

Sent via email

October 21, 2019

Mayor Bondy and Members of Council
Town of LaSalle
5950 Malden Road
LaSalle, ON
N9H 1S4

Attention: Agatha Robertson
Director of Council Services/Clerk

Re: Application for Zoning By-law Amendment (Z-05-2019)
Valente Development Corporation and Steve Nedin
West Side of Ellis Street, south of Delmar Street
LaSalle, ON
Our File: LPL/LAS/19-01

We are the planning consultants for CP REIT Ontario Properties Limited ("CP REIT") and Loblaw Properties Limited ("Loblaws"), respective owner and lease holder/food store operator on the lands known municipally as 5890 Malden Road ("CP REIT lands"), which are occupied by a Zehrs food store and several other retail and service commercial uses.

It has come to our attention that the abutting vacant lands to the south, owned by Steve Nevin and herein referred to as the "subject lands", are currently subject of the above-noted Zoning By-law Amendment ("ZBA") application to facilitate the development of three multi-storey apartment buildings with a total of 178 residential units.

While our clients are not generally opposed to the development of such uses adjacent to the CP REIT lands, they are concerned about the impacts of noise associated with the existing rooftop mechanical equipment and loading areas associated with Zehrs and in close proximity to the proposed residential uses.

The existing Zehrs contains extensive rooftop HVAC equipment used for heating/cooling and refrigeration inside the store. These rooftop units generate noise that is most audible in line-of-sight locations, such as windows at or above the second storey. The proposed development would consist of two, 6-storey and one, 4-storey apartment buildings in close proximity to the Zehrs store. Based on our review of the latest version of the site plan, it would appear that habitable rooms and possible outdoor amenity spaces will be in close proximity to, and directly facing, the south and east sides of the Zehrs food store. Our clients are concerned that noise from the rooftop mechanical units has not been taken into consideration as part of the proposed residential development.

Noise is also generated from the No Frills loading facilities at the rear (east) end of the store, in close proximity to the proposed apartment buildings, particularly Building 'B'. The Zehrs loading area generates noise from truck back-up beepers, truck engine idling, refrigeration compressor units, and general loading and unloading of products. As with the concerns related to the rooftop mechanical units, we are concerned that the noise from the loading area has not been taken into consideration as part of the proposed subdivision design and may have a detrimental impact to the future residents of the proposed development.

It is our understanding that a Noise Study has not been submitted in support of the Application; however, we acknowledge that the applicant has made some revisions to the proposed site plan in order to address our client's concerns. Unfortunately, we cannot confirm if our client's concerns have been appropriately addressed in the applicant's submission materials. As such, we request that a Noise Study be submitted by the applicant that considers all possible noise sources on the CP REIT lands, including Zehrs; is reviewed/peer reviewed to the satisfaction of the Municipality and our client; and any recommended implementation measures be completed by the applicant, and included as a condition of approval, prior to any decision on the Application.

Until such time as the above concerns are addressed, it is our opinion that Council consideration of the Applications is premature as the desirability of the proposed development cannot be appropriately determined without first addressing compatibility issues (i.e. noise) with existing surrounding land uses.

Furthermore, until such time as compatibility issues are appropriately addressed, it is our opinion that the Applications are not consistent with the following:

PPS (2014)

Policy 1.1.1(b), which provides that an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs are to be accommodated.

Policy 1.1.1.c), which directs authorities to avoid development that may cause environmental or public health and concerns.

Policy 1.2.6, which requires that major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

Policy 1.3.2.1, which promotes the provision for an appropriate mix and range of employment and institutional uses to meet long-term needs; takes into account the needs of existing and future businesses; and encourages compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

The existing development on the CP REIT lands predates the proposed development and has been in existence for several years providing a necessary service to the Community. It is essential that a new sensitive use accommodate any sound or other mitigation measures required to ensure compatibility with Zehrs and other existing land uses. If known potential compatibility issues are

not addressed at the onset of an approval process, there is the potential for increased land use conflict, and the planned function for both existing and future uses is at risk. Without sufficient demonstration of the impact of existing commercial uses on the proposed adjacent sensitive (residential) uses and recommended mitigation measures, the proposed Application is not consistent with the above PPS policies.

Town of LaSalle Official Plan

Policy 3.1.c) (Fundamental Principles – A Viable Community) provides that,

“A viable community has a strong economy that is market responsive, efficient and cost effective. Objectives are:

vii) To ensure that all development is sustainable and financially viable over its life cycle”

Policy 3.2.2 (Urban Design – Compatible Development), which provides the following:

“a) The principle of compatible development will be applied to all applications for development to ensure the appropriate integration of new development with existing built forms and landscapes in a way that enhances the image and character of the Town.

b) To ensure development is compatible, when considering any application for development within the Town of LaSalle, particular attention shall be paid to the following:

i) Adverse impacts are to be minimized in adjacent properties in the vicinity.”

At this time, we cannot confirm if Council has been provided sufficient information to ensure compatibility issues between the proposed residential uses and the abutting commercial uses on the CP REIT lands have been appropriately addressed; and to ensure the planned function and viability of the existing commercial development on the CP REIT lands is not compromised. Lack of such information does not conform with the policies of the Town’s Official Plan, as discussed above.

In addition to the above, our clients have concerns with the proposed pedestrian connection from the north end of Building ‘C’ to the south side of the Zehrs store. We request that our clients be consulted during the Site Plan Approval stage to discuss the need for any connections between the two properties; the appropriate location of any connection(s); and the measures to implement such connection(s).

We thank you for the opportunity to provide the above comments on behalf of CP REIT and Loblaws, and request that our office be provided with notice of any future considerations of the applications and/or decisions related thereto.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly

ZELINKA PRIAMO LTD.



Harry Froussios, BA, MCIP, RPP
Senior Associate

cc: CP REIT Ontario Properties Limited
Loblaw Properties Limited
Pitman Patterson - Borden Ladner Gervais LLP
Larry Silani – Director of Planning & Development Services, Town of LaSalle