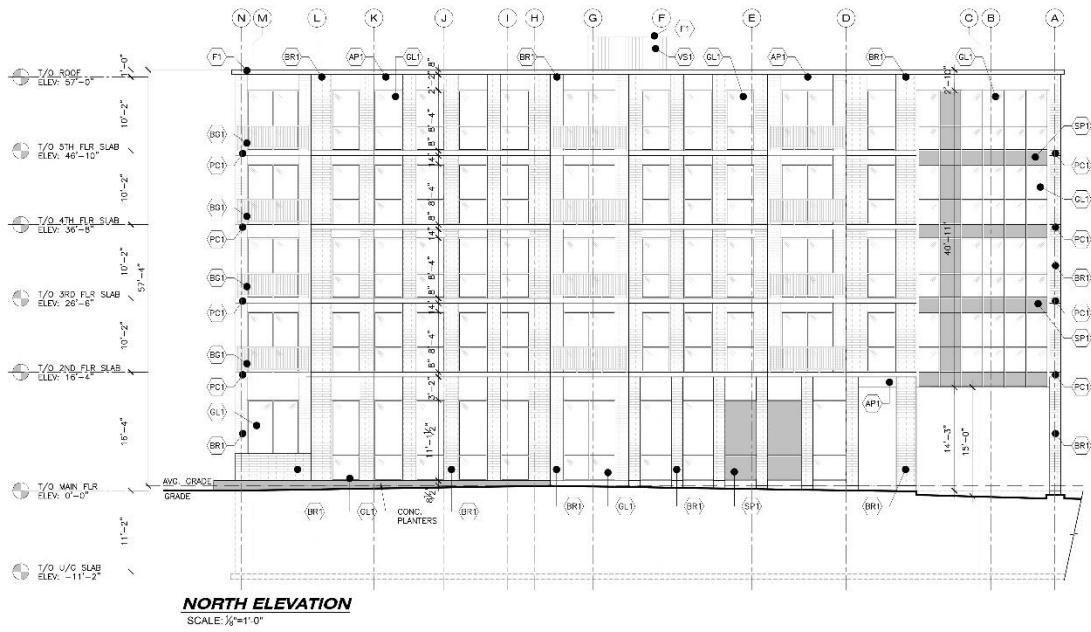
South Elevation



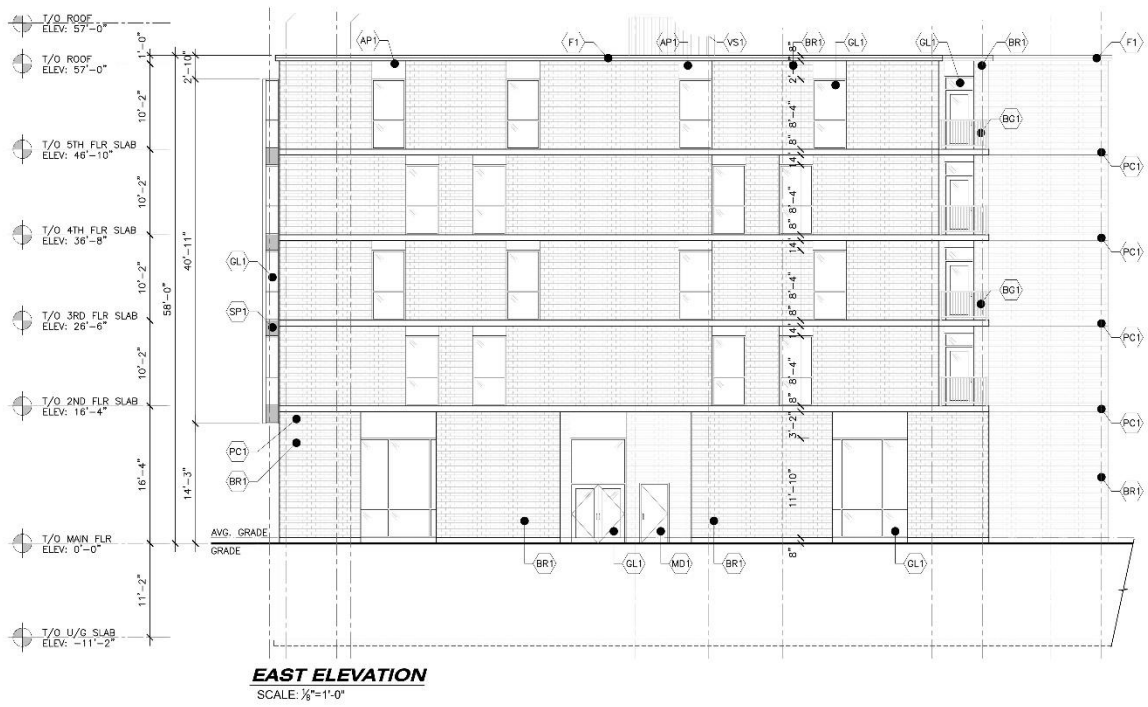
West Elevation



North Elevation



East Elevation



Appendix B – Public Engagement

No comments received at time of report.

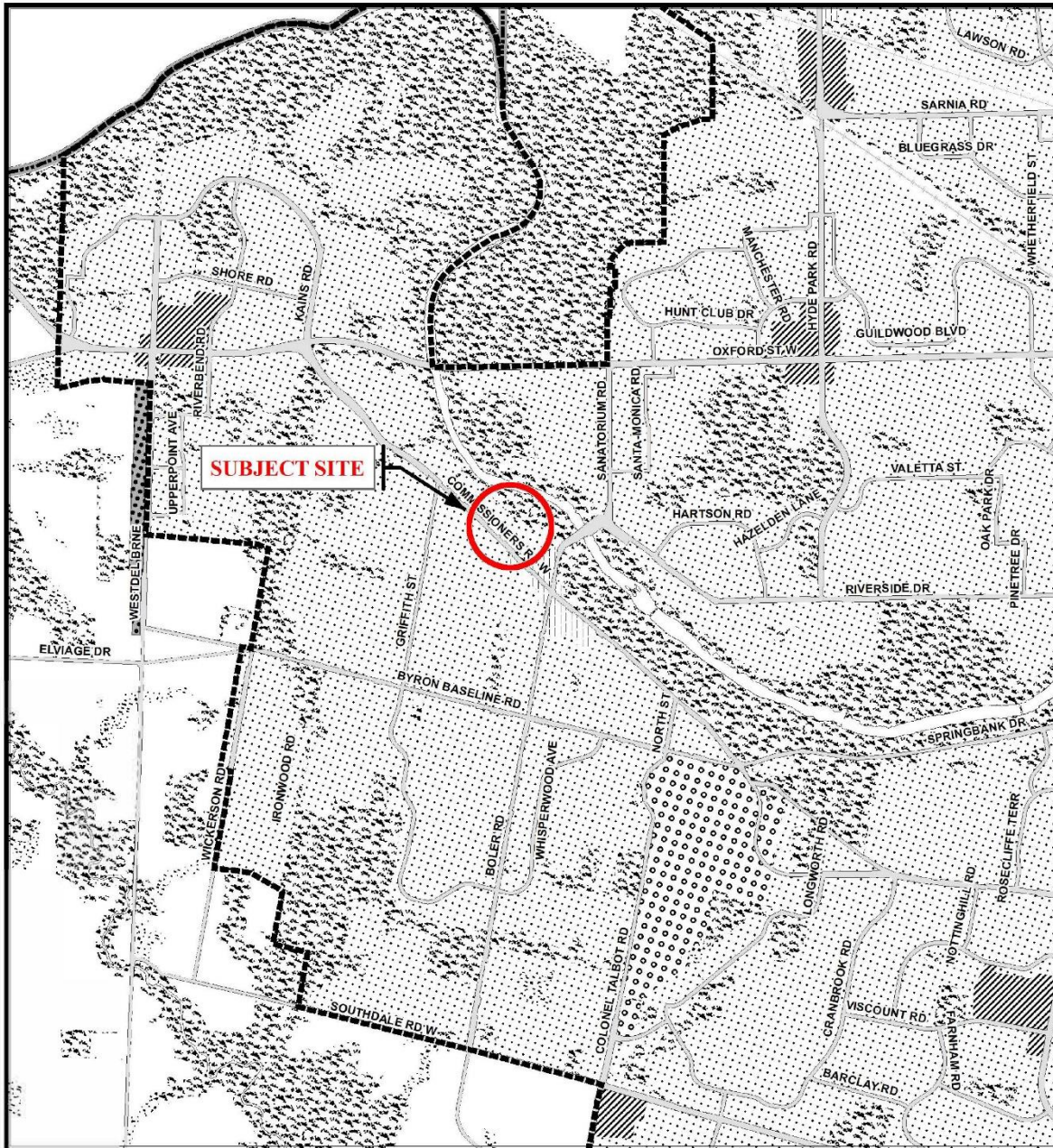
Nature of Liaison:

1339 Commissioners Road West – SPA19-116 – Consideration of a site plan to permit an apartment building with 34 units, 17.5 meters in height. The site zoning includes Bonusing which requires 3 of the units to be affordable units and two of the three be accessible at ground level. The site contains a holding provision that requires a public site plan participation meeting before the Planning & Environmental Committee. The meeting is scheduled for July 13, 2020, not to be heard before 5:15PM. Please submit any written comments to the Site Development Planner noted below.

File: SPA19-119 Site Development Planner: Leif Maitland lmaitlan@london.ca (City hall)

Appendix C –The London Plan, Official Plan Map and Zoning excerpts

The London Plan



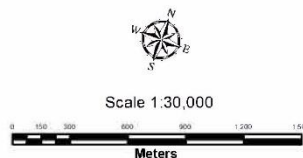
Legend

- | | | |
|------------------------|--------------------------|---|
| 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.

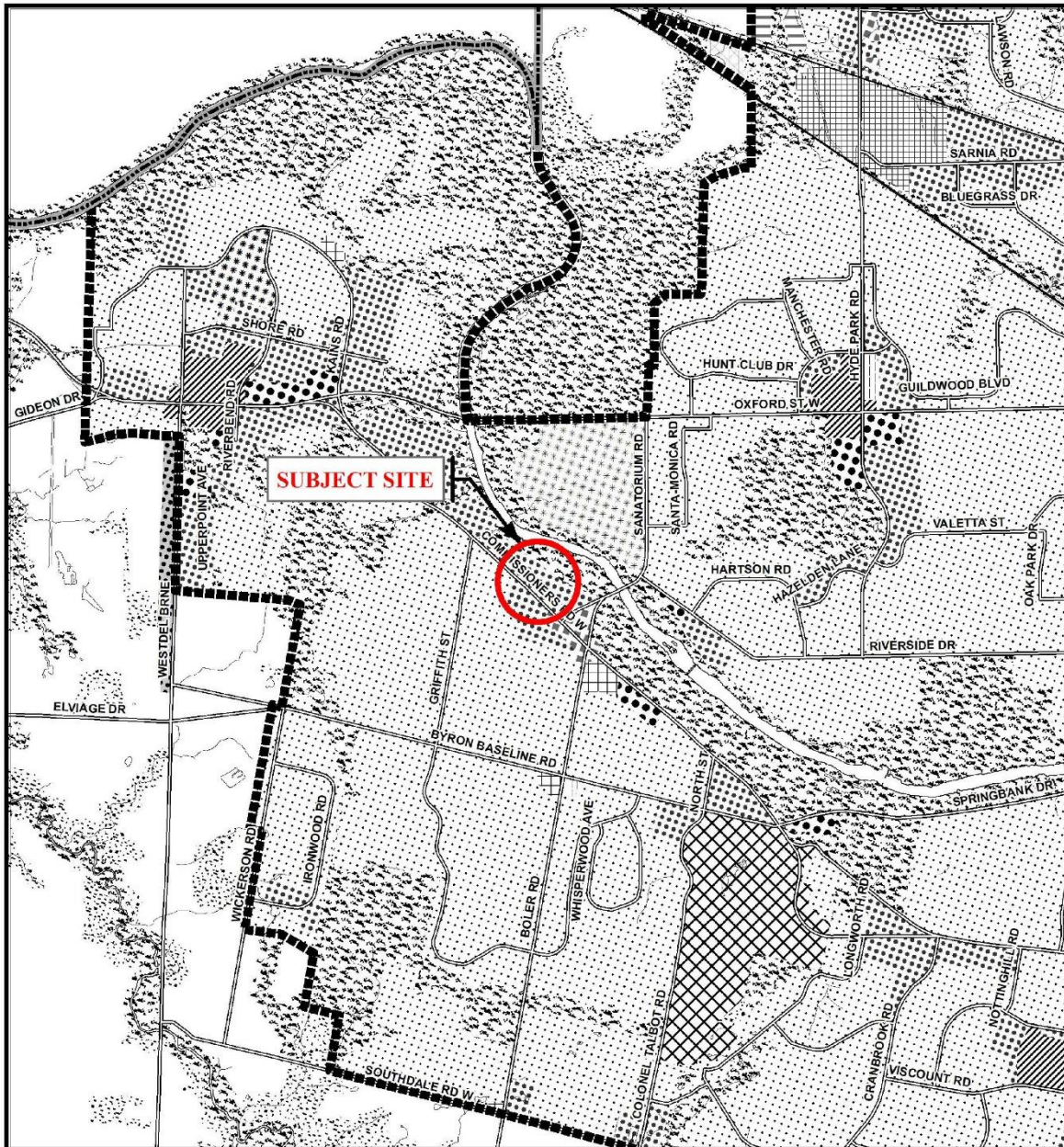
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
Planning Services /
Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
PREPARED BY: Planning Services



File Number: SPA19-116
Planner: LM
Technician: DM
Date: March 4, 2020

Official Plan Excerpt

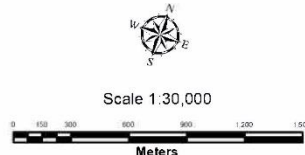


Legend

- | | |
|--|-----------------------------------|
| Downtown | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community Facility |
| Main Street Commercial Corridor | Open Space |
| Auto-Oriented Commercial Corridor | Urban Reserve - Community Growth |
| Multi-Family, High Density Residential | Urban Reserve - Industrial Growth |
| Multi-Family, Medium Density Residential | Rural Settlement |
| Low Density Residential | Environmental Review |
| Office Area | Agriculture |
| Office/Residential | Urban Growth Boundary |

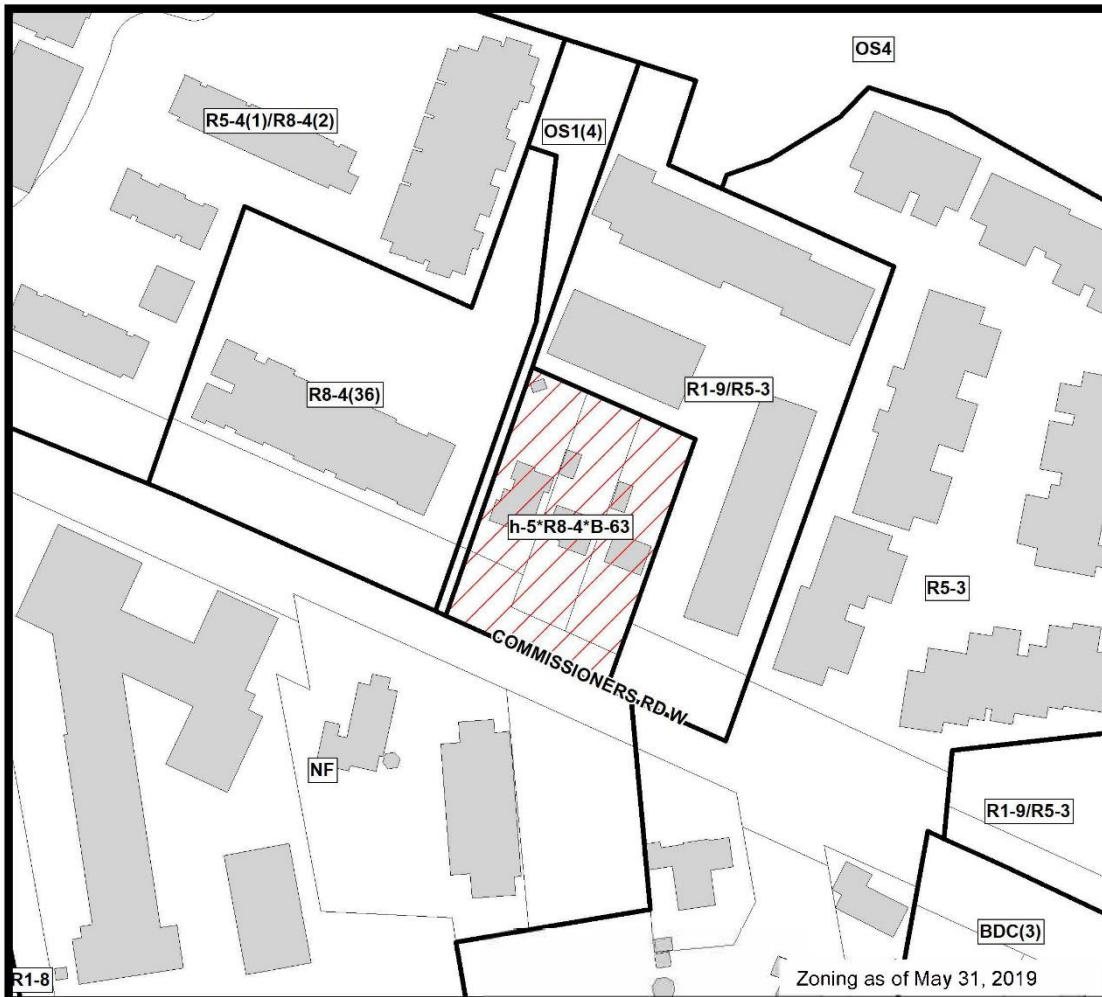
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: SPA19-116
PLANNER: LM
TECHNICIAN: DM
DATE: 2020/04/03

Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- 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

- 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:

SPA19-116

LM

MAP PREPARED:

2020/03/04

DM

1:1,500

0 5 10 20 30 40

Meters