

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** David Moubarak (c/o Strik Baldinelli Moniz Ltd.)  
1494 Commissioners Road West  
File Number: Z-9689, Ward 09  
Public Participation Meeting

**Date:** February 21, 2024

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of David Moubarak (c/o Strik Baldinelli Moniz Ltd.) relating to the property located at 1494 Commissioners Road West.

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 5, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-8) Zone **TO** a Residential R8 Special Provision (R8-4(\_)) Zone and Open Space (OS5) Zone;
- (b) The requested Special Provision, as part of the amendment to Zoning By-law No. Z.-1, that a west interior side yard setback of 1.5 metres, **BE REFUSED** for the following reasons:
  - i) The requested Special Provision does not provide sufficient space within the interior side yard to accommodate adequate screening, protection from boundary trees and privacy to the abutting properties.

**IT BEING NOTED**, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (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;
- ii) The recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Building policies, and the Neighbourhoods Place Type policies;
- iii) The recommended amendment facilitates the redevelopment of an underutilized site with an appropriate range of uses at an appropriate scale and intensity.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R1 (R1-8) Zone TO a Residential R8 Special Provision (R8-4(\_)) Zone and Open Space (OS5) Zone. The proposed development consists of a 4-storey apartment building (13.5 metres) containing 10 dwelling units. Special provisions are required to permit reduced west and east interior side yard setbacks, an increased maximum height, an increased maximum lot coverage and a reduced rear yard depth.

### Purpose and the Effect of Recommended Action

The recommended action will permit a 4-storey, 10-unit residential apartment building

with a maximum height of 13.5 metres. Special provisions are required to permit reduced west and east interior side yard setbacks, an increased maximum height, an increased maximum lot coverage and a reduced rear yard depth.

Staff is refusing the requested special provision for a reduced west interior side yard setback of 1.5 metres as it does not provide sufficient space within the interior side yard to accommodate adequate screening, protection from boundary trees and privacy to the abutting properties. A larger 2.5 metre west interior side yard setback is being recommended, to provide additional space for further landscape buffering between the proposed development and the neighbouring properties.

A holding provision is also being recommended to ensure storm and sanitary servicing for this site is available prior to development.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Climate Action and Sustainable Growth** by ensuring waterways, wetlands, watersheds, and natural areas are protected and enhanced.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

OZ-8090 – 1494 Commissioners Road West - 2018

#### 1.2 Planning History

The previous application (Z-8090) was an application for a Zoning By-law Amendment to permit a personal service spa on the subject lands. The application was to rezone the lands from a Residential R1 (R1-8) Zone to a Community Facility Special Provision (CF1(\_)) Zone. The application was subsequently put on hold and the zoning change never materialized. With the submission of the new application (Z-9689) the past application was closed in favor of the new development.

During the previous application in 2018, there was an agreement made between the City of London Ecologist Staff and the applicant to maintain the dripline as the limit of development, and to naturalize the area under the dripline. Additional buffering would be required at the rear of the site where the former residence would be removed and naturalized. The proposed development is consistent with the development limits agreed to at that time.

#### 1.3 Property Description and Location

The subject lands are located in southwest London within the Byron neighbourhood, on the south side of Commissioners Road West between Chestnut Hill and Grand View Avenue. The lot is irregularly shaped, with an area of 2,056.27 square metres (0.2 hectares), a lot width of 30.5 metres and a lot depth of 74 metres. Currently the subject site is composed of an existing single detached dwelling and an accessory structure. Mature trees, naturalized vegetation and sloping terrain on the south and east sides of the lot are characteristic features of the landscape.

#### Site Statistics:

- Current Land Use: Single Detached Dwelling and Accessory Structure
- Frontage: 30.5 metres (100.06 feet)
- Depth: 74 metres (242.7 feet)
- Area: 0.2 hectares (0.49 acres)

- Shape: irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

**Surrounding Land Uses:**

- North: Townhouse development
- East: Warbler Woods ESA
- South: Warbler Woods ESA
- West: Single Detached Dwellings

**Existing Planning Information:**

- Existing The London Plan Place Type: Neighbourhoods fronting a Civic Boulevard
- Existing Special Policies: N/A
- Existing Zoning: Residential R1 (R1-8)

Additional site information and context is provided in Appendix “B”.

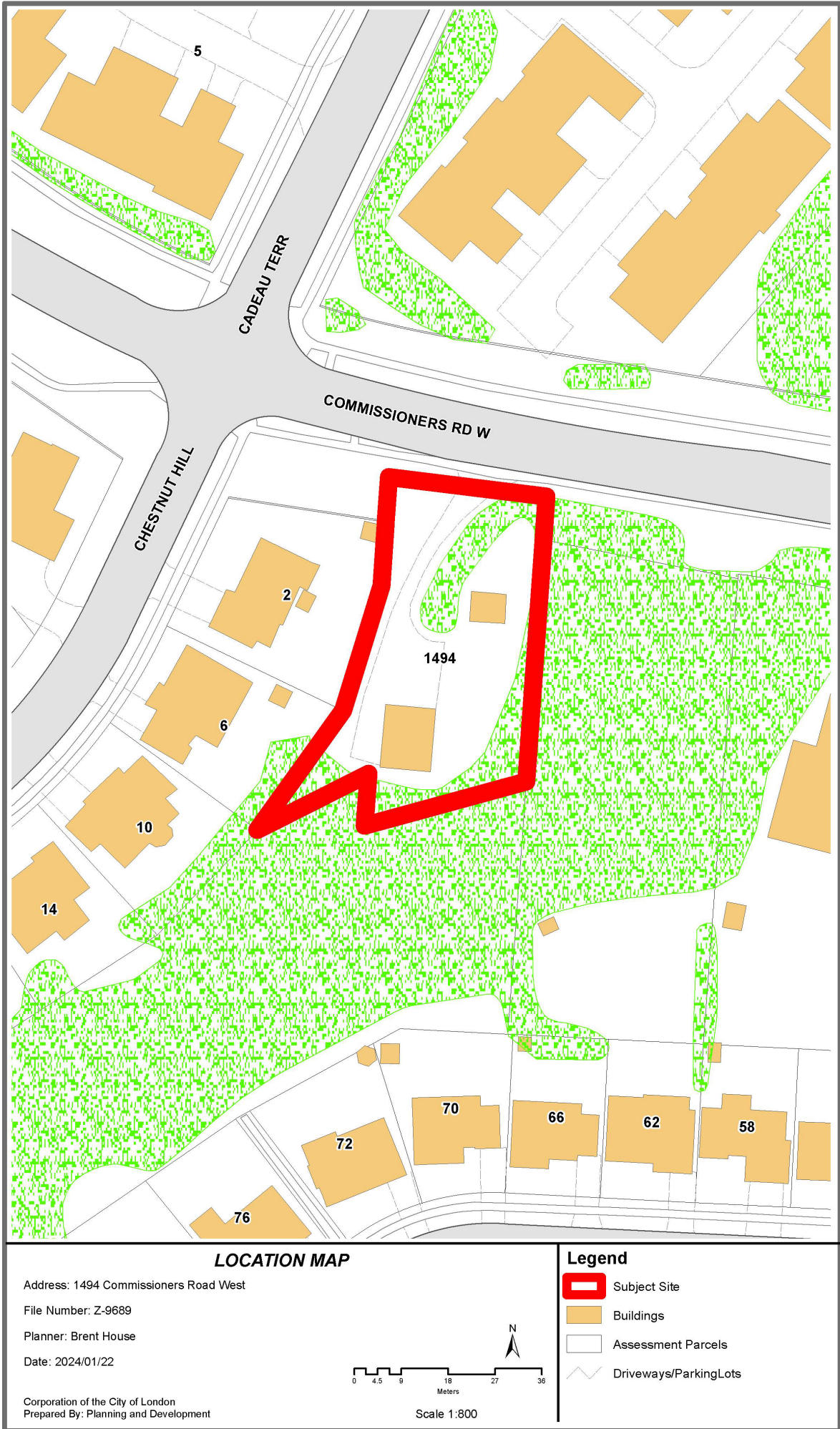


Figure 1- Aerial Photo of 1494 Commissioners Road West and surrounding lands





Figure 2 - Streetview of 1494 Commissioners Road West (view looking south)

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The existing buildings on the Subject Site are proposed to be demolished and replaced with a 10- unit, four-storey apartment building with a maximum height of 13.5 metres. The proposed dwelling units are comprised of two-and three-bedroom units. The building is to be situated in the interior of the Subject Site with a minimum front yard depth of 9.4 metres measured from the new property line after the required 8.3 metre road widening dedication. A two-way driveway connected to Commissioners Road West would provide access to a parking garage and one surface barrier-free parking space. The portion of the site, south of the erosion hazard limit line, is proposed to be zoned Open Space (OS5) that would restrict development from occurring within this zoned area.

The proposed development includes the following features:

- Land use: Residential
- Form: Low-Rise Apartment Building
- Height: 4 storeys (13.5 metres)
- Residential units: 10
- Density: 50 Units per Hectare
- Gross floor area: 1746m<sup>2</sup>
- Building coverage: 46%
- Parking spaces: 1 Barrier Free Parking Space (above ground) & 10 underground parking spaces
- Bicycle parking spaces: 10 long term & 2 short-term
- Landscape open space: 45%
- Functional amenity space: 53m<sup>2</sup>

Additional information on the development proposal is provided in Appendix “B”.

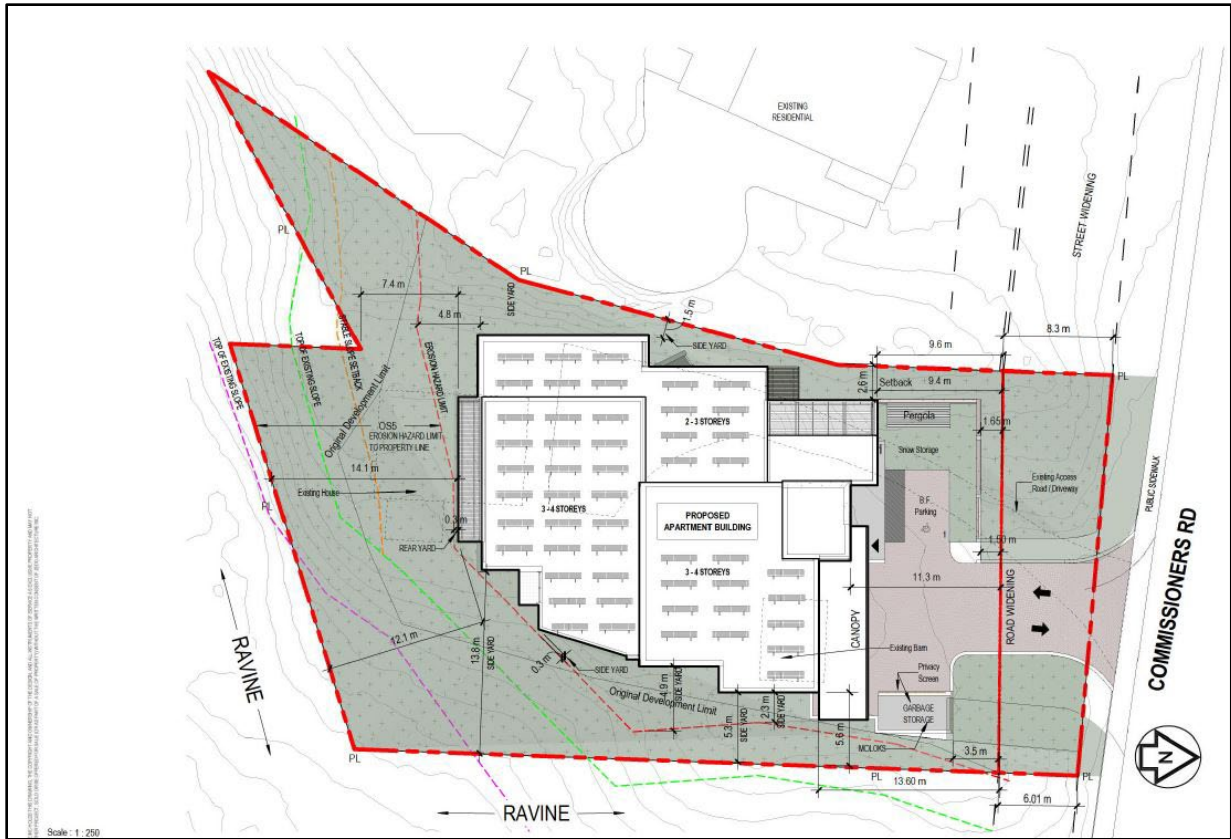


Figure 3 - Conceptual Site Plan (Received December 2023)



Figure 4 – East elevation (Received December 2023)





Figure 5 – West Elevation (Received December 2023)



Figure 6 – North Elevation (Received December 2023)



Figure 7 – South Elevation (Received December 2023)

Additional plans and drawings of the development proposal are provided in Appendix “C”.

## 2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Residential R1 (R1-8) Zone to a Residential Special Provision R8 (R8-4(\_)) Zone and Open Space (OS5) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (R8-4(_))	Required	Proposed	Staff Recommended
Rear yard Setback (minimum)	4.5 metres	0.3 metres	0.3 metres
West Interior Side Yard Setback (minimum)	4.5 metres	1.5 metres	<b>2.5 metres</b>
East Interior Side Yard Setback (minimum)	4.5 metres	0.3 metres	0.3 metres
Lot Coverage (maximum)	40%	46.2%	46.2%
Height (maximum)	13 metres	13.5 metres	13.5 metres

## 2.3 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- West Interior Side Yard Setback of 1.5 metres.
- Holding Provisions for servicing.

Detailed internal and agency comments are included in Appendix “D” of this report.

## 2.4 Public Engagement

On December 21, 2023, Notice of Application was sent to 141 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 28, 2023. A “Planning Application” sign was also placed on the site.

There were 43 responses received during the public consultation period. A petition with 36 signatures was also received. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Time to comment/timing of February 21, 2024, PEC meeting. (Family day)
- Tree removal and planting
- Setback requirements
- Fit for the neighbourhood.
- Lack of privacy
- Disruption to neighbourhood due to construction

Detailed public comments are included in Appendix “E” of this report.

## 2.5 Policy Context

### ***The Planning Act and the Provincial Policy Statement, 2020***

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires

that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

### ***The London Plan, 2016***

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

## **3.0 Financial Impact/Considerations**

None.

## **4.0 Key Issues and Considerations**

### **4.1 Land Use**

The subject lands are located in the Neighbourhoods Place Type on Map 1 – Place Types in The London Plan. The subject lands have frontage along a Civic Boulevard on Map 3 – Street Classifications, which permits a wide range of residential uses, including low-rise apartment buildings (The London Plan, Policy 922). The London Plan contemplates heights up to four (4) storeys along Civic Boulevards, with an upper maximum height of six (6) storeys.

As per The London Plan, the proposed four (4) storey residential apartment building is supported by the policies of the Provincial Policy Statement and contemplated in the Neighbourhoods Place Type in The London Plan. The recommended low-rise apartment building will contribute to the existing range and mix of housing types in the area, which consists of mostly one and two-storey single detached dwellings to the west. The recommended zoning would permit medium density residential development in the form of a low-rise mixed-use apartment building containing 10 residential units, with a total of 11 parking spaces at a density of 55.5 units per hectare, and at a maximum height of four (4) storeys. It should be noted that this application does not require a Site Plan application as the building contains 10 residential units or less.

### **4.2 Intensity**

The London Plan contemplates residential intensification in appropriate locations and in a way that is sensitive to and a good fit with existing neighbourhoods (83\_). Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective



use of land in neighbourhoods (937\_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2 storeys and a standard maximum height of 4 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). Additionally, an upper maximum height of 6 storeys can be achieved if the proposal is in keeping with the Our Tools Part of this plan. The full extent of intensity described in Table 11 will not necessarily be permitted on all sites within the Neighbourhoods Place Type (935\_4)

As noted, Commissioners Road West is considered a Civic Boulevard providing the subject lands permissions for higher intensity uses however, the intensity of development must be appropriate for the size of the lot (953\_3.) Zoning will be applied to ensure the intensity of development is appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space (935\_3).

The subject site consists of 0.2 hectares of land (2,056.27 square metres), with 1,850.79 square metres dedicated to the residential development limit and an Open Space area being 669.5 square metres in size at the rear of the property. It should also be noted that the lot slopes down from the west to east. In an effort to limit the impacts of the proposed intensity, the 4-storey built form is located only on the easterly side of the site where the grade is at its lowest and impacts will be limited, while the development presents as a 2-3 storey apartment building along the west side of the property where the development abuts the rear of the existing single detached dwellings. As part of the review process Staff and the public have raised concerns about the developments interface along the west interior side yard and the abutting rear lots. As part of Staff's recommendation special provisions are being proposed to help ensure the development is compatible within the surrounding context. Additional details are provided within Section 4.5 of this report.

Engineering Staff have noted that there is no municipal sewer fronting the subject site. The following h-149 holding provision is being recommended to ensure storm and sanitary servicing for this site is available prior to development:

- *h-149 Purpose: To ensure the orderly development of the lands the symbol shall not be deleted until sanitary and stormwater servicing reports have been prepared and confirmation that sanitary and stormwater management systems are implemented to the satisfaction of the City Engineer.*

### **4.3 Form**

The London Plan encourages compact forms of development as a means of planning and managing for growth (7\_, 66\_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59\_ 2, 79\_). 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 (953\_ 2.a. to f.).

The proposed R8-4( ) Zone requires a minimum lot area of 1000 square metres and a minimum lot frontage of 30 metres. These requirements are satisfied as the lands are approximately 1,850.79 square meters and there are approximately 30.5 metres of lot frontage on Commissioners Road West.

The proposed built form is generally consistent with the Neighbourhoods Place Type and the City Design Policies in The London Plan The building is oriented with the main street wall along Commissioners Road West. The location and massing of the proposed

building is consistent with urban design goals, specifically the building design incorporating a transition in height adjacent to the low-rise residential property to the west, reducing habitable windows along the west elevation, and incorporating a high degree of transparent glazing, material changes and articulation on the street-facing façade. The recommended Zoning and Special Provisions would facilitate an alternative and appropriate form of development that will add new housing to the area.

The proposed building establishes an appropriate interface with the public realm given the building is proposed to be in a similar location to the established streetscape along the south side of Commissioners Road West. The building height would be a maximum of 13.5 metres (4-storeys) and the staggered profile ranges in height from two/three storeys on the west side, which abuts an existing residential subdivision with houses fronting Chestnut Hill and to three/four storeys along the east, north and south sides of the property. This transition in height and massing respects the residential character to the west. The articulation directs window views towards the street, and to the south and east property lines, to maintain privacy for the neighbouring properties to the west as outlined in Figure 4. Staff are requesting a Special Provision for the windows along the west property line to be non-habitable windows, to provide privacy and screening from the west property line.

The parking area includes one barrier free parking space as surface parking, with the rest of the parking being located underground. The applicant has provided 1 parking space per unit, at a total of 10 spaces. Bicycle parking has also been included in the proposal with 10 long-term spaces provided as well as 2 short-term spaces.

In regard to the rear portion of the property, the applicant has requested the lands be zoned Open Space (OS5) which will restrict development beyond the Erosion Hazard Limit. This provides further protection to the Natural Heritage Feature as explained below in Section 4.4.

#### **4.4 Natural Heritage Feature**

It should be noted that the rear portion of the subject lands designated Open Space (OS5) Zone variation is the most restrictive open space zone variation and is applied to lands which have physical and/or environmental constraints to development. The OS5 Zone variation applies to important natural features and functions that have been recognized by Council as being of City-wide, regional, or provincial significance and identified as components of the Natural Heritage System of the Official Plan. Development and site alteration is permitted only if it has been demonstrated through an appropriate study that there will be no negative impacts on the features and functions for which the area has been identified. In accordance with the PPS, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (2.1.8). Through the submitted documents (Environmental Impact Assessment) and the previous agreement between Ecology Staff and the applicant in 2018, the dripline will be used as the limit of development and naturalization under the dripline will be required as part of the current proposed development. As such, Ecology Staff and the UTRCA are satisfied that the proposed development meets the details of the previous agreement and the location of the building in relation to the abutting feature is suitable.

To ensure the continued protection of the natural heritage feature at the rear of the site, staff is recommending that it be rezoned to the most restrictive open space OS5 zone. Minimal uses such as conservation lands, conservation works, managed woodlots and passive recreation uses, including hiking trails and multi-use pathways are permitted.

#### **4.5 Zoning**

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the subject lands from a Residential R1 (R1-8) Zone to a Residential Special Provision R8

(R8-4(\_)) Zone and Open Space (OS5) Zone at 1494 Commissioners Road West. The following summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

***A minimum rear yard setback of 0.3 metres, and east interior side yard setback of 0.3 metres.***

The intent of interior side yard setbacks and rear yard setbacks is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties. In this case, the zone line (the line that separates the Open Space (OS5) Zone and the proposed Residential Special Provision R8 (R8-4(\_)) Zone) acts as the line in which both the rear yard setback and the east interior side yard setback are measured to rather than the typical rear property line. The rear portion of the property is to be zoned Open Space (OS5), which is to ensure appropriating buffering to the natural heritage features and to protect the proposed development from potential soil erosion. The proposed OS5 Zone is providing a 14.1 metre buffer from the rear lot line to the rear of the building. As previous agreements between City Ecology Staff and the applicant outlined the development limit being the erosion hazard limit, Staff are satisfied that the proposed building maintains appropriate buffering and remains within the existing agreement boundaries.

***To permit a maximum lot coverage of 46.2 percent.***

Table 12.3 of the Zoning By-law outlines all zoning standards for the R8 Zone, including lot coverage, in which 40% is the maximum permitted. The intent of regulating maximum lot coverage is to limit the extent of development on site to ensure adequate space is provided for open space and landscaping, site functionalities such as amenity space and access, and site maintenance.

Staff are of the opinion that the requested special provision does not facilitate a substantial increase in lot coverage beyond what is permitted. Although the lot coverage exceeds the permissions outlined in the Zoning By-law, the landscaped open space exceeds the minimum of 30% (with a proposed 45%), and the proposed access remains compliant with Zoning standards. The increased maximum lot coverage is a result of the reduced lot area based on the final zone line and is considered sufficient to accommodate the proposed apartment building.

***To permit a maximum height of 13.5 metres.***

Table 12.3 of the Zoning By-law includes regulations to maximum permitted heights in the R8 Zone. Buildings in the R8-4 Zone variation are permitted a maximum height of 13.0 metres. The intent of the regulation is to ensure proper massing and reduce unnecessary shading and privacy concerns to adjacent properties. As discussed above, the building will remain within the maximum permitted height outlined in Table 11 of The London Plan, as it will remain a 4-storey building, and Staff have no concerns with an increase of 0.5 metres to the overall building height.

***A minimum west interior side yard setback of 1.5 metres.***

The intent of the interior side yard setback is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties. Within the base R8 Zone, table 12.3 of the Zoning By-law outlines that interior side yard depths are to be in no case less than 4.5 metres from the property line and will require an even further setback as the building height increases to help mitigate its impacts. In this instance, the applicant is requesting a 1.5 metre setback from the west property line, which acts as a pinch point for their development as shown in figure 2. Staff are not supportive of the proposed 1.5 metre setback as it does not provide sufficient space for screening and creates significant impacts on the neighbouring properties to the west, in regard to visual impacts and privacy. Staff are recommending a setback of 2.5 metres, where the westerly wall facing the west interior side yard contains no windows to habitable rooms, which will provide further relief from the west interior side yard setback and provide a sufficient buffer to allow for tree planting, tree protection and help reduce

the impacts of the development on the rear yards of the neighbouring properties. Staff are also recommending a special provision which would limit the height of the development to 2-storeys along the westerly property line and require a setback of 2.0 metres before 3 storeys could be achieved.

These provisions are in keeping with the proposed westerly elevation for the building which currently shows no habitable windows. Staff are satisfied that these provisions for no habitable windows, limiting the height to 2-storeys along the westerly property line and providing a setback to the third storey along the western building façade will provide further privacy and buffering to the neighbouring properties. It should be noted that one of the trees located on the west interior side yard setback in the submitted Tree Preservation Plan was determined to be a boundary tree, which would require consent by the applicant from the neighbour to remove. As consent has not been granted at this time, Staff's Landscape Architect is recommending additional setbacks to protect the tree's critical root zone. Based on Staff's recommendation of a 2.5 metre setback and the proposed building location, staff believe a sufficient setback can be achieved from the boundary trees located along the west property line as shown in figure 8 below.

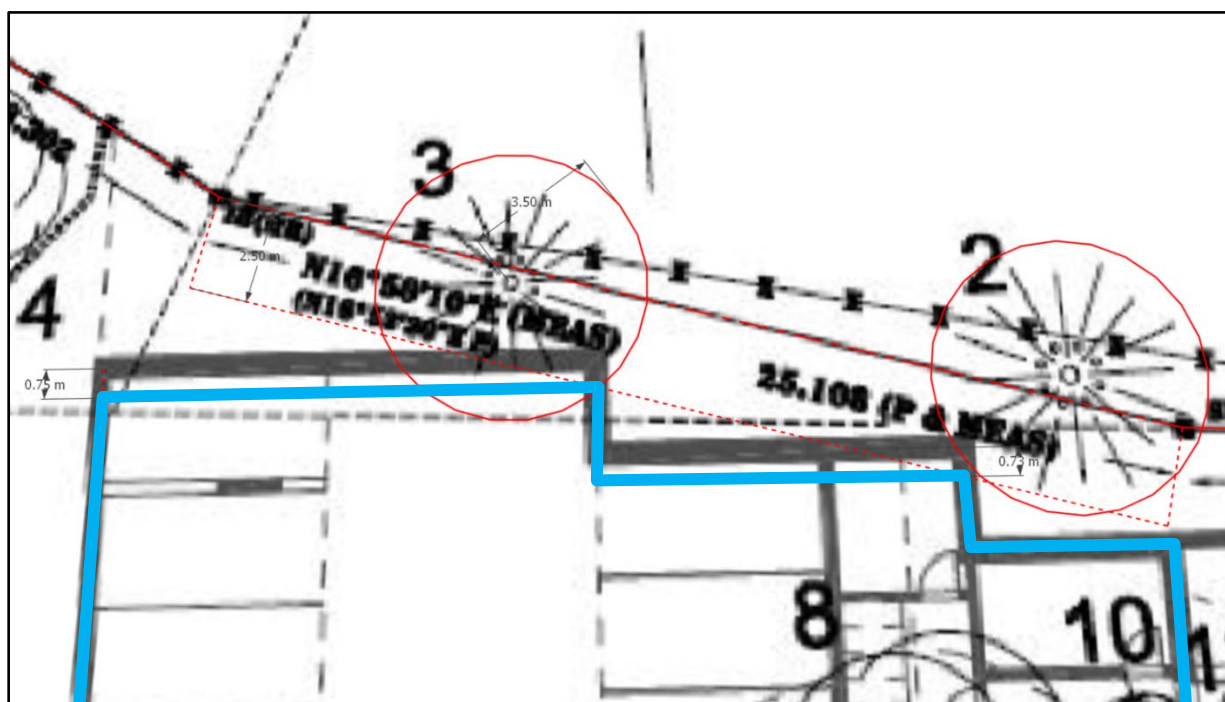


Figure 8: Image depicting 3.5 metre radius around the boundary tree and requested setbacks.

#### 4.5 Neighbourhood Concerns

Comments provided on the application focused on impacts to adjacent properties, including:

- Privacy
- Construction impacts
- Traffic
- Noise
- Impact on property values
- Environmental impacts

##### *Privacy and Overlook*

Members of the public expressed concerns about the height of the building leading to loss of privacy from the location of the building in terms of the west interior side yard setback. The proposed building setback from the west property line is 1.5 metres. Staff have recommended a further setback of 2.5 metres with no windows into habitable space along the westerly property line in order to protect the neighbouring properties.

No balconies are proposed along the western building façade.

### *Construction Impacts*

Comments on construction impacts adjacent to existing homes was made. Construction impacts will be temporary, and all traffic associated with construction will be limited to the main roads (Commissioners Road West).

### *Traffic Impacts*

Concerns on the impact of this development on traffic were also raised.

Transportation Engineering Staff did not require a Traffic Impact Assessment as part of the Complete Application Requirement as the proposal only includes an additional 10 parking spaces at a rate of 1 per unit for the proposed development.

### *Noise*

Nearby property owners were concerned with the level of noise being generated by the apartment use. The proposed development is not expected to negatively impact the surrounding adjacent properties. Activity areas associated with the residential uses will be concentrated within the building. Noise impacts are expected to be negligible and more consistent with noise patterns expected of a residential area.

### *Environmental Concerns*

Residents indicated that destruction of many trees will occur on multiple properties, which will affect the environment overall. As per the tree preservation plan, several trees are to be removed from the subject site. However, any adjacent trees on adjacent properties cannot be removed, and additional setbacks to ensure protection of adjacent critical root zones have been requested by Staff for the west interior side yard setback. Additionally, all tree removals must take place between September 1 and April 1st to avoid disturbing nesting migratory birds. Trees may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994. Concerns noted for the re-zoning also include the loss of Environmentally Significant Lands located in the Warbler Woods ESA at the rear of the property. As discussed above, this land is being re-zoned to an Open Space (OS5) Zone, which restricts any form of development on the lands at the rear. Staff are satisfied that this portion of the lands being re-zoned OS5 is sufficient to protect the natural heritage features that are apart of the Warbler Woods Environmentally Significant Area.

## **Conclusion**

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R1 (R1-8) Zone to a Residential Special Provision R8 (R8-4(\_)) & Open Space (OS5) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions. Staff are recommending refusal of a 1.5 metre setback in favour of a 2.5 metre setback to allow for mitigation measures within the west interior side yard setback.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will permit a four (4) storey apartment building at 13.5 metres in height with 10 dwelling units. Further, the recommended amendment will facilitate the development of new dwelling types in the area, with a land use, intensity and form that is appropriate for the site.



**Prepared by:** Brent House, Planner

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

Copy:  
Britt O'Hagan, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Brent Lambert, Manager, Development Engineering

## Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)  
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1494 Commissioners Road West.

WHEREAS this amendment to the Zoning By-law Z.-1 conforms 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 1494 Commissioners Road West, as shown on the attached map comprising part of Key Map No. A106, **FROM** a Residential R1 (R1-8) Zone **TO** a Residential Special Provision R8 (R8-4(\_)) Zone and Open Space (OS5) Zone.
2. Section Number 12.4 of the Residential R8-4 Zone is amended by adding the following Special Provisions:

R8-4(\_) 1494 Commissioners Road West

a. Regulations

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

3. This Amendment shall come into effect 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.

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.

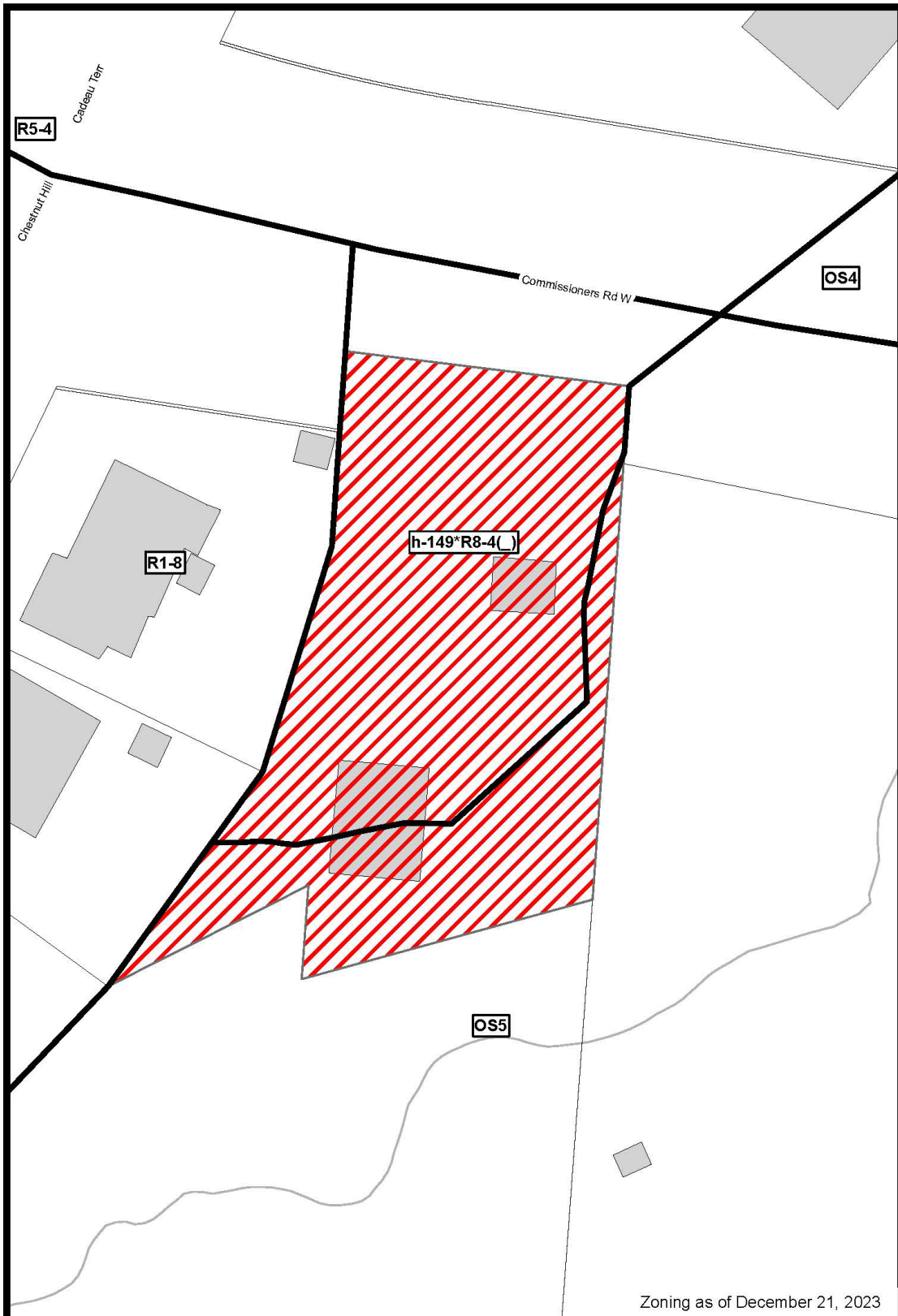
PASSED in Open Council on March 5, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 5, 2024  
Second Reading – March 5, 2024  
Third Reading – March 5, 2024

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



File Number: Z-9689  
Planner: BH  
Date Prepared: 2024/02/07  
Technician: JI  
By-Law No: Z.-1-

SUBJECT SITE 

1:500

0 2.5 5 10 15 20 Meters



## Appendix B - Site and Development Summary

### A. Site Information and Context

#### Site Statistics

Current Land Use	Single-Detached Dwelling, Accessory Structure
Frontage	30.5 Metres (100.06 feet)
Depth	74 Metres (247.7 feet)
Area	0.2 Hectares (0.49 acres)
Shape	irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

#### Surrounding Land Uses

North	Townhouse development
East	Warbler Woods ESA
South	Warbler Woods ESA
West	Single-detached Dwellings

#### Proximity to Nearest Amenities

Major Intersection	Commissioners Road West, Oxford Street West 771 metres
Dedicated cycling infrastructure	Commissioners Road West, 485 metres
London Transit stop	Commissioners at Chestnut Hill 2 SB - #2534, 10 metres
Public open space	Springbank Park, 1,195.5 metres
Commercial area/use	Byron Village Centre, 1,244.1 metres
Food store	Metro Byron Village, 1,244.1 metres
Community/recreation amenity	Byron Public Library, 1,025.1 metres

### B. Planning Information and Request

#### Current Planning Information

Current Place Type	Neighbourhoods Place Type, Fronting a Civic Boulevard
Current Special Policies	N/A
Current Zoning	Residential R1 (R1-8)

#### Requested Designation and Zone

Requested Place Type	Neighbourhoods Place Type, Fronting a Civic Boulevard
Requested Special Policies	N/A
Requested Zoning	Residential Special Provision R8 (R8-4(*) & Open Space (OS5)

#### Requested Special Provisions

Regulation (R8-4(_))	Required	Proposed	Staff Recommended
Rear yard Setback (minimum)	4.5 metres	0.3 metres	0.3 metres
West Interior Side Yard Setback (minimum)	4.5 metres	1.5 metres	3.5 metres
East Interior Side Yard Setback (minimum)	4.5 metres	0.3 metres	0.3 metres
Lot Coverage (maximum)	40%	46.2%	46.2%
Height (maximum)	13 metres	13.5 metres	13.5 metres



## C. Development Proposal Summary

### Development Overview

The existing buildings on the Subject Site are proposed to be demolished and replaced with a four-storey apartment building with a maximum height of 13.5 metres. The 10 proposed dwelling units are comprised of two-and three-bedroom units. The building is proposed in the interior of the Subject Site with a minimum front yard depth of 9.4 metres measured from the new property line after the required 8.3 metre width road dedication/widening. A two-way driveway connected to Commissioners Road West would provide access to the interior parking garage and one surface barrier-free parking space. The rear of the Subject Site, south of the erosion hazard limit line, is proposed to be zoned Open Space (OS5) and is not proposed to be developed.

### Proposal Statistics

Land use	Residential
Form	Low-rise apartment building
Height	4 Storeys (13.5 metres)
Residential units	10
Density	55.5 Units per hectare
Gross floor area	1746 Metres <sup>2</sup>
Building coverage	46%
Landscape open space	45%
Functional amenity space	Metres <sup>2</sup>
New use being added to the local community	Yes

### Mobility

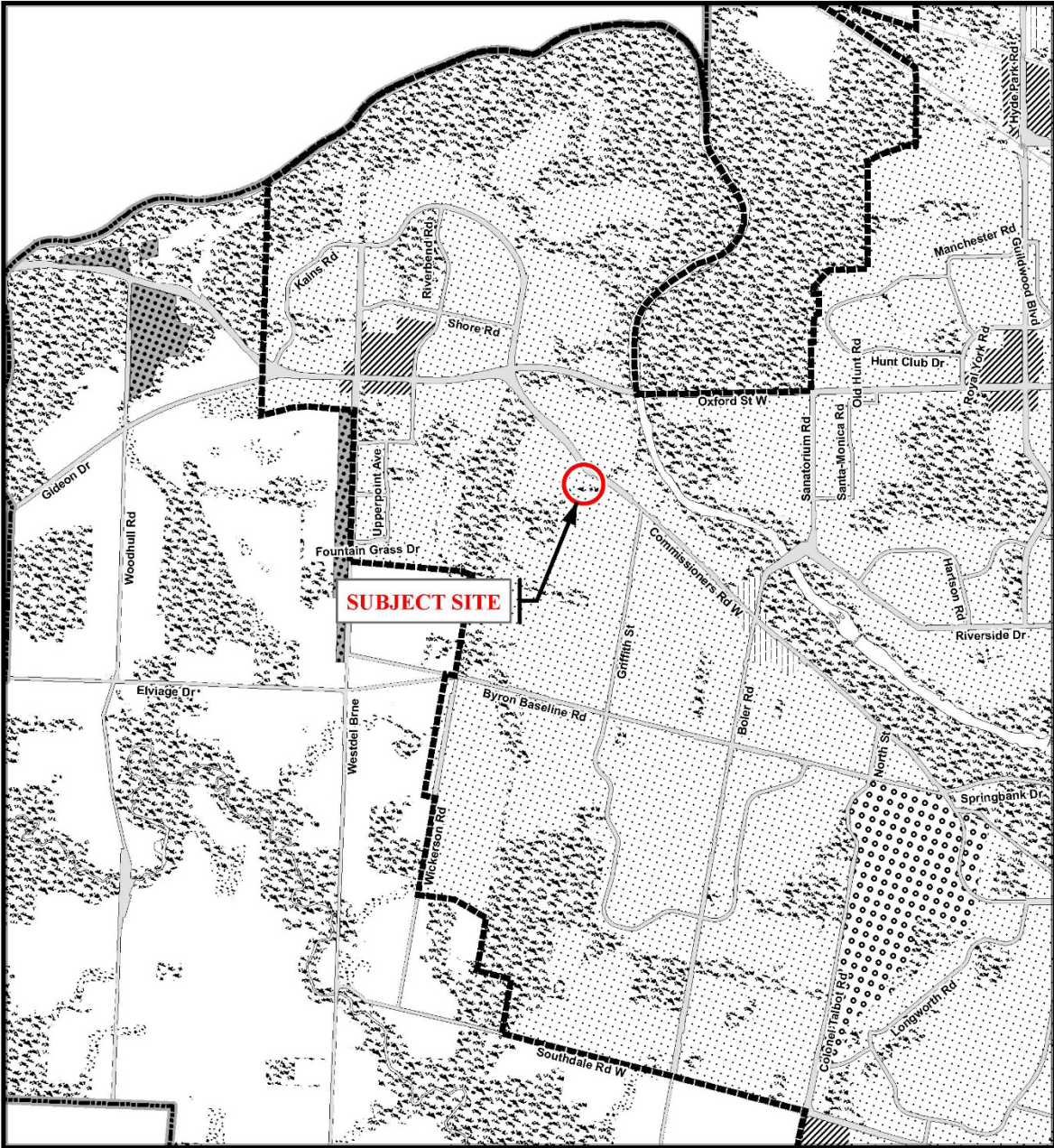
Parking spaces	10 underground parking spaces and 1 barrier free space on the surface
Vehicle parking ratio	1 Space per unit
New electric vehicles charging stations	Zero (0)
Secured bike parking spaces	10 long term parking spaces, and 2 short term
Secured bike parking ratio	1 space per unit
Completes gaps in the public sidewalk	NA
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	NA

### Environment

Tree removals	21 trees
Tree plantings	13 trees
Tree Protection Area	Yes (area zoned OS5)
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	The rear portion of the site will be zoned OS5, and previous agreements allow development up until the dripline

	or the erosion hazard limit, whatever is greater.
Existing structures repurposed or reused	No
Green building features	Yes

# Appendix C – Additional Plans and Drawings

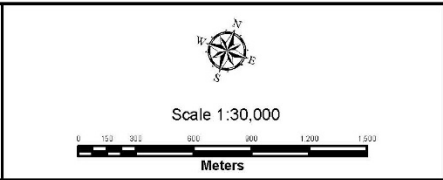


**Legend**

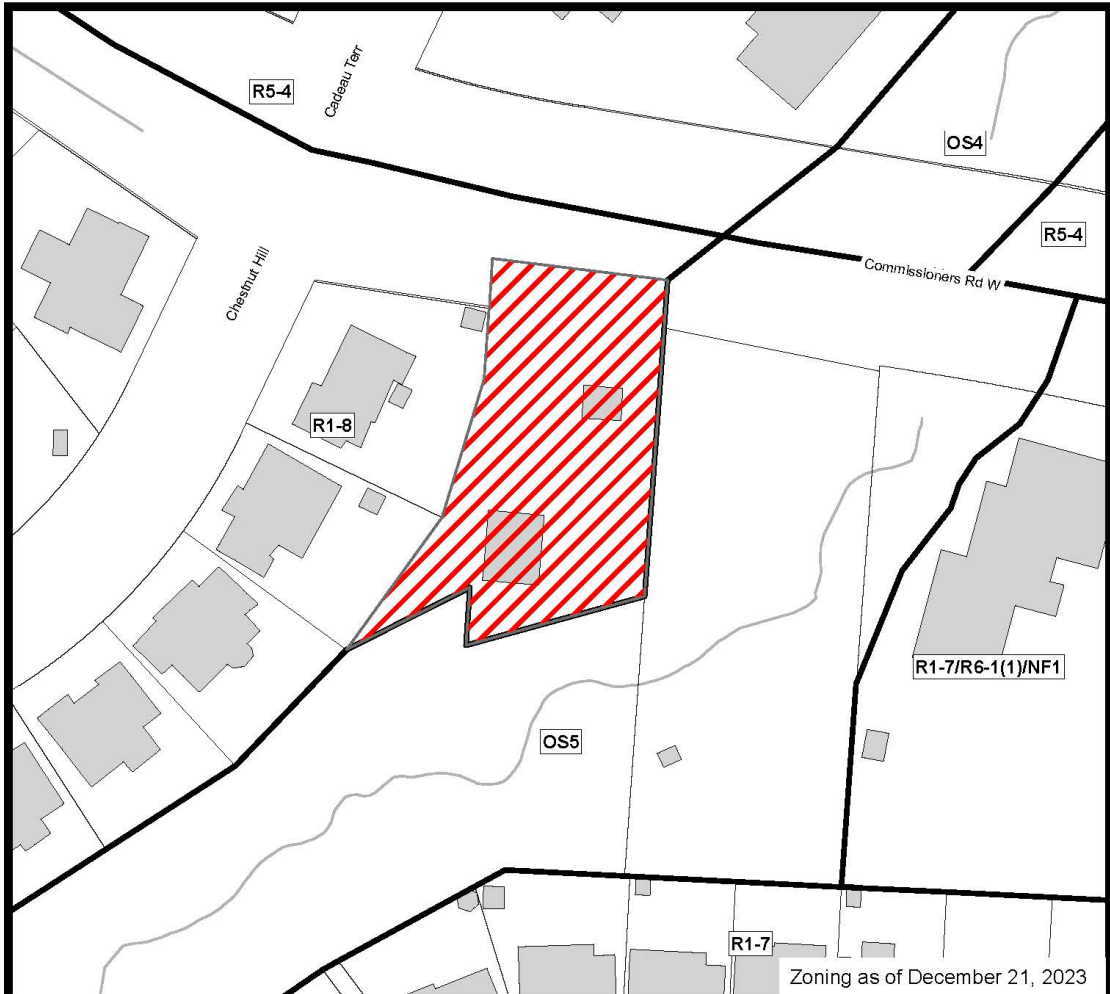
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street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

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

**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning & Development



**File Number:** Z-9689  
**Planner:** BH  
**Technician:** JI  
**Date:** 2024/01/22



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-8**

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

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            |                                   |
| R7 - SENIOR'S HOUSING                     | OS - OPEN SPACE                   |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | CR - COMMERCIAL RECREATION        |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | ER - ENVIRONMENTAL REVIEW         |
| R10 - HIGH DENSITY APARTMENTS             |                                   |
| R11 - LODGING HOUSE                       | OB - OFFICE BUSINESS PARK         |
|   | LI - LIGHT INDUSTRIAL             |
| DA - DOWNTOWN AREA                        | GI - GENERAL INDUSTRIAL           |
| RSA - REGIONAL SHOPPING AREA              | HI - HEAVY INDUSTRIAL             |
| CSA - COMMUNITY SHOPPING AREA             | EX - RESOURCE EXTRACTIVE          |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | UR - URBAN RESERVE                |
| BDC - BUSINESS DISTRICT COMMERCIAL        |                                   |
| AC - ARTERIAL COMMERCIAL                  | AG - AGRICULTURAL                 |
| HS - HIGHWAY SERVICE COMMERCIAL           | AGC - AGRICULTURAL COMMERCIAL     |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL               | TGS - TEMPORARY GARDEN SUITE      |
| SS - AUTOMOBILE SERVICE STATION           | RT - RAIL TRANSPORTATION          |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL |                                   |
| OR - OFFICE/RESIDENTIAL                   | "h" - HOLDING SYMBOL              |
| OC - OFFICE CONVERSION                    | "D" - DENSITY SYMBOL              |
| RO - RESTRICTED OFFICE                    | "H" - HEIGHT SYMBOL               |
| OF - OFFICE                               | "B" - BONUS SYMBOL                |
|   | "T" - TEMPORARY USE SYMBOL        |

**CITY OF LONDON**

PLANNING & DEVELOPMENT

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



FILE NO:

Z-9689

BH

MAP PREPARED:

2024/01/22

Jl

1:1,000

0 5 10 20 30 40

Meters

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

## Appendix D – Internal and Agency Comments

### Heritage

- archaeological requirements for this application can be considered addressed.

### Ecology

1. The proposed development does not align with the current policy framework and Environmental Management Guidelines, 2021 (EMGs) regarding ecological buffers. To adequately mitigate impacts to the Significant Woodland within Warbler Woods ESA, it is recommended that a 30m ecological buffer be applied in accordance with the current EMGs. City Ecology staff do not agree with the conclusions of the EIS that the proposed development will not impact the adjacent natural features to be protected.
2. However, the Record of Pre-Application Consultation identifies a historic understanding on this site between former City ecologists and the applicant's ecologist to maintain the dripline as the limit of development, and to naturalize under the dripline. Additional buffering would be required to the rear where the former residence would be removed and naturalized. The proposed development is consistent with this historic understanding.
3. The EIS has not been updated to address the previous Ecology comments provided October 27, 2023. It is recommended that these items be addressed in a revised EIS. See City Ecology responses to the Agent responses provided below.
  - **MTE Response:** *"A request for the EIS to recommend a re-zoning is beyond the scope of our EIS. The method of protecting setbacks and buffers are varied and so this OS5 request is best handled by the planners."*
  - **City Ecology Response:** City Ecology staff disagree that this request is beyond the scope of the EIS. Establishing ecological buffers through zoning is an important mitigation tool to protect natural heritage features and is a typical component of an EIS. Furthermore, the applicant has agreed to zone the natural heritage features and ecological buffers to OS5 and the EIS should be updated to reflect this. A figure should be included in the EIS to confirm that the OS5 line is consistent with the ecological buffer and the dripline of the ESA feature.
  - **MTE Response:** *"Bird Friendly design has been offered by the proponent. It is really also not our expertise to dictate to the architect which methods they wish to use to compliment their elevation designs. There are guidance documents they can follow to select which is most suited to their plans."*
  - **City Ecology Response:** City Ecology staff disagree that addressing bird collision mitigation is outside of the expertise or scope of the EIS. While it may be more appropriate for the architect to suggest bird-friendly design elements that fit with the development, these suggested design elements should be assessed in the EIS to determine whether the proposed designs will in fact effectively mitigate bird collisions. The EIS should also recommend suitable guidance documents and standards, as mentioned above, that represent current best practices such as the "CSA Bird-Friendly Design Standard".
4. A detailed Landscape Plan for the proposed naturalization area is identified as a requirement in the EIS and previous Ecology comments but has not been provided to date. Please include.

### Engineering

#### Sewers:

- There is no municipal sanitary sewer fronting the subject lands. As this application is for an apartment building a municipal sanitary outlet is required.
- The subject lands subject to a holding provision as it will be required that they demonstrate a suitable outlet including extension of services.

#### Water:

- Water is available via the municipal 400mm watermain on Commissioners Road



- Our record doesn't show any municipal water connection to the property, if there is a well in the property it is to be properly abandoned as per Ontario regulation 903 (Well Regulation) and new municipal service to be connected.

## **UTRCA**

- As indicated, the subject lands are regulated by the UTRCA. While we have no objections to this application to amend the Zoning By-Law with respect to the natural hazard matters, the UTRCA requires a revised Final Geotechnical/Slope Stability Report. Although this was a requirement of the complete application, the study can be provided as part of the Section 28 permit approval process.
- We recommend that the natural hazard lands be zoned with an appropriate Open Space zone.
- A Section 28 permit will be required for the demolition of existing structures and a separate permit will be required for the proposed development. Erosion and Sediment Control (ESC) measures including detailed drawings with staging, construction timing and sequence of works, rehabilitation/revegetation plan, grading plan, access and construction laydown areas will be required. The UTRCA will also require written confirmation from the geotechnical engineer (exp) that the design and site plan drawings accurately reflect the Erosion Hazard Limit and that the requirements/recommendations contained in the Geotechnical Investigation/Slope Stability Assessment have been implemented on the site and for the proposed development. Details regarding restoration and proposed plantings (Landscape Plan) of the area within the Erosion Hazard Limit and where existing structures were demolished, including construction/planting methods, timing and access, will also be required through the Section 28 permit approval process. We encourage the applicant to contact the Authority's Land Use Regulations staff regarding the submission and associated fees.

## **Urban Design**

### **Matters for ZBA:**

- This site is located within the Neighbourhoods Place Type along a Civic Boulevard in The London Plan [TLP], which permits the proposed use and height. Urban Design is generally supportive of the proposed 4-storey apartment building and commends the applicant for providing a site and building design that incorporates an adequate transition in height to the adjacent low-rise residential property to the west and for incorporating a high degree of transparent glazing, material changes and articulation on the street-facing façade.
- If the proposed 4-storey apartment building is deemed appropriate, Urban Design recommends the following Special Provisions be incorporated into the proposed R8-4 Zone to foster a safe, comfortable and accessible public realm, and to reduce potential impacts on neighbouring properties:
  - Maximum height;
  - Include a Special Provision to maintain the proposed step-backs above the 2<sup>nd</sup>/3<sup>rd</sup> storey to the west [TLP Policy 253, 298];
  - Minimum and maximum front yard setbacks to ensure the proposed building is both street-oriented and respects the character of the surrounding neighbourhood [TLP Policy 252, 256, 259];
  - Minimum interior side yard setback to allow adequate space for landscaping and buffering from the neighbouring low density property to the west [TLP Policy 253].

### **Considerations for Site Design:**

- This application would not proceed through the Site Plan Approval process given the current unit count, however, Urban Design recommends the following site design matters be considered:
  - Provide a walkway that connects between the principal building entrance and the public sidewalk on Commissioners Road W to ensure pedestrians can safely access the site [TLP Policy 268];

- The proposed accessible parking space and garbage storage area should not be located in the front yard. Urban Design recommends the applicant explore opportunities to relocate these functions away from the street frontage [TLP Policy 266, 272]:
  - Given the constraints of the site, Urban Design can accept this condition if the applicant provides enhanced landscaping to screen these elements from the street [TLP Policy 278].
- Ensure enhanced landscaping is provided between the proposed apartment building and the low-rise residential property to the west to mitigate impacts such as privacy and noise [TLP Policy 253];
- Retain and incorporate as many of the existing mature trees on site as possible [TLP Policy 258].

## **Parks Planning**

### **1. Major Issues**

- None.

### **2. Matters for OPA/ZBA**

- None.

### **3. Matters for Building Permit**

- Parkland dedication has not been taken for this site. The required parkland dedication shall be calculated pursuant to Section 51 of the Planning Act and the City of London By-law CP-25. Required parkland dedication can be satisfied through the combination of land dedication and payment of cash-in-lieu of parkland.
- Parks would consider the dedication of the open space lands south of the shown development limit on the southerly portion of the site (shown on the diagram below). Dedication of the open space land would be dedicated at a constrained rate of 1:30 as per CP-25 By-law the balance of the required dedication would be taken as cash in lieu.
- The Owner shall construct 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface and the Open Space.

## **Landscape Architecture**

### **1. Major Issues**

- One boundary tree was captured on the tree inventory. Consent to remove tree must be obtained from owner of 2 Chestnut Hill. If consent can not be obtained a setback of 3.5m will be required from west property line.
- One off-site tree [#2] is proposed for removal. Consent to remove tree must be obtained from the owner of 2 Chestnut Hill. If consent can not be obtained a setback of 3.5m will be required from west property line.
- The reduced west interior yard setback is not supported. Sufficient volume of soil must be provided to support tree growth, as required in Site Plan Control Bylaw and to meet canopy goals of the London Plan and the Urban Forest Strategy. The rear and side yards must accommodate fencing, retaining walls, drainage features [above and below ground] and tree planting. Reduced setbacks will cause conflicts. Tree planting is essential to provide privacy to residential properties to the west. In addition, the current proposal will impact trees growing in abutting Tree Protection Area and Warbler Woods ESA
- 801 cm dbh proposed for removal. In accordance with LP Policy 399, 80 replacement trees are to be planted within site. A recommendation for replacement trees will be made to Applicable Staff. If all replacement trees cannot be accommodated within the site, a cash-in-lieu fee will be charged.

## **Site Plan**

### **Major Issues**

- N/A

Matters for OPA/ZBA

- N/A

Matters for Site Plan

- N/A – not required

Complete Application Requirements

- N/A

**London Hydro**

- 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 E – Public Engagement

On December 21, 2023, Notice of Application was sent to 141 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 28, 2023. A “Planning Application” sign was also placed on the site.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit a 4-storey apartment building consisting of 10 dwelling units. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-8) Zone **TO** a Residential R8 Special Provision (R8-4(\*)) & Open Space (OS5) Zones. Special Provisions are requested to permit a minimum rear yard setback of 0.3 metres, whereas 4.5 metres is the minimum required; east Interior side yard depth of 0.3 metres, whereas 4.5 metres is the minimum required; west interior side yard depth of 1.5 metres, whereas 4.5 metres is the minimum required; lot coverage of 46.2%, whereas 40% is the maximum permitted; height of 13.5 metres, whereas 13 metres is the minimum required.

There were 41 responses received during the public consultation period. 1 petition was received with 36 signatures. The petition states that the signatures object to the application at 1494 Commissioners Road West London File #Z-9689 for the 4-storey apartment complex:

### Public Comment #1 – Seyed Mirsattari

Dear Ms. Hopkins and Mr. House!

We received a letter of “Notice of planning application & notice of public planning) dated December 21, 2023. Your names were mentioned as the contact persons for matters related to this rezoning application to build a 4 storey apartment building that could house 10 units.

Please note that we dealt with another rezoning proposal about this property by the same owner more than 10 years ago that brought all of the neighborhood together against a business development in this residential area next the Environmentally Significant Area (ESA of Warbler Woods). We hope that those original documents are still on record and will be taken into account as the voice of the community as a whole and be respected because the community has already spoken about any rezoning of this land with one strong voice before.

We all have young children and have chosen the Warbler Woods neighborhood to raise our families in the tranquility of this Environmentally significant area (ESA). Like our properties, 1494 Commissioners Rd West is immediately adjacent to this ESA and an inappropriate location for any developments of the kind proposed here.

We, the immediate neighbours, (Francielle Fernandez, Matthew Parezanovic, Ghasaq Al-Bakkal, Seyed Mirsattari) are all healthcare workers and unable to attend the public meeting at 1 pm on Wednesday February 21, 2024. Moreover, 8 Chestnut Hill was just sold and the new owners do not take possession of it for another 2-3 months. It would not be fair to them to hold such meeting in their absence and without their knowledge or input.

We kindly ask you to preserve the spirit of this hidden gem within the city of London and do not allow any development that disturbs its natural habitat.

Merry Christmas! Wishing to preserve the green Warbler Woods in 2024 and beyond.

Kindest regards!

Francielle Fernandez  
Matthew Parezanovic  
Ghasaq Al-Bakkal

Seyed Mirsattari

### **Public Comment #2 – Deb Caldwell**

Dear Ms Hopkins

I am writing with regard to zoning by-law amendment for [1484 Commissioners Road West](#). I seem to remember that in the original application, there was specific mention that many of the current trees would need to be removed, and that the contractor promised to replace all of them and more? with comparable trees. I noticed that in the special provisions section of requested zoning that the building will be bigger on all sides not complying with current minimum and maximum requirements. Will that affect the replacement of all trees that will be removed during the process?

Thank you for your continued service to our community. I applaud the hard work, long hours and dedication you provide.

### **Public Comment #3 – Ghasaq Bakka**

Dear Ms. Hopkins and Mr. House!

We received a letter of “Notice of planning application & notice of public planning) dated December 21, 2023. Your names were mentioned as the contact persons for matters related to this rezoning application to build a 4 storey apartment building that could house 10 units. We vehemently opposing this.

Please note that we dealt with another rezoning proposal about this property by the same owner more than 10 years ago that brought all of the neighborhood together against a business development in this residential area next the Environmentally Significant Area (ESA of Warbler Woods). We hope that those original documents are still on record and will be taken into account as the voice of the community as a whole and be respected because the community has already spoken about any rezoning of this land with one strong voice before.

We all have young children and have chosen the Warbler Woods neighborhood to raise our families in the tranquility of this Environmentally significant area (ESA). Like our properties, 1494 Commissioners Rd West is immediately adjacent to this ESA and an inappropriate location for any developments of the kind proposed here.

We, the immediate neighbours, (Francielle Fernandez, Matthew Parezanovic, Seyed Mirsattari) are all healthcare workers and unable to attend the public meeting at 1 pm on Wednesday February 21, 2024. Moreover, 10 Chestnut Hill was just sold and the new owners do not take possession until Feb 8th, 2024. It would not be fair to them to hold such meeting in their absence and without their knowledge or input.

Furthermore, I would also like to add some of our concerns regarding this development :

1) by granting an R8 zoning, with special provisions, equates to spot zoning in a neighbourhood with R1 and R5 zoning on all sides of the proposed rezoning application address, is setting a precedent that puts other single family dwellings adjacent to the Warbler Woods Environmental Significant Area at risk of also being redeveloped. This is the core of the opposition to this proposal. No other structure adjacent to this area has such a large foot print or height. This will negatively alter the tranquil environment and compromise the privacy of the adjacent single family dwellings.

2) The current owner does not reside on the property, raising concerns regarding his/ her / their intentions, respect to neighbouring properties occupied by the owners, and a sense of community.

3) The 1.5m distance to the property line is extremely close to our fence and raises concerns regarding privacy and also the structural integrity of our swimming pool due to the proposed construction below grade.



4) Disruption by construction and redevolvement is a concern. Additionally, noise and light disruptions at night from tenants on balconies and vehicles entering and exiting the property will have long term impact on our property.

4) We feel that this rezoning application benefits the property owner in terms of property value, while compromising the value of our property due to the majority of the view at the rear of our property being replaced by this building. In turn, we are concerned that our property will be less favourable for future resale compared to other properties adjacent to the Warbler Woods area.

5) Removing and destroying a significant number of distinctive trees and trees in a designated tree protection area that form a habitat to a variety of birds, including protected species such as the Downy Woodpecker and Red Bellied Woodpecker.

6) We are not opposed to this property being redeveloped, however the plan needs to maintain a foot print and height similar to the properties surrounding the rezoning application property. Therefore, there will be less impact on the environment and neighboring homes.

Thank you,  
Yours respectfully  
Ghasaq Bakkal

Public Comment #3 – Victoria Lanteigne

Dear Brent House,

I hope this email finds you well. My name is Victoria Lanteigne, I am an owner of [REDACTED], I am writing to express my deep concerns regarding the proposed new build development on 1494 Commissioner Road W, particularly its potential impact on our community's privacy and tranquility.

As a resident who cherishes the natural beauty of the ravine and the peaceful ambiance of our surroundings, I am apprehensive about the potential disruptions this development might bring. My family and I specifically chose this area to relish the serenity, tranquility, and closeness to nature. Unfortunately, the proposed build threatens these qualities in several ways.

Foremost among my concerns is the anticipated increase in noise pollution. The construction process itself will undoubtedly introduce disruptive noise levels, and once completed, the new development may contribute to ongoing disturbances, such as amplified vehicle and pedestrian traffic. This could significantly detract from the calm environment we currently enjoy.

Furthermore, the prospect of increased light pollution resulting from this development raises considerable apprehension. The tranquility of our evenings and the ability to appreciate the natural night sky could be compromised, affecting not only our privacy but also the nocturnal ecosystem of the area.

Additionally, the augmented foot and car traffic stemming from this development may pose safety concerns for our community, especially if it leads to congestion and altered traffic patterns that could potentially compromise the safety of pedestrians and residents.

The inclusion of proposed balconies in this development is particularly worrisome for me. The privacy that my property currently enjoys is a significant factor that influenced my initial decision to purchase it. Any alterations that compromise this essential aspect would significantly affect the value and appeal of my home. I believe it's crucial to preserve the privacy that residents in this area currently experience. The introduction of balconies overlooking properties could infringe upon this fundamental aspect, altering the peaceful and secluded environment that many of us cherish and seek to maintain.

In essence, as a committed member of this community, **I firmly oppose this development proposal**. I believe it contradicts the essence of what drew many of us to reside in this area in the first place. I urge you to consider the profound impact this build might have on our neighbourhood's unique character and the values we hold dear. I implore you to reassess this proposal with a focus on preserving the peaceful, natural essence of our community.

I encourage you to reassess the chosen date for the community meeting on Feb 21, 2024, as numerous families will be unavailable due to the Family Day Holiday that week. This situation appears unjust for our community members who deserve the opportunity to voice their opinions about this new development. Considering the late notice sent in December 2023, many have already solidified their plans for February, making it challenging for them to participate.

Thank you for your attention to this matter. I am more than willing to participate in any discussions or initiatives aimed at maintaining the integrity and tranquility of our neighbourhood.

Best regards,

Victoria Lanteigne

#### **Public Comment #4 – Cathy Traicus**

Living at [REDACTED] and having seen the Notice of Planning Application & Notice of Public Meeting for the above address, I have the following concerns.

1. **Safety:** Commissioners Road is heavily travelled by pedestrians including many students coming from Riverbend area & Warbler Woods area heading to and from school, work and shopping. As well there are many cycling and running. This would provide yet another traffic entrance/exit which would further endanger these students, seniors and adults. As it is people don't make safe stops & turns entering or exiting Chestnut Hill, local Montessori School, Grandview, Griffith, Reynolds, & Stephen Street! This would make an existing safety problem much, much worse with at least twenty more vehicles entering and exiting this proposed building. A safety nightmare.
2. **Environmentally:** This area is mainly a lovely ravine area with mature trees and a stream. Deer and other wildlife regularly use this area as a thoroughfare to other green spaces. Birds in this area are amazing and this would greatly shrink the green space and habitats. After all, we're supposed to be "The Forest City".
3. **School:** The feeder schools in Riverdale & Byron, whether elementary or secondary, are already overfull with many portables in use to accommodate students. If this building includes more young people, the schools would be unnecessarily negatively impacted. Overcrowding in schools is a current problem and getting worse. This proposal would add greatly to the current problem.
4. **Traffic On Commissioners Road:** During morning and evening rush hours, Commissioners Road is now often at a standstill and during construction on alternate routes it is currently impossible to make it through in a timely fashion. Whether residents or visitors or staff, this proposed building would just add to the current congestion.

It is not a well thought out plan.

5. **Neighbours - Privacy and Property:** This proposal negatively affects the privacy of both the local Montessori school and the neighbours whose homes back onto the area proposed for this application and re-zoning changes. As such, it would also affect property values as many do not want a four-storey building overshadowing their backyards. Currently, the school yard of the Montessori

school is quite private and this is good for the pre-schoolers attending and much safer. A building of this size, proximity of building and subsequent individuals living & driving there could possibly increasingly pose a threat to the toddlers.

In my opinion, this area is not conducive to building anything other than a single family dwelling and is not suitable to the proposal for 1494 Commissioners Road West File: Z-9689. Please reconsider this plan and deny the building application and proposed rezoning applications. Also, please re-schedule the meeting for the following week. Scheduling this meeting for Family Day week really impinges upon families and does not allow for as many as possible to attend the meeting.

Sincerely,

Cathy E. Traicus

Public Comment #6 – Matthew Parezanovic

Dear Brent House and Councillor Anna Hopkins

We reside at [REDACTED] and have received notice regarding Zoning By-law Amendment Z-9689 - 1494 Commissioners Rd W. to allow a 4 storey apartment building with 10 units to be built. This property is immediately behind our property and also adjacent to the Warbler Woods, Environmentally Sensitive Area, which forms the backbone of our neighbourhood. Our home and many others back on to this wooded ravine, which provides a quiet, private and tranquil environment.

We are opposed to Zoning By-law Amendment Z-9689 - 1494 Commissioners Rd W and have provided the following comments and concerns:

- 1) Due to the Notice of Planning Application and Notice of Public Meeting regarding File Z-9689 being released on December 21, 2023, just before the start of the Christmas and New Year's holidays, we are concerned that many homeowners have not had enough time to review and respond to the notice. Moreover, we have been informed that the recent sales of 10 Chestnut Hill and 72 Springfield Crescent may have resulted in the new owners not being made aware of this rezoning application. Additionally, there is a discrepancy in the notice that was received by mail stating that the applicant is the city vs. the notice available on the city website, listing the property owner. See the online notice attached. Therefore, we are requesting more time for all homeowners within 120 meters of 1494 Commissioners Rd W. to respond to the notice.
- 2) Granting R8 zoning, with special provisions, can be considered spot zoning in a neighbourhood with R1 and R5 zoning on all sides of 1494 Commissioners Rd W. This would set a precedent that puts other single family dwellings adjacent to the Warbler Woods, Environmentally Sensitive Area at risk of also being redeveloped in the future. This is the core of the opposition to Zoning By-law Amendment Z-9689. No other structure adjacent to this area has such a large footprint or height. This will negatively alter the tranquil environment and compromise the privacy of the adjacent single family dwellings.
- 3) The special provisions granting reduced yard setbacks and side yard depth is a concern, especially the reduction of the side yard adjacent to 2 Chestnut Hill. This will allow the proposed apartment building to be only 1.5 meters from the property line, raising concerns regarding privacy, shadow casting and also concern regarding the structural integrity of the adjacent swimming pool at 2 Chestnut Hill, due to the proposed construction below grade at close proximity.
- 4) Disruption by construction and redevelopment is a concern to the surrounding dwellings that are adjacent to 1494 Commissioners Rd W. Additionally, noise and light disruptions at night from tenants on balconies and vehicles entering and exiting the property will have long term impact on our properties and neighbourhood.

5) The current owner of 1494 Commissioners Rd W. does not reside on the property, raising concerns regarding their intentions, respect to neighbouring properties occupied by the owners, and a sense of community.

6) We feel that this rezoning application unfairly benefits 1494 Commissioners Rd W. in terms of property value, while compromising the value of our property due to the majority of the view at the rear of our property being replaced by this building. In turn, we are concerned that our property will be less favourable for future resale compared to other properties adjacent to the Warbler Woods, Environmentally Sensitive Area that are not affected by the proposed apartment building.

7) Removing and destroying a significant number of distinctive trees and trees in a designated tree protection area that form a habitat to a variety of birds, including protected species such as the Downy Woodpecker and Red Bellied Woodpecker.

8) A large portion of 1494 Commissioners Rd W. is within an area regulated by the Upper Thames Conservation Authority. Concern is raised if the Authority has been made aware of this rezoning application and the role it plays in this process.

9) Access to 1494 Commissioners Rd W. from Commissioners Rd W, especially for westbound traffic, requires a left turn. This would require vehicles to obstruct the entrance to the left turning lane designated for vehicles turning left onto Chestnut Hill. Therefore, the increased number of vehicles that will be turning into the entrance to 1494 Commissioners Rd W. raises concern for increased motor vehicle collisions

10) We are not opposed to this property being redeveloped, however the plan needs to maintain a footprint and height similar to the properties surrounding the 1494 Commissioners Rd W. Therefore, there will be less impact on the environment and neighbouring homes.

Thank you,

Matthew Parezanovic and Francielle Fernandez

**Public Comment #7 – Marie Kronstal**

Attention: Brent House and Anna Hopkins

Re: Notice of Planning Application for  
Zoning By-law Amendment Z-9689 - 1494 Commissioners Rd W.

Brent House and Anna Hopkins,

I am opposed to this rezoning application and I am in complete agreement with all of the objections provided below by Matthew Parezanovic and Francielle Fernandez.

Further, this is at least the 3rd time the owners of this property have applied for rezoning from R1 (R1-8) to other than Single Detached dwellings. Previously, they have applied to rezone to commercial property to operate a Salon. The same objections to the flow of traffic still apply and are intensified with an even larger number of vehicles turning into the entrance to 1494 Commissioners Rd W.

As stated in objection number 10 in the letter from Matthew Parezanovic and Francielle Fernandez, this property needs to maintain a footprint and height similar to the properties surrounding the 1494 Commissioners Rd W. to ensure minimum impact on the environment and neighbouring homes.

Thank You

Marie Kronstal

### **Public Comment #8 – William Loomis**

City Planner Brent House, This e-mail is from William Loomis at [REDACTED]  
[REDACTED] Regarding the Zoning **By-Law Amendment Z-9689, 1494 Commissioners Rd. W.**  
**We are totally against this By-Law change.**

This this will make **1494 Commissioners Intersection unsafe**. The traffic now completely over runs this road. Traffic making a left turn into 1494 Commissioners will disrupt traffic flow and cause accidents. This Amendment change is a bad choice!!!

Thank you, William Loomis

### **Public Comment #9 – Marco DiLoreto**

Good morning.

I am writing this email in response to the proposed new build at Commissioners and Chestnut. File # Z-9689

I and my wife are against this proposed development.

The allowances of reducing the property variances is unacceptable. The encroachment into protected lands by the UTRCA is also unacceptable. This alone should be a clear reason to scrap this proposal and by failing to do so questions the integrity of UTRCA and the City of London not to mention the Councilor who is suppose to reflect the concerns of the property owners and respect their points of view.

It is inconceivable that the plans for this has been in the works for 2 years without even a conversation being had to the property owners, by the city and the councilor who is suppose to represent the said property owners. Ms Hopkins has been elected and works for the citizens of this community. She is not paid to represent developers. It is also very suspicious that this notice and the timing was delivered during the holiday season with very little time for discussion and recourse.

No one is against development, however this type of development does not co-exist with the surrounding esthetics of this neighbourhood. This area is zoned single family and should not be changed.

I am president of the home owners at MCC125 and as president have been under obligation to respect and maintain the integrity of the protected ravine by UTRCA. We as a board have worked in cooperation with UTRCA and have a amicable relationship. I fail to see how the ravine at the proposed site which is under UTRCA is any different. The proposal would have them encroach on this ravine thereby affecting the environment and wildlife that exist.

I am completely in agreement with all the valid points and well thought out points presented to us by Francielle Fernandez and Matt Parezanovic.

I hope that the planning depart of the City of London and Councilor Hopkins as well as UTRCA do some deep investigating before pushing this agenda through. It would be in the best interest of all involved to defer this application for everyone's to do their due diligence.

Regards

Marco DiLoreto  
Liz DiLoreto

### **Public Comment #10 – Nancy Lea**

Dear Brent & Anna,



I hope this message finds you well. I am writing to express my very strong opposition to the proposed new build development in our neighborhood.

Having been a resident here since 1984, I have come to cherish the serene environment the woods offer. I am deeply concerned that a multi-unit development would disrupt the tranquility we have all grown to appreciate.

The potential noise and light pollution stemming from this development are worrying. It could significantly detract from the peaceful ambiance we currently enjoy, affecting both the environment and the quality of life for all residents.

Moreover, I am deeply invested in preserving the natural environment of our area. Introducing such a development could have adverse effects on the local ecosystem, which I believe is crucial to safeguard for future generations. At one time we have seen 24 deer in our backyard (on ravine near where intended project in question) While we still see deer they are no where near the numbers that used to enjoy the areas.

In summary, I firmly believe that a multi-unit development is not in harmony with the essence of our neighborhood. As a very long-standing member of this community, I join many others in expressing our collective disapproval of this development proposal.

I urge you to reconsider this proposal and explore alternatives that align more closely with preserving the unique character and serenity of our neighborhood and safety for the animals and wildlife.

Thank you for considering my perspective.

Best regards,

Nancy Lea

#### **Public Comment 11 – Phil McDowell**

Thank you for the opportunity to respond to the above noted application for this property. I would like to express my opposition to the proposed zoning change from R1 single family to the R8 designation as well as the proposed development itself.

As you can see from many available municipal map sources, the bulk of the existing development surrounding this proposal is a mix of single family detached and townhouse condominium homes in very large part. The single family homes are a mix of styles as you would expect with the larger of these being two storey in design. The condominium residences are almost exclusively one floor in style. As a result the dominant zoning in the vicinity is primarily a mix of R1 and R5 and of a moderate overall density. A four storey building would not conform well with surrounding homes and could easily block access to light and privacy for the properties immediately to the west along Chestnut Hill. It would seem to make sense that any re-development proposals could be done within current R1-R5 zoning that would accomplish an increase in existing density while conforming well to the character of the vicinity.

This proposal could also pose traffic issues in front of 1494 Commissioners Road West due to a slight curve in the road and an intersection very close to the west at Chestnut Hill. As it is presently the existing dwelling sits well above street level of Commissioners Road West with the drive rising from the road to the residence.

Of importance is the fact that the rear boundary of this proposal at 1494 Commissioners Road West backs directly to what is commonly referred to as Warbler Woods, a marked Environmentally Sensitive area. The full east boundary also backs onto this same wooded area but this portion is owned by our family with a lot size slightly over one acre and frontage along Commissioners Road West as well as Springfield Crescent. We are fortunate enough to have

lived here long enough to have known the original owners of 1494 Commissioners Road West, George and Norma Cross.

I would like to point out that the closest R8 designation is approximately one kilometer to the east and is not adjacent to established parkland but is directly opposite a public school. This newer development (two in a small area) was already surrounded by multi family use on the sides when recently developed. In the case of 1494 Commissioners Road West you have a property backing onto green space and protected woodland plus single family utility on the three sides. A rather different location.

If I could suggest the obvious, nearby development of a multi-family nature is one floor in the area. An increase in residential density can be achieved by allowing for development within existing guidelines of a one floor townhouse condominium proposal. This in accordance with adjoining properties having the R5 designation while having respect for the woodland areas and conformity.

This application desires a zoning change well above and beyond what would conform to adjacent dwellings. It further basically ignores most existing requirements under the proposed R8 zoning designation in various ways, not limited to height, coverage and overall density. The applicant seems to also believe that both the existing rear and east side requirement of a minimum rear yard setback requirement of 4.5 meters are mere suggestions. Asking for each to be reduced by approximately 93% and on the west side to be reduced by 33% seems to be centred on the need to in any way possible create real estate value for the applicant. This, rather than a residential proposal which conforms to the neighbourhood, respects existing development and green space alike appears to be the motivation of this application.

In reviewing the limited information received in the mail just before the holiday period it would also appear that the proposed development has very limited area designated for parking. Figure 1 in the concept plan for the site shows a small front yard space available between the proposed building and the roadway. In addition, with a large four storey proposed structure, to where is any generated waste water, rain water to be directed? Towards the so called ravine on the sketch, which is owned by others? With a proposal of 10 units, it would seem a fair number of parking spots should be planned for, space for delivery vehicles and the like.

A conversion of the existing home to duplex or triplex utility would seem to me to be much more appropriate and conforming use of the site. If development is allowed, a low rise or townhouse style would blend in well with the neighbourhood, while meeting the needs of increasing density on a gradual overall basis.

As a final point, according to the information I received in the mail the applicant is shown as The Corporation of the City of London. I hope I can assume this was a simple typographic error.

Thanks again for this opportunity to comment. I/we look forward to attending the Planning Committee meeting on February 21, 2024.

### **Public Comment 12 – Elanna Delaurier**

Dear Brent & Anna,

I am writing to express my very strong opposition to the proposed new build development in our neighborhood. I am deeply concerned that a multi-unit development would disrupt the tranquility we have all grown to appreciate.

The potential noise and light pollution stemming from this development are worrying. It could significantly distract from the peaceful ambiance we currently enjoy, affecting both the environment and the quality of life for all residents.

Moreover, I am deeply invested in preserving the natural environment of our area. Introducing such a development could have adverse effects on the local ecosystem, which I believe is crucial to safeguard for future generations. At one time we saw 24 deer in our backyard (on ravine near where intended project in question) While we still see deer, they are nowhere near the numbers that used to enjoy the areas.

In summary, I firmly believe that a multi-unit development is not in harmony with the essence of our neighborhood. As a very long-standing member of this community, I join many others in expressing our collective disapproval of this development proposal.

I urge you to reconsider this proposal and explore alternatives that align more closely with preserving the unique character and serenity of our neighborhood and safety for the animals and wildlife.

Thank you for considering my perspective.

Best regards,

Elenna Delaurier

### **Public Comment 13 – Melissa Allman-Fournier**

Good afternoon Brent,

My name is Melissa Allman-Fournier of [REDACTED]. I have lived in London for over 30 years and I have lived at this address since 2010.

I chose my home based on the old saying "location location location". My home is in the heart of Byron, within steps of Warbler Woods. My street is quiet, lined with mature trees and most of all, it is surrounded by wildlife. My neighbours are hard working, take great pride in their home ownership and properties. We spend our days off working in our quiet yards, sitting by pools or firepits, or just outside in our favourite lawn chairs reading.

I personally spend much of my days watching the many species of birds and animals that flock to my yard. I have 3 types of woodpeckers alone that come to my trees.

I have great concerns about a proposed 4 storey development to be located at 1494 Commissioners Street W. This is currently zoned as a R1, with a single dwelling home on the property. The proposed request wants to change this to a zone 8, which would have a 4 story apartment building built on environmentally significant land.

I have many concerns with this request.

1. This property backs on to Warbler Woods. This 4 story development will result in the loss of many native trees, ground cover such as trillium and loss of habitat for so many species. The proposal is to cover 46.2% of the land. Does The Upper Thames River Conservation Area support this type of destruction? I don't. A large portion of 1494 Commissioners Rd W. is within an area regulated by the Upper Thames Conservation Authority. Concern is raised if the Authority has been made aware of this rezoning application and the role it plays in this process.

2. Noise. Currently the only noise I hear is that of children playing, neighbours chatting and cars on Commissioners road. Having a 10 unit building with patios, will create a lot more noise pollution. Including the sounds of cars trucks coming and going from this building at all hours.

3. Light pollution. Currently, the neighbour is only lit with street lights and is fairly dark and quiet. Adding this structure will create not only more light pollution but also a visual change in my sight lines of Warbler Woods. I currently only see trees, lots of mature

trees. I have no interest in looking out into a 4 story building. Granting R8 zoning, with special provisions, equates to spot zoning in a neighbourhood with R1 and R5 zoning on all sides of 1494 Commissioners Rd W. This would set a precedent that puts other single family dwellings adjacent to the Warbler Woods, Environmentally Sensitive Area at risk of also being redeveloped in the future. This is the core of the opposition to Zoning By-law Amendment Z-9689. No other structure adjacent to this area has such a large footprint or height. This will negatively alter the tranquil environment and compromise the privacy of the adjacent single family dwellings.

4. Depreciation of house value. Currently, my street is highly sought after. I get letters in my mailbox a few times a year asking if we are going to sell. This means my home has value. If you build an apartment building that will overlook not only my home but all of my neighbours homes, you have just brought down the value of our homes. We have all put a lot of money into our homes to keep their value. These homes were built in the 1970s, so you can appreciate the money that has been put into them to keep them looking as good as they do. My neighbours have spent thousands of dollars in backyard improvements, including addition of pools, decks and landscaping. I'm pretty sure they don't want families to be able to look into their backyards from 4 stories up, while they are enjoying their family time.

I am not opposed to rebuilding on this site. I am opposed to having it rezoned to a R8. A one-story building or condos would be fine. It would fit in with the environment. I am asking for you to not allow a 4 story structure to destroy our enjoyment of Warbler Woods.

I will be forwarding this email to the UTRCA and to my Ward Councillor, Anna Hopkins.

Sincerely,  
Melissa Allman-Fournier

### **Public Comment 13 – Frank Smith**

Please accept our comments in this regard.

Re: File: Z-9689  
Applicant: Mr. David Moubarak / The Corporation of the City of London  
Proposal: Zoning By-law amendment to allow:

A 4 storey apartment building with a maximum height of 13.5 meters (m) and 10 dwelling units.

Special Provisions requested to permit a minimum rear yard setback of 0.3 m., east interior side yard depth of 0.3 m., west interior side yard depth of 1.5 m., lot coverage of 46.2% and a height of 13.5 m.

Please be advised that we are opposed to the Zoning By-law amendment as referred to in File Z-9689 for the following reasons:

1. Who is the applicant? Mr. Moubarak, the current property owner, is listed on the London City's website whereas the delivered paper copy shows, "The Corporation of the City of London appears on the Notice of Planning Application & Notice of Public Meeting", dated December 21, 2023.

2. Insufficient Notice & Consultation: Prior to December 21, 2023, there hasn't been any consultation with the affected homeowners. The limited timeframe for response from Dec 21, 2023 to Jan 8, 2024, is totally inappropriate. Therefore, there should be an extension granted to allow all those affected to adequately address and respond to this proposal.

3. Upper Thames Conservation Authority (UTCA): A significant portion of 1494 Commissioners Rd W. is within an area regulated by the UTCA. Has the UTCA been involved in the planning process of this rezoning application?

4. The proposed R8-4 zoning with special provisions and permitted uses will have a significant impact on existing single family residences bordering and backing onto the property of 1494 Commissioners Rd West. This will set a precedent where single family homes adjacent to Warbler Woods, Springfield Crescent, and Land managed by the UTC A will be at risk of additional stresses caused by an increase in road traffic & noise and potential for future redevelopment. This strikes to the core of our opposing to the Zoning By-law Amendment Z-9689.

5. The special provisions granting reduced yard setbacks and side yard depth is a concern, especially the reduction of the West interior side yard depth adjacent to homes on Chestnut Hill. This would allow the proposed apartment building to be only 1.5 meters from the property line, raising concerns of loss of privacy and loss of sunlight from shadowing. No other structure adjacent to this area has such a large footprint or height. Similarly, reduction to the East interior side yard depth from 4.5 meters to 0.3 meters will encroach on neighbouring residential property. In totality, these proposed changes will negatively impact the peaceful environment and compromise the privacy of the adjacent single family dwellings.

6. Disruption / Spillover from construction and development: the proposed apartment building is a concern to the surrounding single homes adjacent to 1494 Commissioners Rd West. Additionally, noise and light disruptions at night from tenants on balconies and vehicles entering and exiting the property will have long term impact on our properties and neighbourhood.

7. The current owner of 1494 Commissioners Rd W. does not reside on the property, thereby raising concerns of his intentions with respect to neighbouring properties occupied by the owners, and a sense of community.

8. Potential loss in property values and a neighbourhood in equilibrium: We feel this rezoning application unfairly benefits the current owner of 1494 Commissioners Rd W in terms of property value, while compromising the value of our property(s). Historically, home owners have paid a premium for properties bordering onto the UTCA Land and properties adjacent to 1494 Commissioners Rd W. Home owners choose these lots because of their location near conservation land, a neighbourhood consisting of single homes, low density, and, for peace and enjoyment, to name a few. If Proposal under File Z-9689 is approved, there is a strong likelihood that our property values and the surrounding amenities that we have come to enjoy over the years will be threatened.

9. Environmental Stress: Removing and destroying vegetation that is primarily indigenous to this area will negatively impact the habitat in support of a variety of song birds, birds of prey, turkeys, deer, fox, coyotes and other fur bearing mammals.

10. Traffic: Access to 1494 Commissioners Rd W. from Commissioners Rd W, especially for westbound traffic, requires a left turn. This would require vehicles to obstruct the entrance to the left turning lane designated for vehicles turning left onto Chestnut Hill. Therefore, the increased number of vehicles that will be turning into the entrance to 1494 Commissioners Rd W. raises concern for increased motor vehicle congestion and collisions.

In summary, we believe the current interface between the neighbouring homes, 1494 Commissioners Rd W and the UTCA land, strikes a good balance in neighbourhood planning and harmony with our treasured environment. The current development proposal is totally out of scale with the existing neighbourhood. The only way to preserve this state is to Not approve the proposal as noted above, but look at the feasibility of the redevelopment of 1494 Commissioners Rd W in accordance to the current Residential By-law for our neighbourhood.

Regards,  
Frank & Marlene Smith



## **Public Comment 14 – Monica Andreatta**

Hi

We received notice of the proposal to build a new 4 storey apartment building at 1494 Commissioners Rd W.

As resident near this site, I'm concerned about the impacts:

- Increased light/noise pollution
- Privacy concerns for residents with 120 metre radius
- Encroachment on Warbler Woods ecosystem and wildlife
- Damaging to my/our property values
- More foot/vehicle traffic in the area causing congestion (see noise point in first bullet)
- Uncertainty of tenant types, more foot traffic in and behind Warbler Woods trails - causes safety concern to our community

Thank you for taking to the time to review my concerns.

Monica Andreatta & Graham Rogers

## **Public Comment 15 – Dianne Fahselt**

Our single storey unit at [REDACTED] looks out over the same beautiful ravine as 1494 Commissioners Road. The ravine and linked natural areas support undisturbed southern deciduous forest communities and provide refuge for numerous species of native birds and animals. It was largely this natural environment that drew many neighbors to purchase here, near one of a limited number of protected natural areas that remain within the expanding city of London.

The multi-storey development to accommodate 10 families that is being planned a bit upstream would be an outlier in an area of conservation land and single-family units, and existing by-laws preclude building such in this location. Changing by-laws to accommodate something this massive makes a mockery of current standards, and it also sets a dangerous precedent and encourages similar outsized developments in inappropriate locations.

Because the building will be oversized normal setbacks from property lines can not be met, and application to reduce them from 4.5 m to one third of that means that one side of a large building will be 1.5 m from the edge of a steep ravine. Erosion due to rain and gravity happens naturally at the top of any steep slope and 1.5 m is not very far, so footings of the building will probably be affected and in time the structure will require stabilization from below. This would involve engineered support from outside the property lines and disturbance of a ravine which is supposed to be protected.

Spacial limitations being what they are, initial construction is also certain to impact ravine communities. Considering there will be only 1.5 m passages around the outside of the building on three sides, effects of excavation and other activities are bound to overflow into adjacent properties.

Aside from placing an anomalous building on a lot that's too small for it, there's impact on climate to consider and that would suggest it's imperative to preserve all self-sufficient natural vegetation. Most people now understand that a blanket of carbon dioxide (CO2) in the atmosphere is warming the earth and destabilizing the climate. Fewer realize that attempts to capture excess of this "greenhouse gas" artificially have failed dismally. However, and for hundreds of millions of years, plants have routinely been capturing CO2 and making it into the sugars which are at the base of every food chain, all the while producing the oxygen we so like to breathe. Consequently it's inadvisable to damage or displace any more natural communities than we already have.

Neither in the short nor the long term is there sense in allowing outsized construction at 1491 Commissioners, so do not amend any by-law that would permit such.

It seems as if proponents of this project recognize its fallibility and would like to slide the amendment through council before too many naturalists and neighbours become aware of it. Plans were drafted in 2022 but not made public for more than a year. They surfaced in the winter holiday season of 2023 and in January 2024 feedback was only permitted in the first 5 working days after New Years.

Dianne Fahselt

### **Public Comment 16 – Brian Twigg**

Dear Mr. House, I am an owner and resident of [REDACTED], which is within close proximity of 1494 Commissioners Rd. W, the subject of this proposed By law amendment.

Besides the very negative environmental impact this development would cause, my greatest concern is that the granting of R 8 zoning with special provisions, could and probably would, be considered "Spot Zoning" in a neighborhood with R1 and R5 zoning on, all sides of the subject property. This would then set a precedent that puts other single family homes adjacent to the Warbler Woods environmentally sensitive area, at risk of also being developed in the future.

Hence, with respect, I urge you to decline this request for the amendment.

Thank you,  
Sincerely,

Brian Twigg

### **Public Comment 18 – Tom Heath**

Dear Brent House and Anna Hopkins,

My name is Thomas Heath and I reside with my family [REDACTED]. We received a notice of planning application in the mail for a zoning By-law amendment at 1494 Commissioners Road West.

We are strongly opposed to this rezoning application and are provided the following comments and concerns:

1) Due to the Notice of Planning Application and Notice of Public Meeting regarding File Z-9689 being released on December 21, 2023, just before the start of the Christmas and New Year's holidays, we are concerned that many homeowners have not had enough time to review and respond to the notice. Additionally, there is a discrepancy in the notice that was received by mail stating that the applicant is the city vs. the notice available on the city website, listing the property owner. Therefore, we are requesting more time for all homeowners within 120 meters of 1494 Commissioners Rd W. to respond to the notice.

2) We are opposed to granting R8 zoning, with special provisions, can be considered spot zoning in a neighbourhood with R1 and R5 zoning on all sides of 1494 Commissioners Rd W. This would set a precedent that puts other single family dwellings adjacent to the Warbler Woods, Environmentally Sensitive Area at risk of also being redeveloped in the future. This is the core of the opposition to Zoning By-law Amendment Z-9689. There are no other structures adjacent to this area that have such a large footprint and a 4-storey height which will overlook the entire neighborhood that currently has a seamless overall look consistent skyline. This will negatively alter the tranquil environment and compromise the privacy of all adjacent single family dwellings in the Warbler Woods neighbourhood. This proposed development does not fit the overall development landscape and is better suited somewhere else in London that has multi story properties.

3) As stated above, the neighbourhood has not been informed about this development prior to receiving the letter in the mail on Dec 21, 2023. No signs have been posted on the property to make residents aware of this major development that will change our neighbourhood in a negative way.

4) This development will cause major disruption by construction and redevelopment is a concern to the surrounding dwellings that are adjacent to 1494 Commissioners Rd W. This is a very constricted entrance with no access to parking for construction vehicles or workers. Additional noise and light disruptions at night from the 10 new tenants on balconies and vehicles entering and exiting the property will have long term impact on our properties and neighbourhood. This intersection is a single lane road with a left turning lane onto Chestnut Hill. As it stands, it is a very congested roadway and this additional traffic will cause major concerns to residents and many walking pedestrians that go to Warbler Woods.

5) The current property owner of 1494 Commissioners Rd W. does not reside on the property and it has been rented out for the past 5 years. The current residence is nestled into a very tranquil wooded area that connects all of the Warbler Woods wildlife area. This area is surrounded by current residents that have 2 storey home and overlook the entire property. There is also a business that is connected to this property (Montessori School) that has 100's of children is close proximity.

6) We feel that this rezoning application unfairly benefits 1494 Commissioners Rd W. in terms of property value, while compromising the value of our property due to the majority of the view at the rear of our property being replaced by this building. In turn, we are concerned that our property will be less favourable for future resale compared to other properties adjacent to the Warbler Woods, Environmentally Sensitive Area that are not affected by the proposed apartment building.

7) We are very concerned about the permanent removal and destroying a significant number of distinctive trees and trees in a designated tree protection area that form a habitat to Deer, Raccoons and a variety of birds, including protected species such as the Downy Woodpecker and Red Bellied Woodpecker. There are trees that are over 100 years old in this area and has a water basin that many of these animals rely on.

8) A large portion of 1494 Commissioners Rd W. is within an area regulated by the Upper Thames Conservation Authority. Concern is raised if the Authority has been made aware of this rezoning application and the role it plays in this process.

9) We have a major concern with regards to access into 1494 Commissioners Rd W. from Commissioners Rd W, especially for westbound traffic, requires a left turn. This would require vehicles to obstruct the entrance to the left turning lane designated for vehicles turning left onto Chestnut Hill. Therefore, the increased number of vehicles that will be turning into the entrance to 1494 Commissioners Rd W. raises concern for increased motor vehicle collisions. We also have the same concern with the right hand turn into this property which is only 10 meters away from the actual lights. There is no turn lane for this entrance and cars will need to come to substantially slow down to make this turn.

Commissioners Road is only a 1 lane road that already has high vehicle traffic and many pedestrians that use this intersection while walking to Warbler Woods. This is a major concern for our beautiful neighbourhood and the people that travel through it to get to this unique and popular wildlife park.

10) I would like to state that we are not opposed to this property being redeveloped, however the plan needs to maintain a footprint and height similar to the properties surrounding the 1494 Commissioners Rd W. Therefore, there will be less impact on the environment and neighbouring homes.

We will be attending in person on Feb 21, 2024 at City Hall to provide our comments to oppose this major development in our beautiful neighborhood of Warbler Woods. As stated before, this 4-storey mega building is not suitable for our neighborhood and

should be planned somewhere else in London that has these types of multi unit occupancy.

Thank you,

Thomas Heath and Tuula Zuliani

### **Public Comment 19 – Will Sentjens**

Hello Mr. House and Ms. Hopkins,

My name is Will Sentjens and I live at [REDACTED]. I have recently been made aware of the Zoning By-law Amendment for 1494 Commissioners Road West and I would like to raise some concerns about this amendment.

This property backs onto the ravine that is part of the Warbler Woods hiking trail. If the rezoning of this property occurs and a 4-storey apartment is built on this property, I can imagine that a significant part of the ravine would be damaged and hence part of the Warbler Woods environment would also be damaged. I recently went past the property at 1494 Commissioners Road West and if the apartment was built, many trees would need to be removed and much of the ravine would need to be changed, remodified, and transformed. As an occasional user of this hiking trail, I would not want to see any unnatural changes to the ravine. It is currently a habitat for many different wildlife, and I have seen deer, raccoons, coyotes, snakes, fox, squirrels, hawks, crows, turkey vultures, to name many of the types of wildlife that exist in the ravine and I would not like their habitat removed or damaged. This past spring a mallard duck nested in my backyard and when the ducklings hatched, the mother duck marched her brood into the ravine to begin their new life.

I understand that in the city of London, there is a need for more housing and Byron is doing its part in providing some more housing, as is apparent by the recent apartment buildings at 1355 and 1341 Commissioners Road West. I'm certain that there was rezoning in order for these two buildings to be built as these buildings replaced four or five single family dwellings. These two apartment buildings were built with minimal damage to the environment and blended in well with the condo buildings behind them. An apartment building at 1494 Commissioners Road West would not blend in with the existing residential housing that it would be adjacent to and it would cause significant environmental damage.

I do not consider the zoning change at 1494 Commissioners Road West from Residential R1 (R1-8) to Residential R8 Special Provision (R8-4(\*)) to be in the best interest of the environment and the community.

Mr. House and Ms. Hopkins, your consideration in this matter is greatly appreciated.

Sincerely, Will Sentjens

### **Public Comment 20 – Jeff Hubbart**

Brad House  
Development Services, City of London

Regarding: Zoning By-Law Amendment  
Z-9689 1494 Commissioners Road West

As the owners of the property at [REDACTED]  
Our property backs directly onto the property of the proposed by-law amendment Z-9689, 1494 Commissioners Road West.  
We (Jeff & Trudy Hubbart) are opposed to the rezoning File Z-9689 of 1494 Commissioners Road West from R1 to R8 zoning with special provisions.

We are opposed to the proposed Apartment building with a large footprint amounting to a zero lot line building. With minimum rear yard setback of "0.3 meters (11.8 inches)", east interior side yard depth of "0.3 meters (11.8 inches)", west interior side yard depth of "1.5 meters (4 feet - 11 inches)".

A building of this size with "minimal green space" as a yard and with numerous tenants will directly impact the adjacent Warbler Woods Environmentally Sensitive Area and its unique ecosystems and wildlife over the long term. These numerous tenants will create increased foot traffic, outdoor recreational activities, dog excrement with no attempt to pick up after their pets since it's a wooded area. A wooded area designated as Environmentally sensitive.

The proposed height of this Apartment building will degrade our current sight lines of the wooded area known as Warbler Woods. This proposed Apartment building will obviously be damaging to the neighbourhood property values our property included. As well our current privacy will be compromised and infringed upon by numerous tenants on their balconies generating light and noise issues throughout the day and night.

In conclusion we are opposed to this spot development of dropping an "R8 Zoned" Apartment building in amongst the surrounding "R1 Zoned" single family homes. If this property is to be redeveloped the plan needs to have a similar base & height to the R1 Zoned properties adjacent to 1494 Commissioners Rd West. Obviously the current owner of 1494 Commissioners Road West is seeking the benefit of a financial gain by the redevelopment of this property. But there are **"zero"** benefits to be had by the adjacent property owners as well as the adjacent Environmentally Sensitive Warbler Woods Area.

Jeff & Trudy Hubbert

#### **Public Comment 21 – Fran O’Leary**

Mr. Brent House, Ms. Anna Hopkins, I am writing to you to let you know I am totally against the proposed changes to the above noted address. I live on [REDACTED] so this proposed change affects me and my family.

This area, that I call my home, is a single family residential area. The proposed changes which ask for special provisions regarding setbacks violate the zoning requirements of this area and should be denied.

The fact that the proposed building will tower above surrounding residences will restrict privacy for neighbouring residences along with denying them the beauty and serenity that they currently have.

The proposal encroaches on a valuable natural resource, namely Warbler Woods, and will undoubtedly adversely affect the ecosystem, wildlife and access to this area. It will place a substantial increase to the use of the Warbler Woods trails.

In terms of property values, a towering apartment building set in between single family residential properties will severely impact the values of neighbouring homes; Homes which residents have paid dearly for.

This portion of Commissioners Road is already heavily travelled by vehicles and pedestrians and will be further negatively impacted by the additional traffic and people congestion, noise and light pollution that the apartment residents would generate.

The Byron Village has enough apartments already which have negatively impacted this community. Please do not proceed with changing this portion of Byron too.

In summary, I vehemently do not support the proposed plan for 1494 Commissioners Road West.

Fran O'Leary

**Public Comment 22 – Caitlin Dobie**

To whom it may concern,

I hope this message finds you well. I am writing to express my strong concerns about the proposed new build development in our neighbourhood. Firstly, I fear that this development will significantly impact the value of our neighbourhood. The increase in foot and vehicle traffic could disrupt the peaceful atmosphere we currently enjoy, potentially diminishing the appeal of the area for current and prospective residents. Moreover, I'm deeply concerned about the potential impact on the Warbler Woods environment and wildlife. Any construction or increased human activity in the area could disturb the delicate balance of this habitat, threatening the wildlife and natural beauty that make our neighbourhood so special. Additionally, the heightened traffic resulting from this development poses safety risks for our community members. It could lead to congestion traffic, potentially compromising the safety of pedestrians, residents and wildlife. In summary, I firmly oppose this development proposal due to its potential negative effects on our neighbourhood's value, increased traffic, potential harm to the Warbler Woods environment and wildlife, and safety concerns for our community. Thank you for considering my concerns. I hope we can explore alternative solutions that preserve the integrity and safety of our neighbourhood.

Best regards,  
Caitlin Dobie

**Public Comment 23 – Emma Pace**

Dear Brent and Anna,

I hope this message finds you well.

I am writing as a resident deeply invested in the preservation of our neighborhood to express my concerns about the recent development proposal on 1494 Commissioners Rd West.

While I am not personally connected to the land's past ownership, insights from a local discussion have brought to light several issues that I believe merit our collective attention. The proposed structure's size may not be compatible with the actual space, potentially leading to a building that looms over existing homes and disrupts the character of our community.

Moreover, the development's proximity to a sensitive wetland and floodplain raises environmental concerns. Any encroachment here could have long-lasting repercussions on the local ecosystem. The presence of a natural trail used by wildlife, including deer, for river access, adds another layer of complexity. Altering this pathway could increase the likelihood of accidents and disturb the natural habits of the wildlife we coexist with.

Much like many others in Warbler Woods, when we decided to purchase our home in this neighborhood, we did so specifically for the based on the premise of having private, protected, mature lands as our backdrop. This type of development changes the dynamic of our amazing neighbors and the reason so many of our neighbors made their specific home purchase. It greatly affects the enjoyment of the private use of our own properties.

The increased traffic is also worrisome, threatening to escalate noise levels, pollution, and generalized traffic for Byron.

I urge the City Council to take these concerns into account. It's important to us that we preserve the essence of our community and the natural environment that surrounds us.



I do understand the important of higher density neighborhoods given immigration targets, and the housing and rental prices in our city. A smaller multi family home such as a triplex may be more conducive to the feel of the neighborhood while allowing for more housing.

Our community would appreciate the opportunity to contribute our thoughts and concerns at any future hearings. Please keep us notified.

Thank you, and Happy New Year.

Public Comment 24 – Diane Rowe

**I am opposed to this rezoning application.**

The footprint of this development is too large for the site.

Special provisions are required for the rear (south), east and west to shoe horn this development onto the property and way too close to the west property line.

I'm concerned about your letter that states "The city may consider the use of holding provisions, and additional special provisions to facilitate the proposed development". Who gets a say if the city should do that?

This development is adjacent to the Warbler Woods an environmentally sensitive area which requires special consideration.

Exiting left from this property is a problem due to being so close to the lights at Cadeau and Chestnut Hill.

I am not against redevelopment but make it sensible and in keeping with the neighbourhood and the environment.

Diane Rowe

**Public Comment 25 – Jim O’Kruk**

Dear Brent House,

I live on [REDACTED] and I oppose the new 4 story apartment build proposal with 10 dwelling units on 1494 Commissioners Road West.

Such a large scale apartment complex is not needed and would significantly increase local traffic congestion and noise, add further stress to the Warbler woods ecosystem and reduce local property values.

I trust you can see my point of view and will support me and others in the Warbler woods community who do not support this development proposal and the negative impact it would have.

Sincerely, Jim O’Kruk

**Public Comment 26 – Janis Oram Cardy**

Dear Mr. House and Ms. Hopkins,

I currently live at 10 Chestnut Hill. I am vehemently opposed to the application to amend the Zoning of 1494 Commissioners Rd W from a Residential R1 (R1-8) Zone to a Residential Special Provision R8 R8-4(\*) Zone. The owner of this property wants to put a 4-storey, 10-unit apartment building on the property, which currently contains a single, detached, residential home. The rear of this property projects to the rear corner of my

property, and fully backs onto the properties of my two neighbours. Although the photos and drawings submitted by the applicant create the impression that his current and proposed properties are masked by trees from his Chestnut Hill neighbours, this is simply not accurate. I can see the current house on the property from my own at all times of year, including the summer. As such, what happens on this property is of great significance to me and my family, and to future owners of our property.

From our backyard, my family currently enjoys an undisturbed, peaceful view of the Warbler Woods. We have no window treatments the windows on the rear of our home expressly because we bought the property for its views of the woods, a designated Environmentally Significant Area. We are extremely distressed at the prospect of viewing and hearing apartment residents, staff, and service people from our home and our backyard at all hours of the day. The Southeast Isometric view in the architectural drawings for the proposed apartment building show that our current view (which is limited to two small windows along the back corner of the house) will be replaced by a four-storey building with eight windows, four balconies, and a large common amenity terrace, all directly in our sight (and hearing). This level of residential density placed at our property line would detract immensely from our ability to enjoy our yard and deck on weekends and in the evenings, and our current experience of living in a residential, well-forested, and peaceful neighbourhood, prohibiting our Right to Quiet Enjoyment. It is not what we paid for, or expected, from the neighbourhood when we chose to purchase this home and is contrary to the original plan and zoning.

We pay over \$10,000 per year in property taxes, partly because the presence of the protected green space behind our home contributes to a higher property value. If there had been an apartment building located behind our property when we came to view it 14 years ago, we would not have even bothered to stop to look at it. An apartment in what is otherwise a low-density residential area is not appealing to us, nor will it be to the future owners of this home. In addition to the immediate negative impact on the residential nature of our neighbourhood, construction of a 4-storey building behind our home will have a negative impact on the future property value. Should this application be approved against our wishes and those of my neighbours, we expect to be provided with details of the City's plans to significantly reduce the property taxes on our home given the loss of privacy at our back door and increase in noise all hours of the day, resulting in the loss of our right of quiet enjoyment and diminished property value.

I would also like to voice my extreme opposition to all aspects of the Special Provisions request, including excessive height and overall coverage. I am most dismayed by the applicant's request to have a minimum rear yard setback and east interior side yard depth of only 0.3 metres where 4.5 is the standard minimum required. These sides of the property about the Warbler Woods ESA (OS5). No other property that surrounds the Warbler Woods in this area comes even close to the 4.5 metre minimum. To have such a large multi-residential structure right up against this ESA will absolutely destroy the natural landscape and woodland views for all those who currently enjoy this section of the Warbler Woods.

An additional concern is the negative impact of an apartment building at this specific site from a traffic and safety perspective. Having walked two of my children to and from Byron Woods Montessori School, which is located close to 1494 Commissioners Rd W, I have experienced firsthand the risk presented by the curve in the road approaching the Montessori School. Both the speed with which cars come down Commissioners Road from Oxford, and the close proximity of the very narrow sidewalk to the road, already present a hazardous situation for pedestrians, many of whom are families with young children who attend the Montessori school. This safety hazard will be increased tenfold with the increased traffic presented by the comings and goings of the apartment residents, staff, and service people as they enter and exit the property in their vehicles. Commissioners Road was clearly not planned in such a way as to accommodate the traffic that comes an apartment building in this location.

This is not the first time I have received notification of an application for a zoning amendment from this property owner. In fact, it is the third. I received my first notification in 2012 when he sought an amendment to place a business (salon/spa) on the property. At the time, my then 5-year daughter was in the midst of hospitalization for acute myeloid leukaemia. Given the extreme distress I was under, I was only able to contribute my signature to my neighbour's petition in opposition to the proposal. The owner then put the application on hold. In 2016, I was very disturbed to be faced once

again with the task opposing additional efforts by this owner to disrupt our neighbourhood with a commercial business that was not welcomed by the residents. Again, following submission of our opposition, the owner placed his application on hold. Since that time, I have had to contact the City on multiple occasions to report unauthorized cutting of trees on and around his property. In addition, he threatened my neighbour to the effect that if we keep opposing him, he would teach us a lesson by putting up an apartment building instead. It is clear that this owner is not a good steward of the Warbler Woods ESA or his neighbourhood. I am hopeful that this will be his last, and unsuccessful, effort to change the zoning on this property.

I implore the Planning & Environment Committee to carefully consider whether the principals of sound planning are being applied in designating this particular property as R8 and allowing the Special Provisions for excessive set back and side yard depth right up against the ESA. With the removal of residences along Commissioners Rd W closer to Boler Road and apartment buildings in the West 5 area, it would seem a more reasonable approach to continue to situate apartment buildings in these areas instead of creating unpleasant sprawl towards some of Byron's most preferred environmentally significant woods. I seek better stewardship of such an important area than to consider intruding upon it with an apartment building and am deeply hopeful that the City of London will agree with me.

Sincerely,  
Janis Oram Cardy

### **Public Comment 27 – Megan Pasierbek**

To whom it may concern,

I am writing this letter to express my concerns about the apartment building proposal for 1494 Commissioners Rd W.

As a resident within 120 meters of this location I have a number of concerns I would like to voice.

I am very concerned about our privacy being impacted as this building will tower over our house.

I am also concerned about the encroachment on the Warbler Woods ecosystem and the vast wildlife that reside in this area.

Building a 10 dwelling unit causes me concern as it will increase foot and vehicle traffic in an already congested area of the city. Commissioners Road West is a very busy road and I am frequently witnessing cars speeding and driving dangerously in this area. We do not have the infrastructure in place to support an apartment building with 10 units.

Thank you for taking the time to consider these concerns. I hope you will rethink this apartment building proposal.

Megan Pasierbek

### **Public Comment 28 – Susan Beatty**

Dear Brent and Anna,

I live on [REDACTED] I oppose the new 4 story apartment build proposal with 10 dwelling units on 1494 Commissioners Road West. The property is too small to support such a large building.

Such a large scale apartment complex would significantly increase local traffic congestion. That is a dangerous turn onto Commissioners from the property. I am also worried about stress to the Warbler woods and the impact on our local property values.

I trust you will support me and others in the Warbler woods community who do not support this development proposal and the negative impact it would have.

Thank You,  
Susan Beatty

**Public Comment 29 – Matthew DaCosta**

To Brent House and Anna Hopkins

I am writing this letter to express my concerns about the apartment building proposal for 1494 Commissioners Rd W.

We are disappointed to have received this letter that there is a consideration to amend the zoning by law in our area. This proposal will completely destroy the integrity of the neighbourhood and cause extreme congestion and danger to an already busy and congested area of the city.

With a day care and primary school directly beside this proposed apartment building we are concerned of the privacy of the school and daycare along with the privacy of the residents surrounding this building. The new apartment building will be able to oversee the school/day cares playground and is a potential danger to the children of the school and their privacy.

A ten unit building in this location would be detrimental to the warbler woods area, the wildlife that live there, and the environment surrounding it.

This area should remain zoned as residential as it has been for over 60 years, the homes that surround it were built to create a safe environmentally friendly neighbourhood and this would change that

Matthew DaCosta

**Public Comment 30 – Heather Murrell**

Hi Brent,

We are writing in regards to the new apartment build proposal for 1494 Commissions Road West.

We live close to this location backing on to Warbler Woods. We are fortunate to back onto this beautiful protected space so want to express our concerns that this new apartment could have an impact on the forest and the many creatures that live in the area. We've witnessed a lot of wildlife in our area, including a flying squirrel (our favourite), deer, foxes, snakes, toads, frogs, owls, wood duck, salamanders, possums, coyotes and other critters and birds. We are worried that the increase in the # of people in the area, the light pollution after the apartment is built and the increased space the apartment takes up could have an impact on the wildlife and possibly take away a regular path for the deer to get down to the river safely.

The Upper Thames Conservation Authority has restrictions on building near the creek that runs near this property, and they also have rules that must be followed when building near the forest. We are interested to hear whether the Upper Thames allows this to be built given how protective they are of the area. Below is the map from the Upper Thames website as you can see that the property falls within the red zone.



Many of the homeowners that are within sight of this property bought their houses assuming they were backing onto a house / forest. Building an apartment in place of the existing house will significantly negatively impact their property values, and would take away much of their existing view / privacy. Looking out on a house is much different than looking into an apartment – we really feel for the existing homeowners close to this if this goes through, this is detrimental to them.

Craig and Heather Murrell

### **Public Comment 31 – James Dobie**

Dear Mr. House and Counsellor Hopkins,

I hope this message finds you well. I am writing to express my strong concerns about the proposed new build development in our neighbourhood.

Firstly, I fear that this development will significantly impact the value of our neighbourhood. The increase in foot and vehicle traffic could disrupt the peaceful atmosphere we currently enjoy, potentially diminishing the appeal of the area for current and prospective residents.

Moreover, I'm deeply concerned about the potential impact on the Warbler Woods environment and wildlife. Any construction or increased human activity in the area could disturb the delicate balance of this habitat, threatening the wildlife and natural beauty that make our neighbourhood so special.

Additionally, the heightened traffic resulting from this development poses safety risks for our community members. It could lead to congestion traffic, potentially compromising the safety of pedestrians, residents and wildlife.

In summary, I firmly oppose this development proposal due to its potential negative effects on our neighbourhood's value, increased traffic, potential harm to the Warbler Woods environment and wildlife, and safety concerns for our community.

Thank you for considering my concerns. I hope we can explore alternative solutions that preserve the integrity and safety of our neighbourhood.

Thank you,

James Dobie

### **Public Comment 32 – Linda Forsythe**

When I saw this site get approved for a “spa” and no construction advance I felt it was probably just a plan to get a commercial re zone accomplished for bigger plans !  
How true that was.

We bought our home across from a farmer's field in Westmount in 1980. Unfortunately that led to many many years of construction all around our property.

When we retired to a condo about 35 years later we consciously decided to purchase a home in an already developed neighborhood.

Being overlooked by an apartment complex was definitely something to be avoided !  
Please do not allow these builders to swish a complex such as this on such a small piece of land in a beautiful ravine area.

Linda Forsythe

**Public Comment 33 – Chris & Stef Kubinski**

Good afternoon,

I would like to express concern for the future development of the property at 1494 Commissioners Rd. W. (Cadeau/Chestnut Hill and Commissioners) This seems to have been pushed through with little to no input from the general public and surrounding neighbours. [REDACTED], and the first we heard of this pending development was over the holiday's when most have their minds on other things than the local news. This appears to already be a done deal, and literally the first we have heard of it. I would have thought that such a zoning change would have required some public input. Where were the announcements to local residence? This seems like a very small lot for an apartment structure. The environmental impact of constructing and sustaining such a large structure into the side of the ravine seems counter to the Forest City approach. I feel an apartment looming over the forest area of Warblerwoods is very disappointing.

Byron has always been a small town community that has brought in home owners looking for a less Metropolitan life style. Our community is quickly being taken over by apartment complexes and cut through traffic heading to West 5, Kilworth and Komoka developments. Cramming Apartment Complex's in every small space they can find (some environmentally sensitive) only lessens our quality of life as well as the value of our properties. Additional properties along Byron's main Street have recently been purchased by what appears to be more developers. Are we doomed to have our small community becoming a canyon of apartment buildings lining our main street?

Sincerely,

Stephanie Kubinski

**Public Comment 34 – Ellen Hecimovic**

MY VOTE Ellen Hecimovic at [REDACTED]. I OPPOSE 1494 COMMISSIONERS ROAD WEST ZONING BY LAW AMENDMENT Z-9689

Ty  
Ellen

**Public Comment 35 – Linda Quigley**

Dear Brent,

Thank you for listening to me and taking my phone call.  
Also want to thank you for postponing the deadline to comment on this proposal until Jan 22nd.

We are deeply concerned about the size of this project and the impact it would have on the adjacent properties as well as the damaging effect on Warbler Woods.

I received the ammended By-Law notice you sent by mail. Thank you.

You can contact us on this email address to keep us aware of any new developments.

Best regards,  
Linda and Harry Quigley

**Public Comment 36 – Inez Boehme**



I am a resident of 2 Cadeau Terrace and am writing in protest of the proposed zoning by-law amendment of the property at 1494 Commissioners Rd. West.

This affects all residents of Cadeau not just 2 Cadeau.

Traffic is already horrific in volume and speed.

Also, I am concerned regarding future zoning of the the three adjacent properties to 1494.

Thank you

Inez Boehme

### **Public Comment 37 – Glen Alexander**

Good morning Brent, I'm messaging you to try and get more details on the property at 1494 Commissioners RdW. Going through the notice I see that they are going to widen Commissioners Rd. Can you confirm the details on this widening of the road. Is it only for a turning lane at this address or will it involve more. The intersection at the lights is already dangerous enough as pretty much 8 times out of ten that we approach commissioners rd from Cadeau terrace at the lights a vehicle will be speeding through a red light.

If this is only a turn lane for the property can you please confirm the dimensions of the widening.

Also of concern to us is the ravine that this project is adjacent too. We would hate to see this damaged in anyway!!

Thank you for your time.

Glen Deveaux

### **Public Comment 38 – Dr Anna Kempinska Komorowsky**

Brent House  
Planner, City of London  
Development Services

Anna Hopkins  
Councillor  
City of London

January 19<sup>th</sup>, 2024

Dear Brent House and Councillor Anna Hopkins

We are writing in regards to the proposed development and zoning by-law amendment Z-9689 for the property at 1494 Commissioners Road West. As you may recall, I (Anna Kempinska) had phone conversations with you both on Wednesday January 10<sup>th</sup>. I really appreciate you taking the time for these conversations.

In November 2023, we put an offer to purchase 10 Chestnut Hill, which was subsequently accepted. Our closing date for final purchase will be February 8<sup>th</sup>, 2024. We became aware of the proposed development on January 7<sup>th</sup>, 2023, via an acquaintance. We understand there is to be a public meeting on February 21<sup>st</sup>, 2024, which we will be attending.

We are opposed to Zoning By-law Amendment Z-9689 – 1494 Commissioners Road West. The following are our concerns regarding the proposed development.

### **1. Amendment of Zoning By-Law**

It is proposed to change the zoning for 1494 Commissioners Road West from R1-8 to R8-4 zone. The Warbler Woods and Byron areas are neighbourhood communities with a residential housing set amidst a natural heritage area. Our future home backs onto these woods and we and many in the neighbourhood appreciate the sense of calm and privacy that this beautiful area brings. Changing the bylaw to allow for this multistory development would set a precedent to allow this to happen on future land in the neighbourhood. This would impact the current sense of neighbourhood and community.

The proposed building is large and has a footprint in footage and height out of keeping with residences in the area. While we understand the need for housing development, this surely could be done in an area where zoning is already slated for this, and not out of keeping with an established neighbourhood.

### **2. Impact on adjacent Environmentally Significant Area (Warbler Woods)**

The proposed development plan shows the south and east portions of the site directly next to an Environmentally Significant Area with very little buffer between building and this land. This area is a site of natural heritage and natural sensitivity. We are extremely concerned about the impact this multistory development would have on this protected area.

Despite just having placed an offer on the home at [REDACTED] shortly prior to the public notice for this proposed development, we have had several opportunities to see wildlife in the area. This area is known for small and large wildlife; deer walk a well-used path directly through Warbler Woods. In fact, this path is a known deer travel corridor through Warbler Woods to cross over Commissioners Road for access to the Thames River. On one occasion while visiting our home prior to purchase, we had the opportunity to see a beautiful large buck deer walk through the woods and directly onto the property at 1494 Commissioners Road.

On a recent visit to the public land behind Chestnut Hill, many wildlife prints were visible in snow. In fact, the property at the proposed development site has a "Wildlife Sanctuary" sign. (See Photo 1 and Photo 2 below). The property and the adjacent land at Warbler Woods is certainly full of natural heritage, and development to this property will bring along increased use from people and cars, and noise pollution from construction and increased use, and will deter wildlife.

### **3. Impact on surrounding residential housing**

The height of the proposed building requires a special provision zoning amendment. The large height of this building has a direct impact on the outlook of neighbouring houses, most of which were built 30-50 years ago. While trees may cover a portion of this building in summer, the building will be visible above the trees year-round and through the winter/spring/fall months, especially for those homes that are directly adjacent to the property. In fact, the proposed multistory building is so close to homes on Chestnut Hill that its height will have a large new shadow effect on these homes (see architectural drawings). Casting this shade will decrease sunlight and affect vegetation growth on adjacent properties and the ESA land.

In addition, light disruption from multiple units will have an impact on surrounding residences which are in very close proximity. Privacy will also be disrupted from balcony use, considering how close the apartment building is to residential homes.

### **4. Impact of construction on air pollution and particulate matter**

The exhaust from machinery and debris from construction will create particle pollution (particulate matter) that has a proven negative impact on human and animal health. The proposed development is directly next to residential buildings as well as an early childhood education centre (Byron Woods Montessori).

Particle pollution has been shown to cause irritation to lungs, eyes, and throats. It can be considerably harmful to those living in the area with chronic lung conditions such as

asthma and COPD, as well as linked to lung cancer, heart disease and the developing respiratory system of young children. <sup>1</sup>

In addition, the proposed development's proximity to Warbler Woods (of which it is directly next to) will create pollution that will have an impact on the wildlife and natural flora of this Environmentally Significant Area.

#### **5. Noise Pollution from construction and development**

The noise from construction and development at the site is a concern, particularly in context of such close proximity to residential housing. Evidence has shown that noise pollution contributes to hearing loss, tinnitus, and hypersensitivity to sound, and can cause cardiovascular disease, diabetes, sleep disturbances, stress, mental health and cognition problems, including memory impairment and attention deficits, childhood learning delays, and low birth weight. <sup>2</sup>

#### **6. Impact on Pedestrian and Traffic Safety**

We are concerned about the impact of increased traffic use of the property both during construction as well as with vehicles for a proposed 10 unit building.

The driveway will be extremely close (32m) to a traffic light and pedestrian crosswalk (at Chestnut Hill/Cadeau Terrace and Commissioners Road W). In addition, the proposed driveway is very close to Byron Woods Montessori (to the east). Commissioners Road W is a well-traveled path for pedestrians with several city bus stops (one just 20 m away) and school bus drop offs along the sidewalk. Increased vehicle use at this property will be a hazard for any pedestrian traffic along this route.

In addition to the impact on pedestrian safety, there will be an impact on traffic safety due to the turning into and out of the property from and to 1494 Commissioners Road W. The entrance to the property is situated on a curve with a suboptimal site line, making turns here increasingly hazardous.

Turning left out of the property onto Commissioners Road in the westbound direction is concerning as the traffic light is just 32 m away. Turning onto the property heading east along Commissioners Road is just past a traffic light/pedestrian crosswalk, making it a hazard for cars due to quick slowing of traffic, especially around a curve.

We understand the need for increased housing in a growing city, but this development has many concerns and negative impacts that would not be experienced in an area already zoned for multiresidential use, and in addition, not in direct proximity of an Environmentally Significant Area.

We thank you kindly for your consideration of our letter, and we appreciate the attention you give to this important issue.

Yours truly,

Dr Anna Kempinska Komorowsky

#### **Public Comment 39 – Steven Christopher**

We are writing to express our opposition to Zoning By-law Amendment Z-9689 and the construction of a 10 unit apartment building at 1494 Commissioners Road. W.

We are residents of [REDACTED] and as such are frequent users of the intersection at Commissioners Rd. and Chestnut Hill. This intersection is already hazardous because of traffic on Commissioners Road in both directions speeding and running the lights. On more than one occasion we have narrowly missed being 'T-boned' when the light has turned green for us but crossing traffic was oblivious or proceeding too fast to stop. We can only assume that this situation will worsen should this apartment building be allowed. The driveway for it is a very short distance east of our intersection. This alone would seem to make the approval of the proposed zoning change very ill advised.

We also express our dismay that the residents of properties on Chestnut Hill would be overlooked and so closely abutted by the proposed building. This would surely affect their resale value as well as the quiet enjoyment of their properties.

Allowing this should be against the law.

Yours truly,

Steven Christopher  
Sandra Christopher

#### **Public Comment 40 – Rudy Rybansky**

William Brent House,

I am writing you to express my concerns as a resident of the Warble Wood West neighborhood regarding the subject, proposed development of a 10 unit, 4 storey building.

My primary concern is the impaired vehicular and pedestrian traffic safety resulting from regular in and out traffic from such a building so close to the Chestnut Hill and Commissioners Road West intersection. As a long time resident using that intersection I can attest to its dangers as speeders race down the incline, ignore red lights and encroach on the left turn lanes. Neighbours have recently been T-boned in their car as a car ignored the red light. Add in the narrow sidewalk immediately abutting the south side of Commissioners Rd W, the existing bus stop and the proximity of two schools combined with the hidden driveway for the subject property, all immediately east of the Chestnut Hill intersection; combined with the high traffic volume on Commissioners Rd W, the proposed property development is a recipe for disaster both for drivers and pedestrians. There is no room to provide a safer entrance and exit to the property for multiple residents.

Changing zoning to accomodate this proposed development is highly detrimental to existing, adjacent single-detached homeowners property values and quality of life and to the Warbler Woods natural environment.

I strongly object to this proposal.

Sincerely,

Rudy Rybansky

#### **Public Comment 41 – Michael Harnadek**

January 20, 2024  
Brent House  
bhouse@london.ca  
Development Services, City of London  
300 Dufferin Avenue, 6th Floor  
London, ON PO Box 5035 N6A 4L9  
Anna Hopkins  
ahopkins@london.ca  
Councillor – Ward 9

**Re: 1494 Commissioners Road West – Zoning By-law Amendment**

**File: Z-9689**

Thank you for the opportunity to offer our concerns for the planned development of 1494 Commissioners Road W.

We are not opposed to the building of a low density multi-unit apartment/condominium on 1494 Commissioners Road W. London's housing shortage is well-recognized and support for in-fill development plays a key role in helping lessen urban sprawl. We do have concerns regarding (1) potential implications for the zoning change on adjacent properties, (2) the proposed size of the construction and impact upon noise, (3) need to protect the privacy of neighbouring properties, and (4) protection of the adjacent Ecologically Sensitive Area (ESA). Our final concern relates to the traffic problems being experienced along Commissioners Road W in proximity of the development.

### ***1. Impact of Zoning Change on Adjacent Properties***

It is not clear from the application whether the request to rezone 1494 Commissioners Road W, from R1 (R1-8) to R8 (R8-4) would also affect the zoning of properties that are not adjacent to the Commissioners Road corridor. The peaceful residential character of Chestnut Hill is partly formed through consistent mixture of residential buildings that share a similar height and footprint, with an interplay of towering trees.

Any future application for rezoning (from R1 to R8) in areas away from Commissioners Road W should be made on a case by case basis. That would permit residents the opportunity to offer feedback to assist the city in its consideration of the appropriateness of the proposed development.

### ***2. Concern Regarding the Proposed Size and Impact on Noise***

The developer has requested that the size of the building area be increased from 40% to 46.2%, with west setbacks reduced to 0.3m from 4.5m. We are concerned that the changes to the allowable footprint unnecessarily encroaches upon the neighbouring properties to the west.

With the building structure serving as a backdrop, noise from elevated levels (the 4th floor rooftop terrace facing northwest; 4th floor extended balcony/terrace along the south side) will be projected and amplified down into the ravine. This has the potential to be very disruptive to residents living along the west side of Warbler Woods (off of Chestnut Hill) and the east side of Warbler Woods (off of Springfield Crescent). It is not at all clear what, if any, steps have been planned to mitigate noise pollution into the ravine.

Our suggestion is to reduce the height of the proposed structure on the south side to 2 stories, and eliminating the northwest facing 4th floor rooftop terrace. If the builder and the city are not agreeable to a change in the building height on the south side, significantly reducing the size of the south facing 4th floor balcony/terrace, to a size comparable to the balcony proposed for units C or D, is strongly recommended. Also recommended is the use of sound absorbing materials to prevent the reflection of sound back into the ravine (such as timber battens and privacy screens).

### ***3. Need to Ensure Peace and Privacy for Neighbours***

The residents who purchased properties along the ESA did so with the understanding that it offered a high level of privacy. They paid a premium in residential costs to buy in that area. The proposed development threatens to remove that privacy, with little mitigation or compensation for residents.

Increased noise and lighting will be unwanted elements. Ensuring that the trees along the south of the property (specifically, those identified as "cluster 5", 6 and 7 within the August 28, 2023 Tree Preservation Report) remain intact and unharmed will also help lessen the increase in ambient and reflected noise, and visual privacy during the spring to fall when the foliage is out. Those trees should be protected against accidental or planned removal.

Such provisions, however, will not eliminate the fact that there will be increased noise from balconies that overlook the ESA. Noise projected (or reflected) in the ravine carries farther than in other areas, possibly due to the absence of other structures to block the sound. The developer should be required to take steps to mitigate the increased noise that will result, such as reducing the height of the south portion of the building to 3 stories, or reduce the size of the south facing 4th floor balcony/terrace to the same size as a balcony for unit C or D, or installing sound absorbing materials (such as timber battens and privacy screens) along the south facing balconies.

Increased light from exterior fixtures will also be a necessary but unwanted factor. One of the joys of living against the ESA is enjoying the natural darkness of the ravine during the evenings, without bright lights bearing down. It is also not clear to what extent the increase in night time light upon the ESA will have an adverse effect upon the animals that live there (such as the deer). The developer should be required to install light fixtures directed away from the ESA, and which direct the beams downward and not allow unrestricted ambient light to shine towards neighbouring residences.

#### **4. Protection of the Environmentally Sensitive Area**

There is a need to protect the ESA from factors that can disturb its nature or the welfare of the animals that live there. We understand that the Upper Thames River Conservation Authority has provided input into that matter.

#### **5. Traffic and Sidewalk Along Commissioners Road W.**

We are concerned that the close proximity of the entrance to the planned construction, to the westbound turn lane into Chestnut Hill, poses an increased traffic problem. Traffic speeds along the stretch of Commissioners Road W from Oxford Street to Grandview Avenue tends to be fast. It is not uncommon to observe eastbound and westbound cross the intersection against the red traffic light. Increasing local traffic in that area will increase the potential for a dangerous collision.

Additionally, the south side sidewalk that passes in front of the proposed development is used by children as a main route to Byron Northview Elementary School, and to St. Thomas Aquinas Catholic secondary school. There is little to no shoulder along the road beside the sidewalk and the roadway, increasing the risk of injury to pedestrians and cyclists if a vehicle swerves in the lane. Adding additional residential traffic in and out of the proposed development will serve to exacerbate this risk.

#### **Final Thought**

Let us end by reiterating our opinion that we are generally supportive of the plan for in-fill development on the 1494 Commissioners Road W property. A review of the size of that development, along with the mitigation of concerns to adjacent residents, are issues that should be addressed before the development proceeds. Doing so will help ensure that the new development, and the homes it offers, are a welcome addition to the neighbourhood.

Thank you for providing the opportunity for us to respond to this zoning change application.

#### **Public Comment 42 – Nancy Moser**

As per my previous phone call on January 21, 2024 I am strongly apposed to the zoning by-law amendment Z- 9689 - 1494 Commissioners Road West, London ON. Kindly support our opposition to this application and have it turned down. My address is [REDACTED]

Sincerely,  
Nancy Moser

#### **Public Comment 43 – John and Marlene Seachrist**

File: Z-9689 Rezoning By-law Amendment & Planning Application for 1494 Commissioners Road West

We would like to start by saying “Thank You” for extending the deadline to the 22<sup>nd</sup>. Our biggest concern is the additional traffic which a ten-unit apartment complex will bring to the area. There have been several accidents in this area already by speeding cars as they round the bend going east nearing Chestnut Hill. There have also been some close calls with cars in the left turn lane going west. With a ten-unit apartment complex there will be increased traffic turning from the driveway which is very close to the Chestnut Hill traffic lights.



There are also the environmental concerns having a large apartment complex boarding on the eco-sensitive ravine. Litter and water runoff from the parking lot could contaminate the stream, which runs into the Thames River. Being the Forest City, the loss of carbon capture trees and vegetation is also a concern. The trees and vegetation need to be replaced by the developer in another location to minimize the loss of the carbon capture.

The noise and lights from the apartment complex will unquestionably reduce the quality of life for the adjoining properties. We can sympathize with the home owners that will be backing on to the ten-unit apartment complex, because we have a neighbor that has weddings and large events every summer. This reduces the use of our backyard. They also have lights shining at the back of our house making the rear bedrooms lit up all night. Until you have experienced these hardships, you can't understand how it impacts your life so negatively!

The ten-unit apartment complex will have a detrimental affect on property values, with the setbacks being reduced to 0.3 & 1.5, in the proximity. Although the apartment complex may increase the existing property taxes this will be off set by lower taxes on neighbouring properties. Therefore, creating a loss of revenue for the city.

In conclusion, we would prefer a single-family home on the location, but we believe a duplex or maximum fourplex in similar height and size in keeping with the style of properties in the area would have less of a negative impact on the neighborhood.

Thank you for your time and consideration in helping the residents of the Warbler Woods West neighborhood.

John and Marlene Seachrist