

# Agenda Including Addeds

## Planning and Environment Committee

2nd Meeting of the Planning and Environment Committee

January 7, 2019, 4:00 PM

Council Chambers

### Members

Councillors A. Hopkins (Chair), J. Helmer, M. Cassidy, P. Squire, S. Turner, Mayor E. Holder

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The Committee will recess at approximately 6:30 PM for dinner, as required.

	Pages
<b>1. Disclosures of Pecuniary Interest</b>	
<b>2. Consent</b>	
2.1 1st Report of the London Advisory Committee on Heritage	3
2.2 1st Report of the Environmental and Ecological Planning Advisory Committee	9
2.3 Application - 852 Commissioners Road East	27
2.4 Provincial Consultation on "Increasing Housing Supply in Ontario"	35
2.5 Bill 66, "Restoring Ontario's Competitiveness Act 2018"	49
2.6 Cannabis Retail Stores	58
a. <i>(ADDED) J. Mutton. Cannapiece Corporation</i>	70
2.7 Candidate Approval for the Urban Design Peer Review Panel	71
<b>3. Scheduled Items</b>	
3.1 Public Participation Meeting - Not to be heard before 4:00 PM - Application - 2475, 2506, 2555 Bonder Road, 2535 Advanced Avenue, 2575 Boyd Court (Z-8949)	76
3.2 Public Participation Meeting - Not to be heard before 4:00 PM - Application - 470 Colborne Street (OZ-8948)	90
3.3 Public Participation Meeting - Not to be heard before 4:30 PM - Application - 2835 Sheffield Place - Zoning By-law Amendment - Revisions to Draft Plan of Subdivision - Draft Plan of Vacant Land Condominium (Z-8793 / 39T-09502 / 39CD-18502)	130
a. <i>(ADDED) A. McEwan</i>	175
3.4 Public Participation Meeting - Not to be heard before 5:15 PM - Application - 7 Annadale Drive (SPA18-060 and 39CD-18511)	177

3.5	Public Participation Meeting - Not to be heard before 5:30 PM - Masonville Transit Village Secondary Plan Terms of Reference (O-8991)	201
3.6	Public Participation Meeting - Not to be heard before 5:45 PM - Application - 536 and 542 Windermere Road (Z-8945)	211
	<i>a. (ADDED) T. Mara, 127 Orkney Crescent</i>	343
	<i>b. (ADDED) A. Morrison, Conservatree Inc.</i>	359
	(Note: A copy of a petition with approximately 108 signatures is in the City Clerk's Office for viewing)	
	<i>c. (ADDED) M. Campbell, Zelinka Priamo Ltd.</i>	363
	<i>d. (ADDED) W. Fisher, 143 Orkney Crescent</i>	365
<b>4.</b>	<b>Items for Direction</b>	
4.1	<i>(ADDED) Concillor M. van Holst - Assist Smaller Business Improvement     Areas</i>	366
<b>5.</b>	<b>Deferred Matters/Additional Business</b>	
<b>6.</b>	<b>Adjournment</b>	

# London Advisory Committee on Heritage

## Report

1st Meeting of the London Advisory Committee on Heritage  
December 12, 2018  
Committee Rooms #1 and #2

Attendance                   PRESENT: D. Derek (Chair), D. Brock, J. Cushing, H. Elmslie,  
H. Garrett, T. Jenkins, J. Manness, K. Waud and M. Whalley and  
J. Bunn (Secretary)

ABSENT: S. Adamsson and S. Gibson

ALSO PRESENT: J. Dent, K. Gonyou, K. Gowan and J.  
Ramsay

The meeting was called to order at 5:31 PM.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Organizational Matters

#### 2.1 Election of Chair and Vice Chair for term ending June 1, 2019

That it BE NOTED that the London Advisory Committee on Heritage  
elected D. Dudek and M. Whalley as the Chair and Vice-Chair,  
respectively, for the term ending June 1, 2019.

### 3. Scheduled Items

None.

### 4. Consent

#### 4.1 11th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 11th Report of the London Advisory Committee  
on Heritage, from its meeting on November 14, 2018, was received.

#### 4.2 Municipal Council Resolution - Recruitment and Appointment of Advisory Committee Members for the Up-Coming Term

That it BE NOTED that the Municipal Council resolution, from its meeting  
held on November 20, 2018, with respect to the recruitment and  
appointment of Advisory Committee members for the up-coming term, was  
received.

#### 4.3 Zoning By-law Amendment Application - 446 York Street

That it BE NOTED that the City of London Planning Services Community  
Information Meeting Notice as well as the Revised Public Meeting Notice,  
dated November 28, 2018, both from M. Knieriem, Planner II, with respect  
to a Zoning By-law Amendment for the property located at 446 York  
Street, were received.

4.4 Notice of Public Information Centre #2 - Long Term Water Storage -  
Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Public Information Centre #2, from P. Lupton, City of London and N. Martin, AECOM, with respect to the City of London Long Term Water Storage Municipal Class Environmental Assessment, was received.

**5. Sub-Committees and Working Groups**

5.1 Stewardship Sub-Committee

That the following actions be taken with respect to the Stewardship Sub-Committee Report from its meeting held on November 28, 2018:

- a) it BE NOTED that the above-noted report was received; and,
- b) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage supports the groupings of the 35 properties for Cultural Heritage Evaluation Reports, as they appear in the attached presentation from J. Ramsay, Project Director, Rapid Transit Implementation; it being noted that a verbal presentation from M. Greguol, AECOM, was received with respect to this matter.

**6. Items for Discussion**

6.1 Community Heritage Ontario 2019 Membership Renewal

That the London Advisory Committee on Heritage 2019 membership with the Community Heritage Ontario BE APPROVED; it being noted that the CHOnews newsletter for Autumn 2018, was received.

6.2 (ADDED) Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou and L. Dent and K. Gowan, Heritage Planners, with respect to various updates and events, was received.

**7. Deferred Matters/Additional Business**

7.1 (ADDED) Community Information Meeting - Byron Gravel Pits Secondary Plan

That it BE NOTED that the City of London Planning Services Community Information Meeting Notice from B. Page, Senior Planner, with respect to the Byron Gravel Pits Secondary Plan, was received.

**8. Adjournment**

The meeting adjourned at 6:07 PM.



## Agenda

1. Update to work plan
2. Update on Wellington Road group CHER (35 properties)
3. Questions on
  - 1110 Richmond Street CHER
  - 44 Wharnccliffe Road North CHER
  - Wellington Road 6 individual CHERs

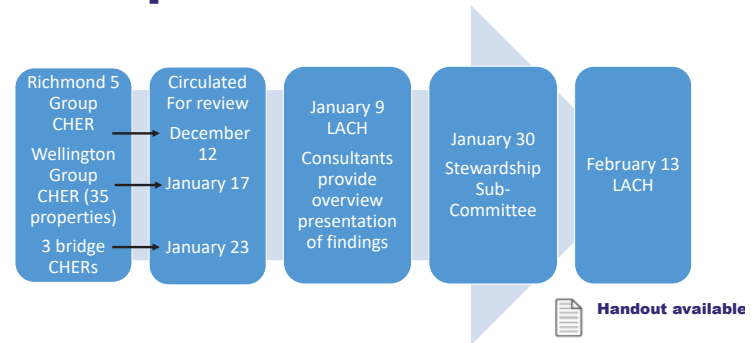


## Work plan additions

- **University Drive Bridge**
- **Highbury Avenue Bridge**
- **Clark's Bridge**



## Work plan: 2019



## Timelines / Next Steps

- Submit revised CHSR to MTCS
- Revise grouped and individual CHERs based on LACH comments to include in Environmental Project Report
- Continue to bring reports to LACH and Stewardship Subcommittee
- Cultural heritage evaluations to be completed in time for LACH meeting in February 2019
- Transit Project Assessment Process with Environmental Project Report to be completed by end of March 2019

## Wellington road Group CHER



## Sub-Group 1:

- 1 Kennon Place
- 26 Wellington Road
- 28 Wellington Road
- 30 Wellington Road
- 32 Wellington Road
- 34 Wellington Road



## SUB-Group 2:

- 74 Wellington Road
- 78 Wellington Road
- 88 Wellington Road
- 98 Wellington Road
- 118 Wellington Road



## Sub-Group 3:

- 134 Wellington Road
- 136 Wellington Road
- 138 Wellington Road
- 140 Wellington Road
- 142 Wellington Road
- 166 Wellington Road
- 174 Wellington Road
- 19 Raywood Avenue



## Sub-Group 4:

- 247 Wellington Road
- 249 Wellington Road
- 251 Wellington Road
- 261 Wellington Road
- 263 Wellington Road
- 265 Wellington Road
- 267 Wellington Road
- 269 Wellington Road
- 271 Wellington Road



## Sub-Group 5:

- 273 Wellington Road
- 275 Wellington Road
- 285 Wellington Road
- 287 Wellington Road
- 289 Wellington Road
- 297 Wellington Road
- 301 Wellington Road



Questions?



## Heritage Planners' Report to LACH: December 12, 2018

1. Heritage Alteration Permits processed under Delegated Authority By-law:
  - a. 215 Dundas Street (Downtown HCD): Signage
  - b. 20 Oxford Street West (B/P HCD ): Exterior Alterations
  - c. 325 Dundas Street (Downtown HCD): Signage
  - d. 23 Kensington Avenue (B/P HCD): Exterior alterations / Porch
2. Heritage Planner in Development & Compliance Services, Heritage Planners in City Planning
3. Print copies of Cultural Heritage Evaluation Reports (CHER) for Rapid Transit
  - a. Next Stewardship Sub-Committee meeting: Wednesday January 30, 2018 at 6:30pm
    - i. Richmond 5 Group CHER (before Christmas )
    - ii. Wellington 35 Group CHER (January 17, 2019)
    - iii. Highbury Avenue Overpass Bridge CHER (January 23, 2019)
    - iv. University Drive Bridge CHER (January 23, 2019)
    - v. Clark's Bridge (Wellington Street/Road) CHER (January 23, 2019)

## Upcoming Heritage Events

- Victorian Christmas – Eldon House – December 1, 2018 - January 1, 2019. For more information: <http://www.eldonhouse.ca/events/>
- Meet Father Christmas – Eldon House – December 16, 2018. For more information: <http://www.eldonhouse.ca/events/>
- New Year's Levee – Eldon House – 1:00-4:00pm, January 1, 2019. Free. For more information: <http://www.eldonhouse.ca/events/>
- ACO London Region & Heritage London Foundation – 2019 Heritage Awards nominations – deadline to nominate: December 31, 2018. More information: <https://acolondon.ca/nominate>
- The London Heritage Scholarship – ACO London Region – deadline to apply: December 31, 2018. More information: <https://acolondon.ca/aco-london-and-region-heritage-scholarship-application>



# Environmental and Ecological Planning Advisory Committee

## Report

1st Meeting of the Environmental and Ecological Planning Advisory Committee  
December 13, 2018  
Committee Rooms #1 and #2

Attendance                   PRESENT: S. Levin (Chair), E. Arellano, A. Boyer, C. Dyck, S. Hall, B. Krichker, K. Moser, S Sivakumar, R. Trudeau and I. Whiteside and H. Lysynski (Secretary)

ALSO PRESENT: S. Chambers, C. Creighton, D. Gough, J. MacKay, L. Pompili and A. Rammeloo

ABSENT: P. Ferguson

The meeting was called to order at 5:00 PM

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

#### 2.1 Mud Creek Channel Design for Phase 1

That the attached presentation from S. Chambers, Division Manager, Stormwater Engineering, and T. Hood and J. McDonald, Matrix Solutions Inc., was received.

#### 2.2 One River Master Plan

That it BE NOTED that B. Krichker will review the Forks of the Thames Environmental Impact Study and S. Hall will review the Springbank Dam Decommissioning Environmental Impact Study; it being further noted that the Environmental and Ecological Planning Advisory Committee reviewed and received the attached presentation from A. Rammeloo, Division Manager, Engineering, Rapid Transit Implementation Office and A. McKay, Engineer, Matrix Solutions Inc.

### 3. Consent

#### 3.1 12th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 12th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on November 15, 2018, was received.

#### 3.2 Municipal Council Resolution - Recruitment and Appointment of Advisory Committee Members for the upcoming term

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on November 20, 2018, with respect to the recruitment and appointment of Advisory Committee members for the upcoming term, was received.

3.3 Byron Gravel Pits Secondary Plan - Community Information Meeting

That it BE NOTED that the Community Information Meeting notice for the Byron Gravel Pits Secondary Plan to be held on December 20, 2018, was received.

**4. Sub-Committees and Working Groups**

4.1 A Wetland Conservation Strategy for London: Guideline for Best Practices

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee held a general discussion with respect to the Wetland Conservation Strategy for London: Guideline for Best Practices; it being noted that the Working Group will continue to amend the Guideline document.

**5. Items for Discussion**

5.1 Appointment to the Trees and Forests Advisory Committee

That consideration of the appointment of a representative from the Environmental and Ecological Planning Advisory Committee (EEPAC) to the Trees and Forests Advisory Committee BE POSTPONED to the January 17, 2019 EEPAC meeting.

**6. Deferred Matters/Additional Business**

6.1 (ADDED) Election of Chair and Vice Chair for the term ending June 1, 2019

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee elected S. Levin and S. Hall as the Chair and Vice-Chair, respectively, for the term ending June 1, 2019.

6.2 (ADDED) Notice of Study Commencement - Rehabilitation of the Riverside Bridge over the CN Railway

That it BE NOTED that the Notice of Study Commencement for the Rehabilitation of the Riverside Bridge over the CN Railway, was received.

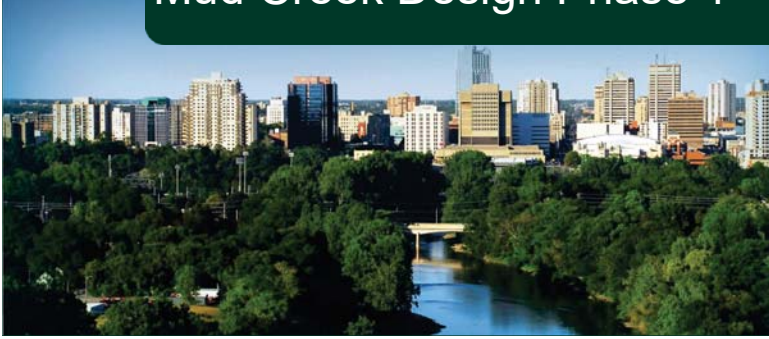
**7. Adjournment**

The meeting adjourned at 8:00 PM.



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# Mud Creek Design Phase 1



Presentation to the Environmental and Ecological  
Planning Advisory Committee

December 13, 2018



London  
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# Outline

- Mud Creek EA (Review)
  - Study Area
  - Preferred Alternative
- Mud Creek EIS
  - Findings
  - Recommendations
  - Conclusions
- Mud Creek Detailed Design
  - Project Phasing
  - Data Gaps
  - Field Investigations
  - Discipline Findings
  - Constraints and opportunities
  - 30% Designs
  - Next steps



London  
CANADA

# Mud Creek Schedule B EA



London  
CANADA

# EA Problem Statement

Mud Creek currently experiences frequent flooding, which overtops the Oxford Street arterial road and abutting properties; as well as high levels of erosion and creek sedimentation; and represents a generally degraded aquatic habitat that includes perched culverts, which prevent fish migration. However, it also provides habitat for many species of wildlife (birds, amphibians, mammals) and contains several valuable terrestrial features, particularly large trees and animal refuge areas.

2015 to 2017



London  
CANADA

# Frequent Flooding

Flooding at Oxford Street  
and Proudfoot Lane

July 15, 2018



September 11, 2014



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# EA Objectives

- To mitigate flooding on public and private lands, especially Oxford Street Corridor.
- To rehabilitate sections of Mud Creek, improving aquatic and terrestrial habitat
- To provide mitigation and compensation per Official Plan Policy 15.3.3. (London, 2006)



# Study Area



# Upper Subwatershed



# Upstream of Oxford



# Parallel to Oxford



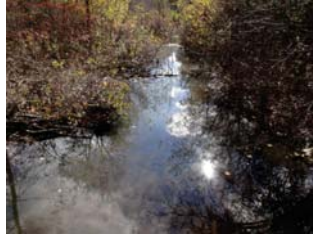
# Existing Oxford culvert





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## Proudfoot and Downstream



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## CN Culvert Upstream



London CANADA

## CN Culvert Downstream



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## Upstream of Wonderland



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## Culvert under Wonderland



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## Discharge to Thames





## Alternative Development

- Alternative 1: Do Nothing
- Alternative 2: improve conditions of existing system; no flood relief
- Alternative 3: flood relief
- **Alternative 4: flood relief and creek realignment**



## Alternative 4

- Lowered and enlarged CNR culvert
- Upstream and downstream channel rehabilitation
- Oxford St. crossing relocated east
- Realignment of Mud Creek from Oxford St. to Proudfoot Ln.



## Environmental Impact Study

- Field investigations:
  - Spring anuran calling survey;
  - Breeding bird and incidental wildlife surveys;
  - Ecological Land Classification and botanical survey;
  - Aquatic habitat survey;
  - Benthic macro-invertebrate survey;
  - Species at Risk bat survey; and,
  - Butternut screening.



## EIS Findings

### Vegetation:

- 289 vascular plant species; 71% native
- 1 endangered species: dead butternut tree
- 10 locally significant plant species
- Defined Ecological Land Classifications



Photo 60: Butternut extensive root decay.



## EIS Findings

### Aquatic Habitat:

- Urban tributary; highly altered
- Oxygen levels: 3.5 mg/L to 7.5 mg/L (**4.0mg/L required to sustain aquatic life**)
- Biotic Index: Poor to very poor quality



Photo 23: Sediment deposition downstream of Proudfoot Lane. The culvert is also full of sediment.



## EIS Findings

### Wildlife Species:

- 8 mammals, 32 birds, & 2 frog species
- 4 Species at Risk (SAR) detected:
  - 2 bat species:
    - Little Brown Bat (endangered)
    - Northern Long Eared Bat (endangered)
  - Snapping Turtle (special concern)
  - Wood Thrush (special concern)



## EIS Findings

### Assessment of Significance:

- Vegetation communities:
  - All meet 5-7 criteria for Significant Woodlands
  - None of the patches meet criteria to classify as ESA

*“The woodlots in the study area are highly disturbed, have poor water storage capabilities, low species diversity, and poor connectivity to other natural areas, making them unsuitable candidates for Environmentally Significant Areas.” (LGL 2016, pg 54)*



## Mitigation Strategy

- Protect valuable trees and vegetation
- Re-vegetate/restore areas with native species
- Bioengineer stable slopes, natural channel design
- Detailed design will determine exact number of trees and extent of disturbance



## Compensation Plan

- Tree replacement at a 3:1 ratio with native species; maximize plantings in disturbed areas
- Buckthorn removal and eradication strategy for the woodlot south of Oxford Street;
- Approximately 1600 m of enhanced aquatic habitat including vernal pools, riffles, woody vegetation with removal of fish barriers by lowering existing culverts;
- Creation of compensatory habitat to support impacted wildlife species; and,
- Long-term ecological adaptive monitoring plan.



## EA EIS Conclusions—Objectives Met

Preferred Alternative 4 satisfies all objectives:

- Enlarged and lower CNR culvert reduces flood frequency to protect public and private lands
- Natural channel design improves aquatic habitat (short-term) and terrestrial habitat (intermediate/long-term).
- Mitigation and compensation plan creates opportunity to enhance existing Significant Woodlands



## Mud Creek Detailed Design Project Phasing

- The preferred alternative as determined in the EA will be designed and implemented as two phases:
  - Phase 1 – CNR culvert to Wonderland Road
  - Phase 2 –Oxford to CNR corridor



## Mud Creek Detailed Design Data Gaps

Discipline	Data Gap – Some gaps identified at EA stage by EEPAC
Geomorphology	<ul style="list-style-type: none"> <li>• detailed geomorphic survey of Reaches MC-2 and MC-3</li> <li>• detailed topographic LiDAR data (City of London 2017)</li> <li>• channel tie in and infrastructure (e.g. culverts, outfalls, etc.) inverts to be confirmed</li> <li>• lateral and vertical location of buried infrastructure in proximity to the creek to be confirmed</li> </ul>
Hydrology/ Hydraulics	<ul style="list-style-type: none"> <li>• final PCSWMM and HEC RAS modelling completed by CH2M during the EA</li> <li>• HEC RAS model and conceptual plans for channel works upstream of Oxford Street (TMIG 2017)</li> <li>• detailed topographic surveying of channel and floodplain to augment available SWOOP data</li> </ul>
Terrestrial	<ul style="list-style-type: none"> <li>• complete significant wildlife habitat assessment</li> <li>• consultation with MNR to identify SAR permitting and guidance on Bat boxes</li> <li>• consultation with City and UTRCA to discuss whether wetland compensation is required</li> </ul>
Aquatics	<ul style="list-style-type: none"> <li>• conduct fisheries studies for input into compensation plan and provide habitat design guidance</li> <li>• formulate a plan for salvage and relocation of fish.</li> <li>• confirm Department of Fisheries and Oceans (DFO) Approval and Compensation requirements</li> </ul>



# Mud Creek Detailed Design Field Investigation

Discipline	Field Investigation
Geomorphology	<ul style="list-style-type: none"> <li>Reach Walks/Photography</li> <li>Detailed survey between CNR and Proudfoot Lane (MC-2 and MC-3)</li> </ul>
Hydrology/ Hydraulics	<ul style="list-style-type: none"> <li>LiDAR</li> <li>Catchment walks – City of London staff</li> </ul>
Terrestrial	<ul style="list-style-type: none"> <li>detailed tree inventory</li> <li>verifying vegetation communities and boundaries</li> <li>Incidental observations of wildlife (including SAR)</li> <li>documenting the location of snag trees</li> </ul>
Aquatics	<ul style="list-style-type: none"> <li>Fish community assessment</li> <li>Fish habitat assessment</li> </ul>



# Mud Creek Detailed Design Discipline Findings

## Geomorphology:

- The fluvial geomorphic character of the design channel must consider the flow regime, fine boundary materials, and low gradients present along the corridor.
- The type of channel that evolves naturally in this type of setting is a meandering riffle-pool to dune-ripple channel. The design objective is to establish a channel that demonstrates dynamic stability.
- This channel form includes planform, bedform and substrate variability along the design profile to establish a stable system that is self-sustaining in the long-term.
- Channel hardening only required around culverts
- Other treatments to include vegetated rip rap and bioengineering (e.g. brush mattress, buried wood)



# Mud Creek Detailed Design Discipline Findings

## Hydrology:

- Updated drainage subcatchments in PCSWMM model to reflect current LiDAR
- Reviewed and updated hydrologic parameterization (imperviousness, Curve Number, length, slope)

## Hydraulics:

- Updated HEC-RAS model to reflect 30% design geometry
- Assessed various proposed culvert dimensions at Oxford Street, and CNR to achieve EA objectives



# Mud Creek Detailed Design Discipline Findings


## Terrestrial:

- Tree inventory within accessible lands, limited areas upstream of CNR. Over 400 trees documented >10cm DBH.
- Ecological Land Classification (ELC) mapping confirmed, includes forest and wetland communities
- Multiple distinctive trees were noted throughout the project site (e.g. large oaks >90cm dbh). Coordinates documented for each.
- Snag trees located throughout the project site, counted, and coordinates documented.



# Mud Creek Detailed Design Discipline Findings

## Aquatics:

Location	Fish community	Fish habitat
North of CNR	<ul style="list-style-type: none"> <li>Brook Stickleback (95% of sample)</li> <li>Creek Chub</li> <li>White Sucker</li> </ul>	lacked geomorphic diversity (majority backwatered, fine material, no variability). 
South of CNR	<ul style="list-style-type: none"> <li>Brook Stickleback (55% of sample)</li> <li>Creek Chub</li> <li>White Sucker</li> <li>Blacknose Dace</li> </ul>	greater diversity of geomorphic features such as pool, runs, and riffles, and substrates (coarser, sorted)



# Mud Creek Detailed Design Constraints and Opportunities

Discipline	Constraints/Issues	Opportunities
Geomorphology	<ul style="list-style-type: none"> <li>Crossing Structure locations and inverts</li> <li>Buried Infrastructure (sanitary sewer)</li> <li>Property acquisition</li> <li>Construction considerations</li> <li>Upstream designs</li> </ul>	<ul style="list-style-type: none"> <li>varied bedforms and substrate types</li> <li>Diverse channel will be developed including placement of low-gradient riffles and shoal features.</li> <li>Smooth transition through culverts and better flow conveyance</li> <li>Prevention of erosion and scour</li> </ul>
Hydrology & Hydraulics	<ul style="list-style-type: none"> <li>Road/Property flooding</li> <li>Culvert sizing and elevations</li> <li>Upstream designs</li> </ul>	<ul style="list-style-type: none"> <li>Smooth transition through culverts and better flow conveyance</li> <li>Prevention of flooding, erosion and scour</li> </ul>



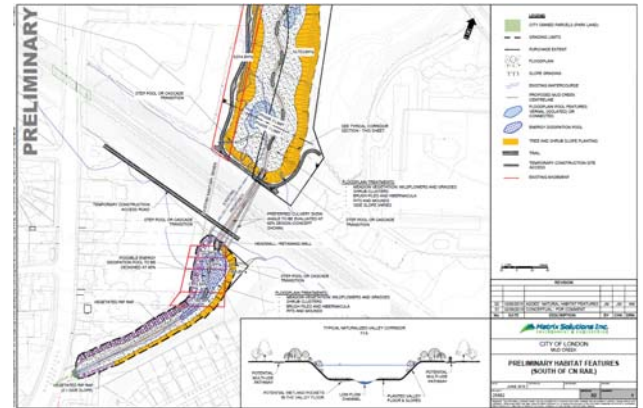


# Mud Creek Detailed Design Constraints and Opportunities

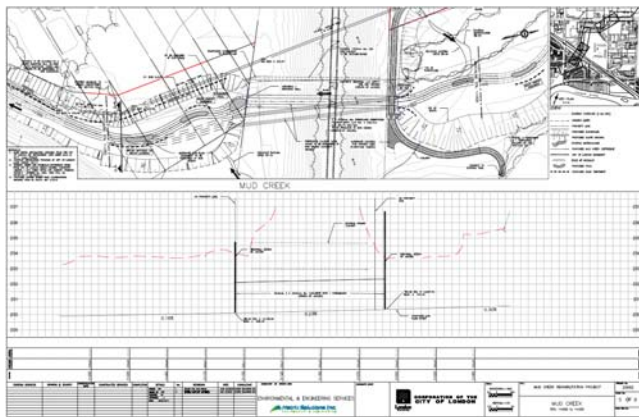
Discipline	Constraints/Issues	Opportunities
Terrestrial	<ul style="list-style-type: none"> <li>temporary disturbance</li> <li>loss of wildlife habitat</li> </ul>	<ul style="list-style-type: none"> <li>Compensation to include 3:1 tree removals</li> <li>newly designed floodplain to replicate the function of the backwatered area and enhance habitat for herptiles</li> <li>Installation of Bat houses</li> <li>Additional floodplain habitat features and invasive species management</li> </ul>
Aquatic	<ul style="list-style-type: none"> <li>loss of approximately 100 m of aquatic habitat</li> <li>Temporary disturbance</li> </ul>	<ul style="list-style-type: none"> <li>Instream and riparian habitat elements (woody debris)</li> <li>Removal of existing barriers to fish migration</li> <li>Increase aquatic habitat diversity (pools, riffles; cobbles, sands)</li> <li>Stable channel to improve water quality</li> </ul>



# Mud Creek Detailed Design 30% Design



# Mud Creek Detailed Design 30% Design



# Mud Creek Detailed Design 30% Design

- Bioengineering - Brush Layering



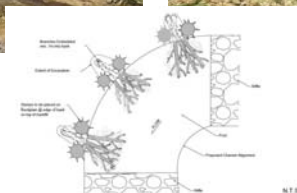
# Mud Creek Detailed Design 30% Design

- Bioengineering - Brush Layering



# Mud Creek Detailed Design 30% Design

- Bioengineering - Woody Bank Treatment





# Mud Creek Detailed Design 30% Design

- Bioengineering – Coir/Seed/LiveStake & Floodplain woody treatments



# Mud Creek Detailed Design 30% Design

- Bioengineering – Vegetated Rip Rap



# Mud Creek Detailed Design 30% Design

- Bioengineering – Vegetated Rip Rap



# Next Steps 60%-to tender





# One River EA: EEPAC Presentation

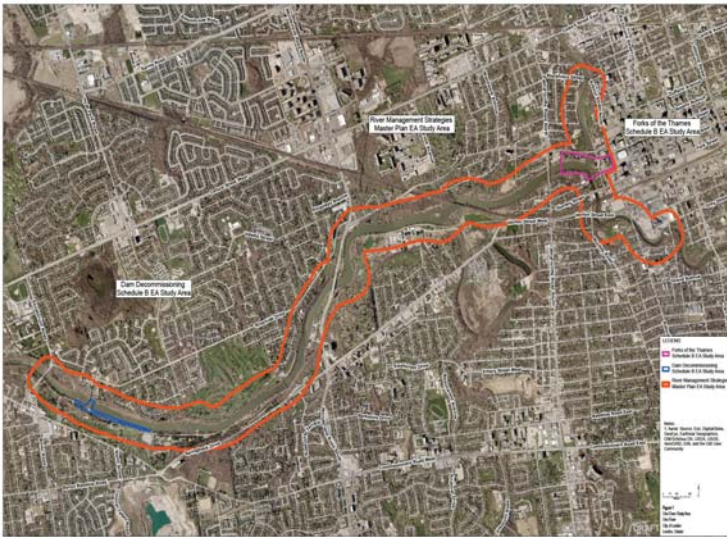


December 13, 2018



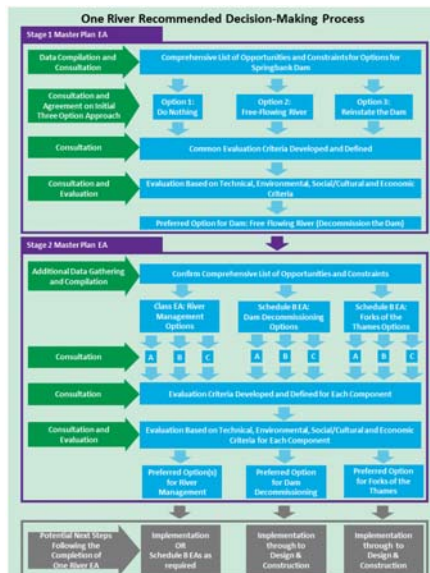
# Outline Today's Discussion

- Opening Remarks and Introductions
- EA Approach Summary Stage 1 and 2
- Preferred Alternatives Stage 1 and Stage 2
- Springbank Dam Decommissioning Potential Impacts and Mitigation
- River Management Plan Potential Impacts and Mitigation
- Forks of the Thames Potential Impacts and Mitigation
- Next Steps/Questions



# EA Approach Summary

- Master Plan EA
- Carried out in Two Stages
- Stage 1 – Future Status of Springbank Dam
  - Re-instate
  - Free Flowing river
- Stage 2
  - River Management Plan
  - Dam Decommissioning
  - Forks of the Thames



# Stage 1 Approach

- Master Plan Level EA
- Future Use of Springbank Dam:
  - Do Nothing
  - Reinstatement of the Dam
  - Leave River Free Flowing



## Outcome of Stage 1

- Leave the Thames River Free Flowing



## Stage 2 Approach

- Three Main Components to the One River Strategy:
  - Dam Decommissioning Schedule B EA
  - Forks of the Thames Schedule B EA
  - River Management Strategies Master Plan EA



## Dam Decommissioning Alternatives

- Do Nothing
  - Dam maintained in current condition
  - Preventative rehabilitation program and safety inspection
- Partial Removal
  - Remove or salvage parts such hydraulics, gates, control room, etc.
  - Stabilize structure and restore riverbank with habitat improvements
  - Preventative rehabilitation program and safety inspection
- Full Removal
  - Remove all components and structures, including erosion control works
  - Riverbank and riverbed would be fully restored with habitat improvements



## Dam Decommissioning Alternatives



Do Nothing

Partial Dam Removal

Full Dam Removal



## Springbank Dam Preferred Alternative

- Preferred Alternative is Partial Removal of the Dam
- While the Full Removal is better for the natural environment, Partial Removal is more technically and financially feasible
- Full Removal could be completed at a later date



## River Management Plan Alternatives

The River Management Plan has 4 Alternatives; defined through levels of access and levels of environmental remediation/protection.

- Access includes;
  - pathways, fishing and boat launching areas and lookouts
- Environmental remediation/protection includes;
  - Improvements to erosion and riverbank instability areas
  - Protection and improvement of natural heritage features, such as mitigation of non-native species



# River Management Plan Alternatives

## Alternative 1: Existing Conditions (Do Nothing)

- Maintain existing access locations (informal trails, formal pathways, fishing and boat access, and lookouts)
- No action regarding existing areas of erosion and sedimentation, Dykes and SAR Habitat areas



# River Management Plan Alternatives

## Alternative 2: Naturalized River Corridor

- Maintain and/or improve the quality and safety of the existing access locations with no new access locations to be constructed
- Improve/repair erosion and riverbank instability areas
- Protect and improve natural heritage features, such as mitigation of non-native species
- Limit access to sensitive habitats, and decommission access points near sensitive habitats, where possible



# River Management Plan Alternatives

## Alternative 3: Strategic River Corridor Use and Access

- Maintain and/or improve the quality and safety of existing access with new strategic access points constructed to avoid sensitive habitat infringement
- Improve/repair erosion and riverbank instability areas
- Protect and improve natural heritage features, such as mitigation of non-native species
- Stage the implementation of new access points as sensitive habitat locations potentially change as the river stabilizes

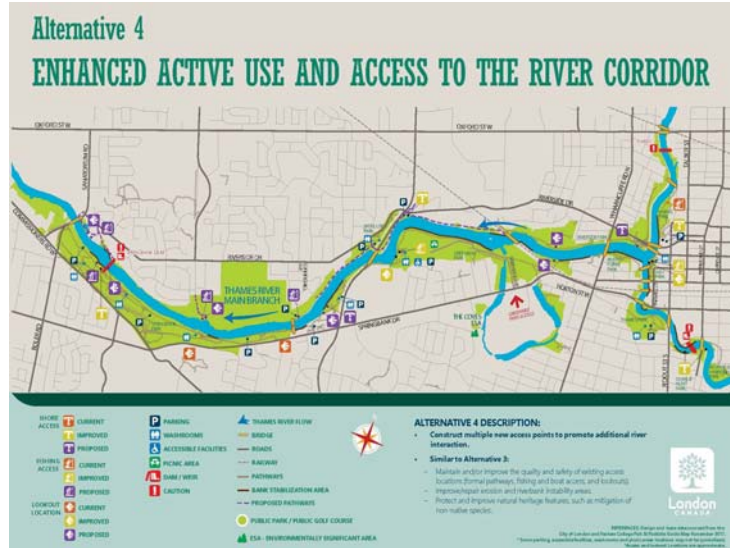




# River Management Plan Alternatives

## Alternative 4: Enhanced River Corridor Use and Access

- Maintain and/or improve the quality and safety of existing access with multiple new access points constructed
- Improve/repair erosion and riverbank instability areas
- Protect and improve natural heritage features, such as mitigation of non-native species



# River Management Plan Preferred Alternative

## Alternative 3: Strategic River Corridor Use and Access

- Maintain and/or improve the quality and safety of existing access with new strategic access points constructed to avoid sensitive habitat infringement
- Improve/repair erosion and riverbank instability areas
- Protect and improve natural heritage features, such as mitigation of non-native species
- Stage the implementation of new access points as sensitive habitat locations potentially change as the river stabilizes
- Long term vision is to incorporate additional access and environmental improvement/protection following The London Plan and the TVCP, as river matures under new flow regime



# Forks of the Thames Alternatives

- Different Options for the Forks of the Thames:
  - Ribbon structure
  - Terracing layout
  - Pathway orientation
  - Lookout locations
  - Hard vs soft surfaces
  - Shoreline treatments
- 4 Ribbon Alternatives (Plus Do Nothing)
- 2 Terracing Alternatives



# Forks of the Thames Alternatives

Ribbon Alternative 1- Walkway supported by Piers in River



# Forks of the Thames Alternatives

Ribbon Alternative 2- Suspended Walkway





# Forks of the Thames Alternatives

Ribbon Alternative 3- Kensington Bridge Extension and Lookout



# Forks of the Thames Alternatives

Ribbon Alternative 4- Land Based Walkway



# Forks of the Thames Alternatives

Terrace Alternative 1- Hardscape



# Forks of the Thames Alternatives

Terrace Alternative 2- Softscape



# Forks of the Thames Preferred Alternative

- Preferred Alternative is Ribbon Alternative 2- Suspended Walkway



- Eliminates encroachment into river while still providing opportunities to interact with river
- Provides river vista and exciting feature to the Forks of the Thames



# Forks of the Thames Preferred Alternative

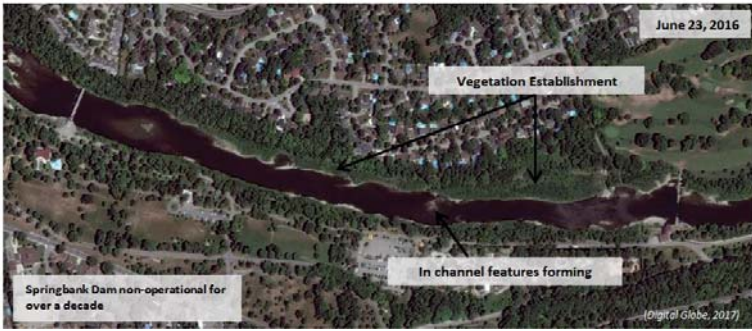
- Preferred Alternative is Terrace Alternative 2, Softscape



- Provides more green spaces and habitat for terrestrial species
- Natural shoreline provides additional habitat for erosion protection



# Environmental Effort Stage 1



# Environmental Effort Stage 1

The existing conditions report included a review of available environmental data as well as new aquatic field studies within the Master Plan Study Area.

- Review of 50+ background documents
- Database and Atlas review
- MNRF consultation
- Two season fisheries assessment and aquatic habitat mapping
- High level geomorphic assessments



A major result of the review and assessments was an indication that SAR species had moved upstream of the Springbank Dam in areas that they did not occur before dam failure. Evidence that the river's morphology was also adjusting to a new free flowing system.



# Environmental Effort Stage 2

Environmental Efforts for Stage 2 consisted of the following:

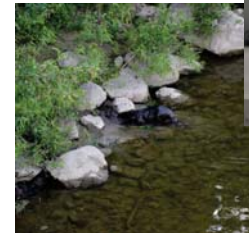
- Detailed inventories and field studies surrounding the **The Forks of the Thames** project area.
  - Completed an EIS to support the preliminary preferred alternative.
- Detailed inventories and field studies surrounding the **The Springbank Dam Decommissioning EIS** project area.
  - Completed an EIS to support the preliminary preferred alternative.
- Updates to the Stage 1 Existing Conditions Report to support the River Management alternatives and implementation plan. The updates lead to the development of two reports:
  - **Natural Heritage Summary** – background summary report updated with information collected in the EIS studies and additional desktop analysis.
  - **River Characterization** – detailed analysis of hydrology, hydraulics and geomorphic. Included and erosion and outfall inventory summary



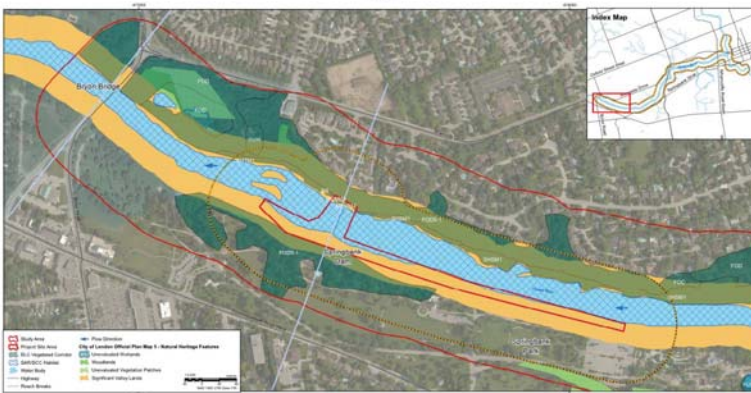
# Environmental Effort Stage 2 Environmental Impacts Studies

## EIS Studies Approach

- Vegetation Characterization
  - ELC
  - Botanical Inventories
  - Invasive Mapping
  - Tree Inventory
- Breeding Birds Surveys
- Fish Sampling
- Aquatic Habitat Mapping
- Incidental Observations



# Environmental Effort Stage 2 Springbank Dam Decommissioning EIS



# Environmental Effort Stage 2 Springbank Dam Decommissioning EIS

<b>Project Activities</b>	<ul style="list-style-type: none"> <li>• Vegetation clearing, earthworks/grubbing &amp; disposal</li> <li>• Construction access, staging and laydown areas.</li> <li>• Removal of concrete apron along the southern bank.</li> <li>• Removal of the hydraulic gate(s)</li> </ul>	
<b>Potential Impacts</b>	<ul style="list-style-type: none"> <li>• Habitat Loss and/ or Alteration</li> <li>• Disturbance/ Avoidance of Habitat</li> <li>• Injury or Incidental Take</li> </ul>	
<b>Mitigations</b>	<ul style="list-style-type: none"> <li>• Best Construction Practices</li> <li>• Prevention of Wildlife Mortality and Disturbance</li> <li>• Prevention of Terrestrial Disturbance</li> <li>• Prevention of Fish Mortality</li> <li>• Erosion and Sedimentation Control</li> </ul>	
<b>Residual Effects</b>	<ul style="list-style-type: none"> <li>• <b>Removal of the Concrete Apron and Bank Restoration</b> <ul style="list-style-type: none"> <li>• area to be restored with diverse native vegetation, and the concrete apron will be replaced with a more naturalized erosion control structure, such as vegetative riprap</li> </ul> </li> <li>• <b>Removal of the Springbank Dam gate(s)</b> <ul style="list-style-type: none"> <li>• removal of the gate(s) will improve fish passage for a variety of species</li> </ul> </li> </ul>	





# Environmental Effort Stage 2

## Forks of the Thames EIS



# Environmental Effort Stage 2

## Forks of the Thames EIS

**Project Activities**

- Vegetation clearing, earthworks/grubbing & disposal
- Construction access, staging and laydown areas.
- Removal of gabion baskets along eastern shoreline.
- Terracing and grading of eastern banks
- Installation of hardscape and landscaping features

**Potential Impacts**

- Habitat Loss and/or Alteration
- Disturbance/Avoidance of Habitat
- Injury or Incidental Take

**Mitigations**

- Best Construction Practices
- Prevention of Wildlife Mortality and Disturbance
- Prevention of Terrestrial Disturbance
- Prevention of Fish Mortality
- Erosion and Sedimentation Control

**Residual Effects**

- Permanent alteration to existing vegetation** - creating a larger parkland system, removal of invasive species and planting native trees and shrubs.
- Removal of gabion baskets** - restored with more natural slopes, vegetation, and concrete retaining wall/armourstone
- Increased human presence** - target access to the river along the south bank to avoid destruction of sensitive habitats along the north bank



# Environmental Effort Stage 2

## River Management Alternatives



# Environmental Effort Stage 2

## Natural Heritage Summary



# Environmental Effort Stage 2

## River Characterization



# Environmental Effort Stage 2

## River Management Summary

- The Thames River is influenced by a number of factors in both the upstream watershed and local study area context.
- The non-operation of the Springbank Dam has resulted in a physical transformation of the immediate upstream areas including enhanced sediment transport and vegetation growth.
- The river trough the Study Area will continue to narrow and change over the next few decades
- Partially removing Springbank Dam will promote natural adjustment as backwatering is further reduced and sediment passes downstream with greater ease
- Improvements to main Thames reaches should focus around
  - upgrading the outfalls classified as "poor condition,"
  - completing bank remediation along the erosion sites,
  - developing a bankfull channel and floodplain features, and
  - adding in-channel features to promote variability and redirection of flows from issue locations.



## Next Steps

- Complete draft of One River Report contents
- Review by City
- Council Approval
- Notice of Completion
- 30 Day Public Review Period



## EEPAC Roundtable

## Questions

## Report to Planning and Environment Committee

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

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

**Subject:** Application By: Escalade Property Corporation  
852 Commissioners Road East

**Meeting on:** January 7, 2019

## Recommendation

That, on the recommendation of the Senior Planner, Development Planning, based on the application of Escalade Property Corporation relating to the property located at 852 Commissioners Road East, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on January 15, 2019 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan, to change the zoning of 852 Commissioners Road East **FROM** a Holding Residential R9 (h-1\*R9-7\*H40) Zone, **TO** a Residential R9 (R9-7\*H40) Zone to remove the h-1 holding provision.

## Executive Summary

### Purpose and the Effect of Recommended Action

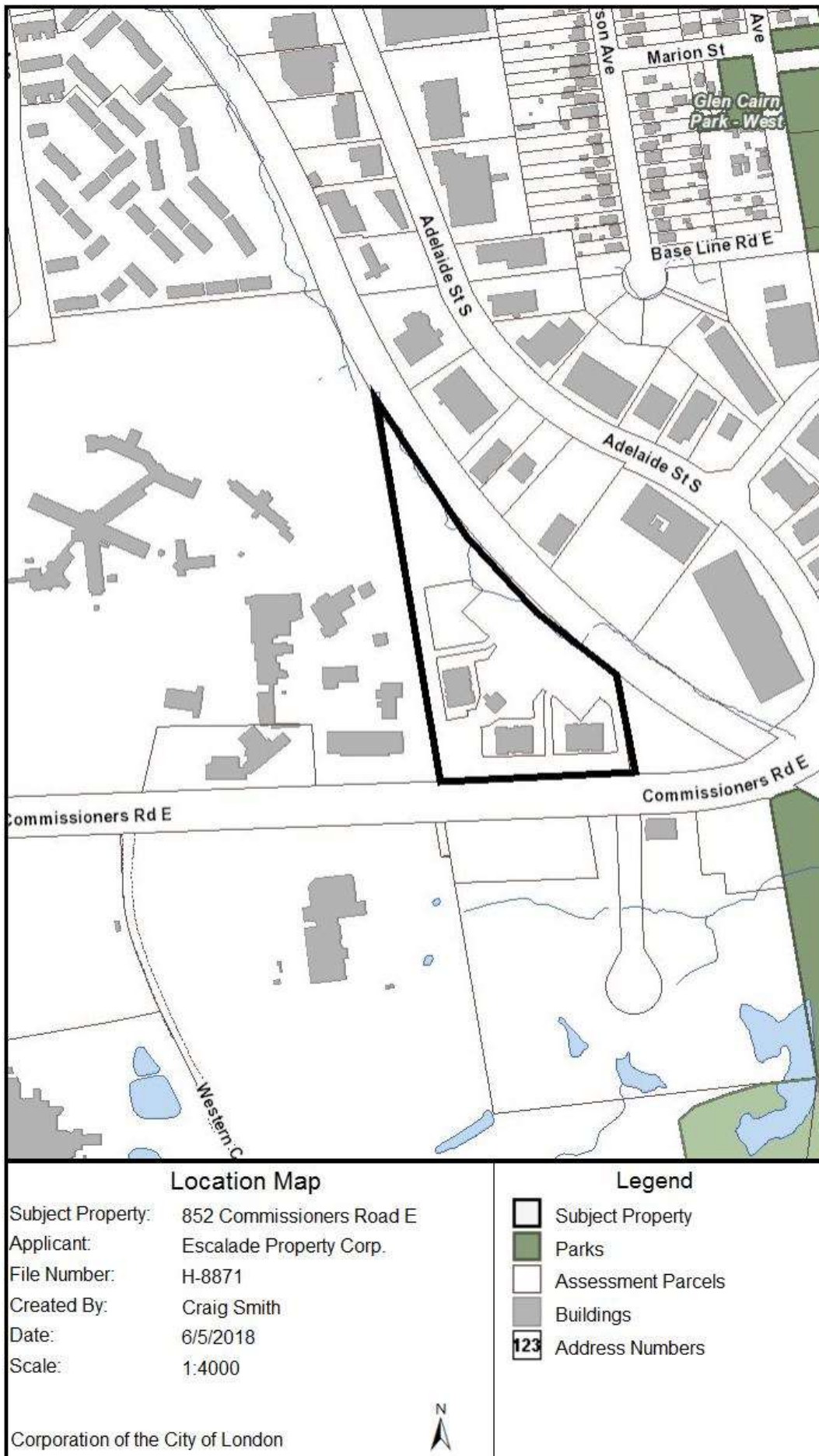
The purpose and effect of this zoning change is to remove the h-1 holding provision to permit the development of a 12 storey, 95 unit apartment building.

### Rationale of Recommended Action

1. The removal of the holding provisions will allow for development in conformity with The London Plan and in compliance with the Zoning By-law.
2. A noise study was reviewed and accepted by the City. Mitigation measures have been included in the revised Development Agreement and the h-1 holding provision is no longer required.

# Analysis

## 1.1 Location Map



## 2.0 Description of Proposal

The removal of the holding provision will allow for the construction of a 12 storey, 95 unit apartment building.

## 3.0 Relevant Background

### 3.1 Planning History

On June 5, 1990, Darvic Enterprize Limited (the property owner at that time) entered into a development agreement to construct four (4), 12 storey, 95 unit apartment buildings. Three (3) apartment buildings have been constructed. The current property owner Escalade Property Corporation proposes to construct the fourth, 12 storey, 95 unit apartment building as per the June 5, 1990 development agreement.

## 4.0 Key Issues and Considerations

### Why is it Appropriate to remove this Holding Provision?

The h-1. holding provision states that:

*Purpose: To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "h-1" symbol.*

*Permitted Interim Uses: Existing uses; any non-residential use permitted by the applicable zones*

A Noise and Vibration Report dated July 2017 prepared by Swallow Acoustic Consultants Ltd. was reviewed and accepted by the City. The site plan and executed revised development agreement includes the accepted mitigation measures (warning clauses) for this development. It is appropriate to remove the h-1 holding provision at this time.

More information and detail about public feedback and zoning is available in Appendix B & C.

## 5.0 Conclusion

It is appropriate to remove the h-1 holding provision from the subject lands at this time as the noise study has been reviewed and mitigation measures have been added to the existing Development Agreement.

<b>Prepared and Recommended by:</b>	<b>C. Smith MCIP, RPP Senior Planner, Development Planning</b>
<b>Reviewed by:</b>	<b>Lou Pompili, MPA, RPP Manager, Development Planning</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official</b>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

December 17, 2018

CS/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\H-8871 - 852 Commissioners Road East (CS)\AODAPECreport-H-8871.docx

## Appendix A

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

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 852 Commissioners Road East.

WHEREAS Escalade Property Corporation have applied to remove the holding provisions from the zoning for the lands located at 852 Commissioners Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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 the lands located at 852 Commissioners Road East, as shown on the attached map, to remove the h.-1 holding provision so that the zoning of the lands as a Residential R9 (R9-7\*H40) Zone.
2. This By-law shall come into force and effect on the date of passage.

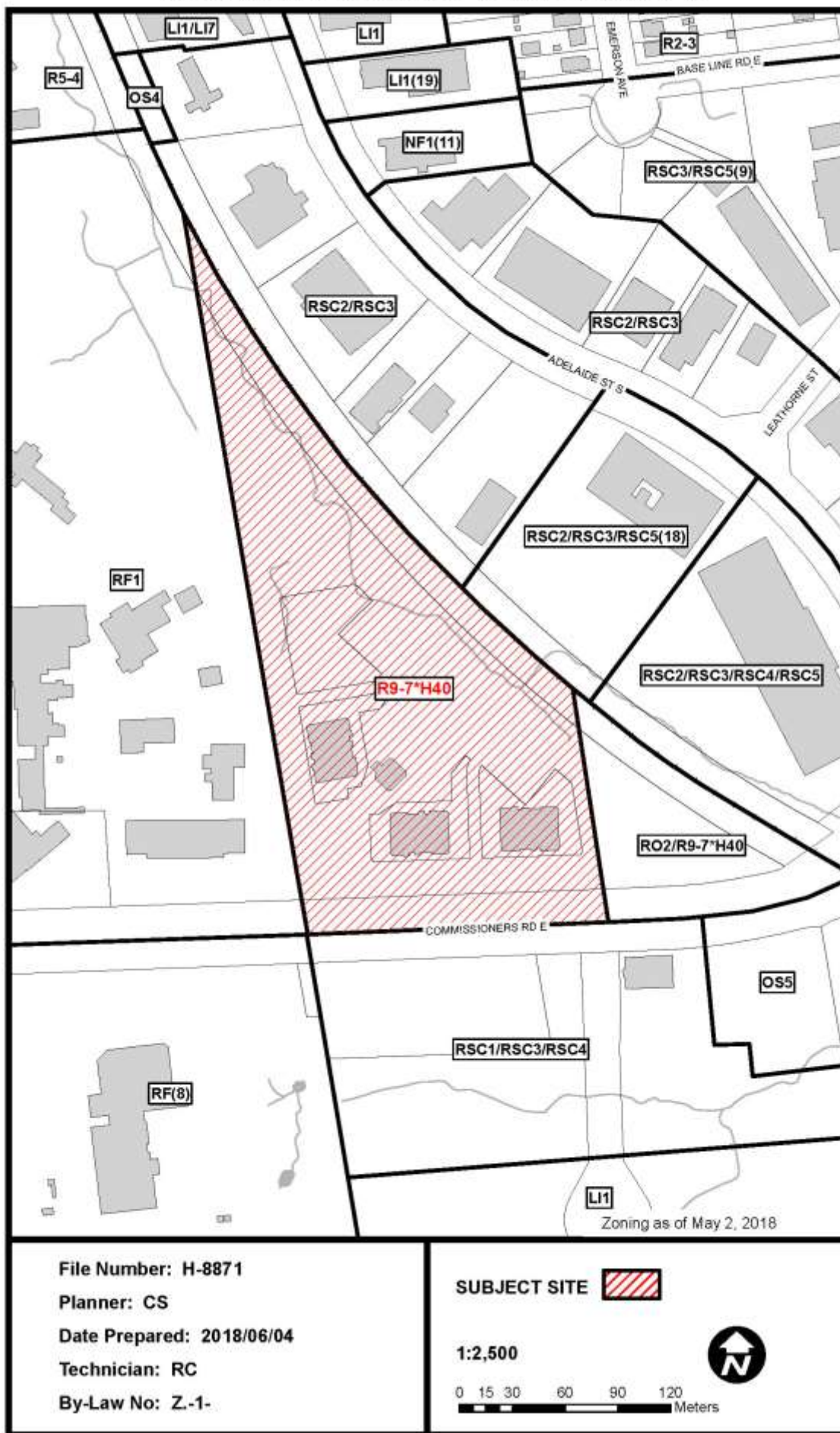
PASSED in Open Council on January 15, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading -January 15, 2019  
Second Reading -January 15, 2019  
Third Reading - January 15, 2019

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



Geotitles



## Appendix B – Public Engagement

### Community Engagement

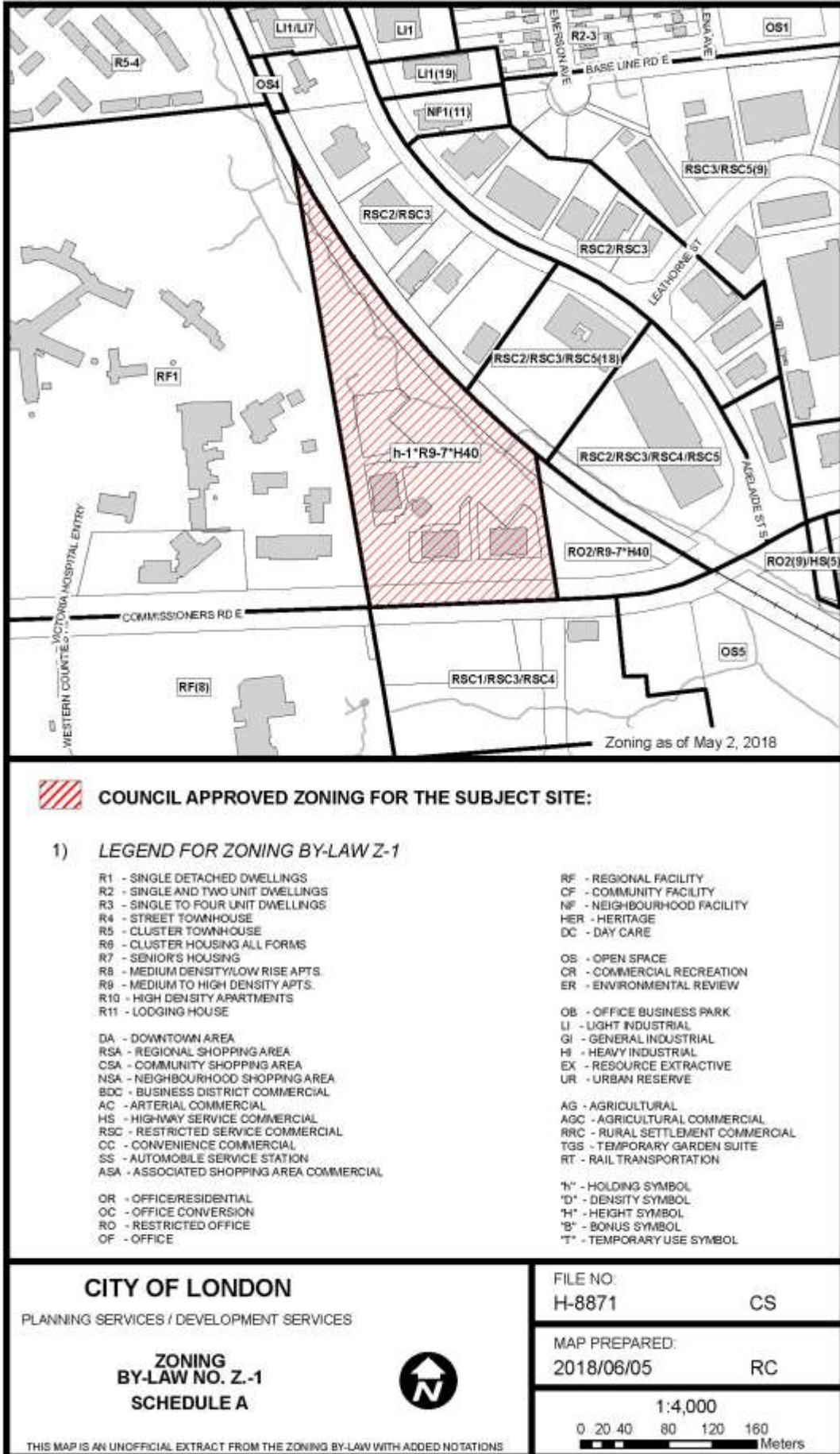
**Public liaison:** Notice of the application was published in the Londoner on March 1, 2018

0 replies were received

**Nature of Liaison:** - City Council intends to consider removing the h.-1 holding provision from the lands requiring that an agreement be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development. Council will consider removing the holding provision as it applies to these lands no earlier than March 19, 2018.

**Appendix C – Relevant Background**

**Existing Zoning Map**



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, City Planning and City Planner  
**Subject:** Provincial Consultation on “Increasing Housing Supply in Ontario”  
**Meeting on:** January 7, 2019

## Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, with the concurrence of the Managing Director, Housing, Social Services, and Dearness Home, and the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken:

- a) That this report **BE RECEIVED** for information;
- b) That the consultation guide entitled “Increasing Housing Supply in Ontario” **BE CIRCULATED** to community and stakeholder organizations (the Housing Development Corporation, London Development Institute, London Home Builders Association, and Urban League) for information; and
- c) That Civic Administration **BE DIRECTED** to submit a response to the Ontario Ministry of Municipal Affairs and Housing before January 25, 2019, it being noted that Civic Administration will provide a subsequent information report to Council with the submission provided to the Province.

## Executive Summary

- The Province has identified that rising housing costs and limited supply over the last few years has resulted in rising prices and rents which makes it difficult for many Ontarians to afford the housing they need.
- In response, the Province is developing a “Housing Supply Action Plan”. In support of that Plan, the Province has released a consultation guide entitled “Increasing Housing Supply in Ontario”.
- The consultation guide identifies five themes of consultation and asks for public feedback by January 25, 2019.
- Through this report, the City has identified its approach to respond to the housing cost and supply questions posed in the consultation guide.
- Administration will identify recent and upcoming municipal initiatives that also seek to address these same issues of housing cost, affordability, and supply.
- The information in the report may also serve to inform other organizations or members of the public who wish to respond to the consultation guide.
- Staff will provide comments to the Province regarding actions and initiatives that the Province could undertake to increase housing supply in Ontario.
- Staff will provide a subsequent information report to Council with the submission provided to the Ontario Ministry of Municipal Affairs and Housing.
- Staff have identified that housing affordability is also an important factor in increasing housing supply within Ontario.

## 1.0 Consultation Document: Increasing Housing Supply in Ontario

### 1.1 Background

On November 28, 2018, the Ontario Government announced a public consultation process to inform the province's development of a broad-based action plan to help increase the supply of housing in Ontario. To inform the Province's development of a "Housing Supply Action Plan", a consultation guide has been released through the Environmental Registry of Ontario (formerly the Environmental Bill of Rights)

The period to submit comments is **up until January 25, 2019**.

Attached as Appendix "A" to this report is the Province's consultation discussion paper, "Increasing Housing Supply in Ontario". The consultation guide and associated website (see: [www.ontario.ca/housingsupply](http://www.ontario.ca/housingsupply)) reflect that this initiative is being driven in recognition that "housing is one of the largest cost burdens for households in Ontario" and notes that "high prices and rents have made it hard for people to afford the housing they need".

Communications from the Ministry of Municipal Affairs and Housing reflect that this is a cross-government initiative that seeks broad participation from any and all interested parties and individuals.

The consultation guide identifies five (5) broad themes related to barriers to housing supply and housing cost. Many of the statements and related public consultation questions are similar to those that have been recently posed by Council related to addressing gaps in housing stock. The categories of questions in the consultation guide are:

- Time taken for development projects to be approved;
- The appropriate mix of housing forms, including the so-called "missing middle" forms of housing (i.e. medium intensity forms of housing that are not single detached dwellings or high rises);
- Costs of development, including land prices and the fees and charges associated with providing services;
- Rent, including improvements for landlords and protection of tenants; and
- Innovation, including any opportunities for innovative forms of homeownership, or improvements to construction and design approaches.

### 1.2 "Increasing Housing Supply in Ontario" Consultation Guide Questions:

The following is the list of consultation questions by theme:

#### **Theme 1: Speed: It takes too long for development projects to get approved.**

- How can we streamline development approval processes, while balancing competing interests and the broader public interest?

#### **Theme 2: Mix: There are too many restrictions on what can be built to get the right mix of housing where it is needed.**

- How can we make the planning and development system more effective to build the kind of housing people want, and can afford, in the right places with the right supports (e.g., schools, transit and other amenities)?

- How can we bring new types of housing to existing neighbourhoods while maintaining the qualities that make these communities desirable places to live?
- How can we balance the need for more housing with the need for employment and industrial lands?

**Theme 3: Cost: Development costs are too high because of high land prices and government-imposed fees and charges.**

- How can we lower the cost of developing new housing while ensuring that funds are available for growth-related infrastructure (e.g., water and sewer systems, fire and police services, schools, roads and transit)?
- How can we make sure that serviced land is available in the right places for housing?

**Theme 4: Rent: It is too hard to be a landlord in Ontario, and tenants need to be protected.**

- How can we make the current system work better for landlords?
- What additional protections should be provided for tenants?
- How do we encourage homeowners to create legal second units and new rental supply?

**Theme 5: Innovation: Other concerns, opportunities and innovations to increase housing supply.**

- How do we encourage innovation in the building industry while maintaining high standards of safety and efficiency?
- Are there any innovative forms of homeownership (e.g., shared ownership or rent-to-own models) that you feel could help make housing more attainable?
- Do you have any creative ideas to make better use of existing homes, buildings and neighbourhoods to increase the supply of housing?
- What other creative solutions could help increase the supply of housing?
- What type of protections would help new home buyers?

### **1.3 Approach to Response**

Given the short time for responses, Staff have begun identifying to various stakeholder and network organizations that the Province is seeking comments on this “Increasing Housing Supply” consultation. Although there is not time to provide for a Council endorsed response, information is provided to ensure an understanding of local needs, strategies, and actions to address housing stock and affordability. In addition to information that forms the basis for the City’s response, such information may help to inform other stakeholders and the public in their responses to the “Increasing Housing Supply in Ontario” consultation guide.

Staff will respond with a submission by the January 25, 2019 deadline. The response will identify a number of recent municipal initiatives that address the themes of the consultation guide, including initiatives to address housing supply, affordability, housing forms, as well as timing and cost. Examples of such recent initiatives include:

- *The London Plan* (the new Official Plan for the City of London);
- The Closed Schools Strategy;
- Development Charges (DC) By-law Update;
- The Growth Management Implementation System (GMIS);
- Taxation rates for purpose-built rental buildings;
- Development Services’ Continuous Improvement Strategy;
- CMHC Rental Market Survey;
- CMHC London Housing Market Report.

The summary of what the City is currently doing under each of the five consultation themes will provide the Province with an understanding of what the City of London is currently doing to increase housing supply. These current initiatives are included as Appendix C.

The response will also identify additional municipal initiatives related to housing affordability that are currently underway or scheduled within various service areas' work plans. Examples of upcoming initiatives include:

- Revision and Update to the Homeless Prevention and Housing Plan;
- Council's direction to create an Affordable Housing Strategy (to coordinate various Housing initiatives with related Planning tools);
- Review of Inclusionary Zoning;
- Review of Bonus Zoning (Section 37) and its evaluation criteria regarding housing affordability;

The City's response will build on what the City is currently doing to increase the supply of housing as the basis for identifying what the Province could do to both build on these current initiatives, but also provide tools, incentives or funding to address any gaps between what the City currently does, and what more could be done under the five themes. For example, The London Plan contains many policies to support and encourage residential intensification, however, applications for these types of development often encounter strong resistance from neighbours. The Province could consider limitations on appeals to the Local Planning Approvals Tribunal (LPAT) where residential intensification projects are located in areas identified as appropriate in the Official Plan for these types of projects.

## **2.0 Housing Affordability**

*The London Plan* identifies a series of key planning challenges facing the community, including: 77,000 new people; a growing senior's population; growing diversity and affordability challenges.

*The London Plan*, in part, responds to these economic and demographic changes and the gap in housing affordability in London. Housing and rental prices have risen sharply over the past decade and there remains a pressing need to develop affordable housing for those Londoners who need it the most. Average market rent is out of reach for people earning minimum wage or receiving social assistance and the cost of homeownership is increasing faster than household incomes.

A recent study undertaken by the Canada Mortgage and Housing Corporation (CMHC), which provides housing and rental market intelligence for London, further identifies the affordability challenge. CMHC's findings, as well as reports from the MMAH and City of London have recently identified the following affordability issues:

- Required income to purchase an average home is increasing faster than actual household income;
- Mortgage payments on average priced homes are rising;
- Historically low vacancy rates are resulting in rising rents;
- Penalties to move are resulting in lower turnover;
- Strong migration is pushing population growth;
- The number of units under construction is lower in 2018 but remains elevated (with affordability remaining an issue);
- The share of households in core housing need is significant.

It is important to recognize that housing affordability is an important component of any strategy to increase housing supply. Additional information and statistics regarding housing affordability are attached to this report as Appendix "B", and will also be provided as part of the City's submission to the Province.

### 3.0 Conclusion

Staff will provide a submission to the Province’s consultation on “Increasing Housing Supply” by January 25, 2019. The submission will identify actions that the Province could undertake to increase housing supply in Ontario that would help to address matters that the City is currently unable to address, or fill in the gaps of any current initiatives that would require Provincial support. Staff will provide a subsequent information report to Council that includes the submission to the Province.

The Staff report will also be provided to other community stakeholders (HDC, LDI, LHBA, and Urban League) for their information.

Acknowledgements: Douglas Calderwood-Smith, Manager, Strategic Program and Partnerships (Housing); Stephen Giustizia, CEO, HDC London; Brian Turcotte, Development Manager, HDC London; Kevin Edwards, Manager, Development Finance; Matt Feldberg, Manager, Development Services (Subdivisions).

<b>Prepared by:</b>	<b>Travis Macbeth, MCIP, RPP Planner II, Long Range Planning and Sustainability</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Sustainability</b>
<b>Concurred by:</b>	<b>George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official</b>
<b>Concurred by:</b>	<b>Sandra Datars Bere Managing Director, Housing, Social Services and Dearness Home</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

December 13, 2018  
TM/tm

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## Appendix A – “Increasing Housing Supply in Ontario”

Copy of the Consultation Document: “Increasing Housing Supply in Ontario”

### Increasing Housing Supply In Ontario

#### Introduction

Housing is one of the largest cost burdens for households in Ontario, and an imbalance between strong demand for housing and limited supply means these costs have risen dramatically over the last few years. Across Ontario – in both urban and rural communities – high prices and rents have made it hard for people to afford the housing they need.

Creating more housing, of the types and sizes people need, will help make home ownership and renting more affordable and give people more choice.

The government is developing a Housing Supply Action Plan to address the barriers to creating more housing. It will include measures that the Province can take to increase the supply of new ownership and rental housing in Ontario.

The Housing Supply Action Plan will support the government’s commitment to reduce red tape and make it easier to live and do business in Ontario.

This consultation does not cover initiatives specifically related to community housing (e.g., social and supportive housing). However, the barriers and potential solutions being explored may have a positive impact on community housing providers, such as by either making it easier to develop new housing, or by easing some of the pressure on waitlists.

#### Barriers to new housing supply

The government has heard from many individuals and groups that it has become too complicated and expensive to build new housing in Ontario. There are five broad themes:

##### 1. Speed : It takes too long for development projects to get approved.

To get a new home from the drawing board to the market, a number of different planning, building and site-specific approvals and permits are needed. These may be required by municipalities, provincial ministries, agencies, utilities, and occasionally federal authorities.

A single housing project may require approvals from many of these entities. Duplication, lack of coordination and delays add burden to the development process and increase costs for builders and home buyers. Potential appeals of these decisions can add further delays and uncertainty.

The various regulatory requirements and approvals were established to serve specific public interests, policy objectives or government goals. For example, rules and processes exist to ensure the health and safety of residents, protect environmentally and culturally sensitive areas, and support economic development and a vibrant agricultural sector. Efforts to streamline these requirements need to balance these multiple goals.



## What do you think?

- How can we streamline development approval processes, while balancing competing interests and the broader public interest

## 2. Mix: There are too many restrictions on what can be built to get the right mix of housing where it is needed.

Many people have pointed out that the mix of housing types being built does not fully reflect what people are looking for, and certain types of housing are not being built where demand is greatest. For example, the government has heard that not enough housing appropriate for families and seniors wishing to downsize is being built near transit, schools, workplaces and amenities.

Market conditions, provincial policies and plans, local planning priorities, and municipal zoning by-laws can all affect the type and location of housing.

Promoting “gentle” density and a mix of housing, and creative re-use of heritage properties and building design ideas can result in more housing, as well as economic and environmental benefits.

The character of some existing neighbourhoods will begin to change as new types of housing are built. The government has heard that plans to make more room for housing also need to respect the existing qualities of these neighbourhoods.

## The 'Missing Middle' in New Homes

In recent years, there has been increasing public discussion about the lack of “missing middle” housing. This typically includes low-to-mid-rises, as well as ground-related housing types such as row/townhouses and semi-detached homes, located close to the services and amenities required for daily living (e.g., workplaces, schools, and transit). “Missing middle” housing has also been used to refer to family-sized condo and apartment units and housing that is affordable to middle-income households, including non-luxury rental housing.

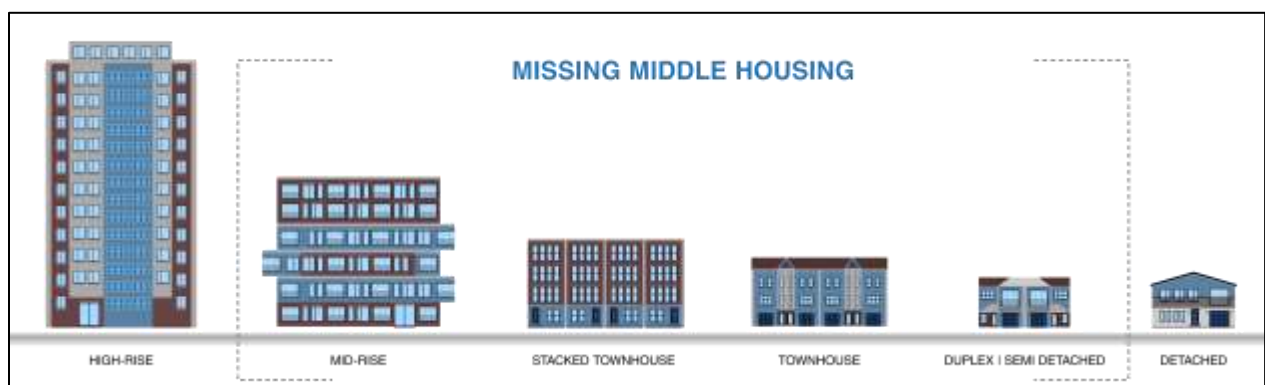


Figure 1 - Examples of different types of homes. 'Missing Middle' housing can come in the form of mid-rise buildings, stacked townhouses, townhouses, and semi-detached houses, and can be for sale or for rent.

## What do you think?

- How can we make the planning and development system more effective to build the kind of housing people want, and can afford, in the right places with the right supports (e.g., schools, transit and other amenities)?
- How can we bring new types of housing to existing neighbourhoods while maintaining the qualities that make these communities desirable places to live?
- How can we balance the need for more housing with the need for employment and industrial lands?

### 3. Cost: Development costs are too high because of high land prices and government-imposed fees and charges.

New housing development requires access to serviced land (land that has critical infrastructure like water and sewer lines in place). Some people have raised concerns that land prices are driven up because there is a lack of serviced land available for development in locations where people want to live. There have also been debates about how best to pay for that servicing and how to ensure it is done in the most cost-effective manner.

Government-imposed costs also make it more difficult and expensive to develop new housing. Examples include municipal and education development charges, planning and building approval fees and federal and provincial taxes.

Rental housing developers have noted that the challenges created by high land prices and government-imposed costs make some of their projects financially unfeasible due to the inability to attract investment capital.

Many of the investments in public infrastructure (e.g., sewer and water services, roads, etc.) needed to support housing development are funded by these fees and charges. There is a need to balance efforts to lower the costs of development with building and maintaining vital public infrastructure.

## Development Charges

Under the *Development Charges Act, 1997*, municipalities are permitted to levy certain charges on new developments, including housing and commercial developments. These funds are designed to assist municipalities in paying a portion of the costs for growth related services, such as roads, water services, and police and fire services.

Under the *Education Act*, school boards may also levy education development charges. Education development charges are primarily levied by school boards that cannot accommodate new students in their existing schools and may only be used to purchase and prepare land for future school sites.

## What do you think?

- How can we lower the cost of developing new housing while ensuring that funds are available for growth-related infrastructure

(e.g., water and sewer systems, fire and police services, schools, roads, and transit)?

- How can we make sure that serviced land is available in the right places for housing?

#### **4. Rent: It is too hard to be a landlord in Ontario, and tenants need to be protected.**

It is hard for Ontarians to find rental housing that is affordable and meets their needs. In many urban areas, vacancy rates have fallen to historic lows. In northern and rural communities, a long-term shortage of suitable rental units has made it difficult for renters to find a home in their communities.

A rental unit can be an apartment, a house, a condominium unit, a unit in a retirement or care home, or a home in a mobile home park or land lease community.

In Ontario, rental housing is regulated by the *Residential Tenancies Act, 2006*. This Act establishes rules for landlords and tenants, including rent increase rules. It also establishes the Landlord and Tenant Board, which helps landlords and tenants resolve disputes.

Many small landlords say the Act makes it difficult to be a landlord. On the other hand, tenants have said they need stronger protections against unlawful evictions, and poorly maintained rental housing.

Second units, such as basement apartments, are an important part of the rental market and can make better use of existing homes. Yet creating new legal second units is difficult because of government requirements, such as the Building Code and local bylaws/restrictions.

#### **Landlord and Tenant Board**

The Landlord and Tenant Board (LTB) is an adjudicative tribunal that is accountable to Ontario's Ministry of the Attorney General, and makes decisions independent of government.

The LTB adjudicates disputes and also provides information to landlords and tenants about their rights and responsibilities under the *Residential Tenancies Act, 2006*.

Over the past few years, wait times for hearings and orders have increased at the LTB.

#### **What do you think?**

- How can we make the current system work better for landlords?
- What additional protections should be provided for tenants?
- How do we encourage homeowners to create legal second units and new rental supply?

## 5. Innovation: Other concerns, opportunities and innovations to increase housing supply.

The government is interested in other creative ideas to help increase the supply of housing. Some examples include:

- Innovative forms of homeownership
- State-of-the-art building designs and materials
- Creative building design ideas to improve the quality of the community.

The government is also interested in hearing your input about other issues that people face when trying to find or afford a home, including issues that new home buyers face.

### **What do you think?**

- How do we encourage innovation in the building industry while maintaining high standards of safety and efficiency?
- Are there any innovative forms of homeownership (e.g., shared ownership or rent-to-own models) that you feel could help make housing more attainable?
- Do you have any creative ideas to make better use of existing homes, buildings and neighbourhoods to increase the supply of housing?
- What other creative solutions could help increase the supply of housing?
- What type of protections would help new home buyers?

## Appendix B – Additional Housing Affordability Information

### Recent Report and Survey findings regarding Housing Affordability

The Canada Mortgage and Housing Corporation (CMHC), which provides housing and rental market intelligence for London, has recently conducted a survey and housing report. This research has identified the magnitude of the affordability challenge in London.

The most recent CMHC Rental Market Survey and CMHC London Housing Market Report are available online at the following addresses:

<https://www.cmhc-schl.gc.ca/en/data-and-research/publications-and-reports/rental-market-reports-major-centres>

<https://www.cmhc-schl.gc.ca/en/data-and-research/publications-and-reports/housing-market-outlook-canada-and-major-centres>

Recent findings from these CMHC reports, as well as City of London and MMAH reports, have identified the following affordability issues:

- **Required income to purchase an average home is increasing faster than actual household income.**
  - The average value of a dwelling in London has increased 16% between 2013- 2017,<sup>a</sup> which exceeds the 11% increase in household incomes within the City over a similar time period.<sup>b</sup>
  - Similar to individuals in the rental market, existing homeowners in London are increasingly occupying unaffordable homes and unsuitable accommodations. The average shelter-to-income ratio for a homeowner in London before taxes is 54% of income, which is higher than CMHC's affordability target of 30.
- **Historically low vacancy rates are resulting in rising rents.**
  - The vacancy rate for available units has decreased in recent years, from 5% in 2009 to 2.1% in 2018.
  - With fewer units on the market, prices are increasing. From 2017 to 2018, the rental market in London experienced a 4.4% increase (\$952 – \$995) in the average rent paid to a landlord. This is the largest year over year increase since the CMHC started recording this data in 1993.<sup>c</sup>
  - For individuals who are already within rental market, the units they occupy are increasingly unaffordable. In 2018, the average shelter-to-income ratio was 49% of annual gross income, which is much higher than CMHC's affordability target of 30%.
- **Strong migration pushing up population growth.**
  - London has also experienced an unprecedented inter-provincial migration of individuals and families migrating to London from the GTA. In 2016, London experienced a 39% increase in the number of

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<sup>a</sup> 2018 Housing Data Profile for Service Managers, Ministry of Municipal Affairs and Housing, Table 8.1 Average and Median Value of Dwelling

<sup>b</sup> City of London, City of London Profile, <https://www.london.ca/About-London/community-statistics/city-profiles/Pages/City-Profile.aspx>

<sup>c</sup> Statistics Canada, Core Housing Need, 2016 Census <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/chn-biml/index-eng.cfm>

individuals and families moving to London within a 12 month window compared to the same question asked in 2011.<sup>d</sup>

- **The number of units under construction lower in 2018 but remain elevated (but housing affordability remains an issue);**
  - The supply of net-new purpose built rental units has decreased from 1,059 units in 2016 to 681 units in 2018. According to CMHC, in 2017, condo and detached homes accounted for 77% of all new construction development in London.
  
- **Share of households in core housing need;**
  - In 2016, 13.9% of all households in London were identified as being in core housing need, which means the dwelling type did not suit their family's needs.<sup>e</sup> This places London in the top ten nationally for all census metropolitan areas<sup>f</sup>.

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<sup>d</sup> City of London, City of London Profile, <https://www.london.ca/About-London/community-statistics/city-profiles/Pages/City-Profile.aspx>

<sup>e</sup> CMHC, Housing Market Information Portal, <https://www.cmhc-schl.gc.ca/hmiportal>, Ontario — Household Type (% of Households in Core Housing Need),

<sup>f</sup> Statistics Canada, Figure 1, core housing need prevalence rates for all census metropolitan areas. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/chn-biml/index-eng.cfm>

## Appendix C – Current Municipal Initiatives to Increase Housing Supply

The following are examples of City initiatives that will be used to inform the response to the five themes of questions in the Consultation Guide.

- **Theme 1: “Speed” and time for development projects to be approved:**
- Local Policies and Initiatives Informing Response to Theme 1:
  - City of London’s commitment to improved response and review times through review and action using the principles of Lean Six Sigma as outlined in the Corporate Continuous Improvement program.
  - Stakeholder working groups with the City of London addressing issues related to lot supply, subdivision approval process enhancements, streamlining the review of similar applications and coordination of public input process.
  - Municipal Benchmarking Network Canada (MBNC) and its annual benchmark reporting for the City’s processing costs and timeline relative to other major cities/regions across Ontario and Canada.
    - Building Permits;
    - Planning and Development Services Applications.
  - City of London’s recent re-organization of Development Services and City Planning’s service area work portfolios.
  - Following extensive public consultation, 2016 Ministry approval of *The London Plan* (new Official Plan for City) with policy framework allowing greater flexibility for range of housing types within neighbourhoods (including “missing middle” forms), and ranges of affordability.
- **Theme 2: “Mix”: How to create the right mix of housing where needed:**
- Local Policies and City Initiatives Informing Response to Theme 2:
  - *The London Plan* policy framework: all decisions of Council are to be in conformity with the community’s official plan (*The London Plan*).
  - Providing more flexible framework for range of housing forms.
  - Providing for ranges of affordability to match needs (including affordability targets).
  - Permitting intensification opportunities within the existing built and serviced urban area.
  - Permitting mixed-use developments and transit-supportive development so amenities and housing combine for complete communities.
  - Permitting small to large scales of intensification (Secondary Suites to regeneration of larger sites, such as Closed School sites and former hospital lands).
  - Providing incentives strategically to encourage urban regeneration (including public housing stock) within existing neighbourhoods.
  - Urban employment and farmland employment areas protected for planned employment uses (managing growth).
  - Closed Schools Strategy (approved 2018).
  - Regional issues (e.g. transportation, economic development) identified as priority area under re-organized City Planning department structure.
  - Upcoming work program (City initiatives): Affordable Housing Strategy, Review of Inclusionary Zoning, and Review of Section 37 (Bonus Zoning) criteria.
- **Theme 3: “Cost”: Development costs are too high because of land prices and government-imposed fees and charges:**
- Local Policies and City Initiatives Informing Response to Theme 3:

- Brief summary of *Development Charges Act/DC By-law*.
  - Paying for growth-related services based on DC By-law update.
  - Development Charges are a capital cost recovery tool to extend/expand public services to accommodate new urban growth (roads, sewers, fire department, library, etc.).
  - Making sure serviced lands are available in the right locations based on the City's annual GMIS review to align growth patterns with DC infrastructure timing and affordability.
  - First phase of Planning and Development fees review completed in Fall 2018 to streamline and coordinate fees, with a commitment to undertake a full review in 2020.
  - Municipal fees are cost recovery – such costs would otherwise be added to property tax.
- **Theme 4: “Rent”: It is too hard to be a landlord in Ontario, and tenants need to be protected:**
- Local Policies and City Initiatives Informing Response to Theme 4:
    - ***London For All, A Road Map to End Poverty*** policy framework: The City has committed to working with landlords to reduce the number of evictions from low income from rental properties. Those discussions are ongoing.
    - **Revision and a five-year Update to the Homeless Prevention and Housing Plan:** The public consultations process that will inform this Plan will seek input from both landlords and tenants to ensure a renewed strategic direction addresses their respective needs.
    - **Vulnerable Occupancy Protocol:** Supporting those living in more challenging accommodations.
    - **Landlord Licencing Team:** Ongoing compliance to ensure residential locations are licensed.
- **Theme 5: “Innovation”: Other concerns, opportunities and innovations to increase housing supply:**
- Local Policies and City Initiatives Informing Response to Theme 5:
    - Opportunity for City to identify other issues with housing cost and supply, emerging trends, gaps in housing supply.
    - Labour market and demographic trends – housing supply to match community's growth.
    - Emerging issues and best practices to be identified: Demographics (Inter-generational homes, aging populations, household sizes); Building Code for Secondary Suites in older neighbourhoods; Tenant protections.
    - A review of best practices from other jurisdictions regarding affordable housing (Affordable Housing Strategy).
    - Creation of the Housing Development Corporation (HDC) London as a subject matter expert and consulting partner to the City on affordable housing matters.



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Bill 66, “Restoring Ontario’s Competitiveness Act, 2018”  
**Meeting on:** January 7, 2019

## Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, the following actions be taken with respect to Bill 66, “Restoring Ontario’s Competitiveness Act, 2018”:

- a) That this report **BE RECEIVED** for information; and
- b) That this report **BE SUBMITTED** to the Ministry of Municipal Affairs and Housing as the City of London’s comments regarding Bill 66, “Restoring Ontario’s Competitiveness Act, 2018”.

## Executive Summary

- On December 6, 2018, Bill 66, “Restoring Ontario’s Competitiveness Act, 2018”, received first reading in the Legislature. If passed, this Bill would provide significant amendments various pieces of legislation. This report is focused on proposed changes to the *Planning Act* that would permit municipalities to create a new type of zoning by-law.
- As part of the announcement of this Bill, the Province has provided an opportunity to submit comments on the proposed legislation. This 45 day commenting period ends on January 20, 2019.
- The following report summarizes the proposed Bill, primarily as it relates to the *Planning Act*, and includes comments for the Province’s consideration.

### 1.1 Background

On December 6, 2018, Bill 66, “Restoring Ontario’s Competitiveness Act, 2108”, received first reading in the Legislature. The Bill proposes amendments to many statutes that would remove or reduce regulations currently in place with the intent that this would increase Ontario’s competitiveness. These proposed amendments address matters such as agricultural loan guarantee programs, the repeal the *Pawnbrokers Act*, the repeal of the *Toxics Reduction Act* by 2021, amendments to the *Employment Standards Act*, and the introduction of a new section to the *Planning Act* that would provide municipalities with new powers to adopt “open for business planning by-laws”.

The following link provides an overview of these proposed changes.

<https://ero.ontario.ca/notice/013-4125>

This report focuses on the proposed changes to the *Planning Act*, which are attached as Appendix A. In addition to these proposed legislative changes, regulations are proposed that would provide more detail on the permitted applications for an open for business planning by-law.

In summary, the proposed amendments would allow a municipality to pass an “open for business planning by-law, which is a new form of zoning by-law that would allow the City pass a by-law, subject to written approval by the Minister, to permit the use of lands

without the need to adhere to the general zoning provisions of the zoning by-law, the Official Plan, or the Provincial Policy Statement.

In addition to these significant changes, other proposed changes include:

- Subsections 34 (10.0.0.0.1) to (34) of the *Planning Act* relating to public notice, public meetings and appeals to the LPAT would not apply.
- Section 36 (Holding Provisions) would not apply.
- Section 37 (Bonusing) would not apply.
- Section 39 of the *Clean Water Act, 2006*, would not apply. This addresses source protection, and the need for municipalities to have regard for source protection and drinking water supply in planning decisions.
- Section 20 of the *Great Lakes Protection Act, 2015* would not apply. This would mean that any planning application would not need to conform to any initiative under this Act.
- Changes to numerous other Acts applicable to the Greater Golden Horseshoe Area that would not apply to London.
- An open for business zoning by-law would not require site plan approval (Section 41 of the *Planning Act* would not apply), however, the municipality could apply site plan conditions listed in the proposed legislation.
- The proposed amendment would also add a new Section 34.1 to the *Planning Act* that would provide an alternative to the municipality's powers under Section 34 (Zoning). This new Section would permit (not require) a municipality to pass an open for business planning by-law if the municipality has received an approval in writing from the Minister to pass such a by-law, if certain prescribed criteria have been met. These criteria have not yet been finalized, but the Ministry has identified what those criteria could include in its circulation of the proposed legislation.

The proposed regulation would:

- require confirmation that the proposal is for a new major employment use;
- require evidence that the proposal would meet a minimum job creation threshold (e.g. 50 jobs for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population of more than 250,000 people);
- identify the uses of land, buildings or structures that may be authorized by the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use;
- prescribe how notice is to be given to the Minister of Municipal Affairs and Housing following the passing of an open-for-business by-law (similar to how the Minister is notified following the passing of a zoning by-law – e.g. email and personal service).

In addition to those matters that would not apply to an open for business planning by-law previously described, the by-law would not be subject to the two-year prohibition on amendments to the by-law, public notice and a public meeting would not be required for Council to pass the by-law, and the by-law would not be appealable to the Local Planning Approvals Tribunal (LPAT).

In order to pass an open for business planning by-law, municipal council would pass a resolution requesting that the Minister approve the by-law. The Minister may apply conditions on the approval of the by-law, and may modify or revoke the by-law any time before it comes into force, which would be 20 days after it is passed (or any other date

as imposed by the Minister). No public notice and no public meeting is required before the passing of the by-law, however, the municipality must give notice of the passing of the by-law within three (3) days to the Minister, and within thirty (30) days to “any persons or public bodies the municipality considers proper in such a manner as the municipality considers proper”.

## **1.2 Comments**

Given the broad range of powers proposed by the legislation related to the matters that would generally be considered by Municipal Council in its deliberations of a by-law to permit a new land use, it is recommended that the Minister very clearly define those types of uses or classes of uses that would be eligible to be considered.

Recognizing that the intent of the proposed legislation is to remove barriers to economic development, the exemption from the consideration of matters of Provincial interest, and the municipality’s own Official Plan, would suggest that this type of by-law should only be considered in the most extreme circumstances where normal planning considerations would not be addressed. For this reason, those circumstances and criteria should be very clearly stated in the regulation. For example, Official Plan policies related to matters such as natural area protection, the conservation of agricultural lands, the availability of municipal services, and adequate transportation infrastructure are all important planning considerations that should apply in the approval of a new land use. The Province might wish to consider that criteria to address these, and other matters, be part of any regulation. In order to provide this clarity, the new Act should not come into force until the regulation is in place.

There is also concern that there is no opportunity for public review or comment on such an application. While public consultation does add time to an approval process, public input often provides decision-makers with valuable information for their consideration as part of their deliberation on an application. The Province might consider that public notice of Council’s intent to pass an open for business by-law be required, but a public meeting may not be required. This way, Municipal Council could receive input from the public as part of the process.

With respect to no appeal rights to the LPAT, Municipal Council has previously commented that local decisions made by local decision-makers should not be appealable to other bodies.

Lastly, we would note that many of the powers proposed under this legislation are currently available to the Minister. Section 47 of the Planning Act states:

### **Power of Minister re zoning and subdivision control**

**47 (1)** The Minister may by order,

(a) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, 38 or 39, but subsections 34 (11) to (34) do not apply to the exercise of such powers; and

(b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 50 (4). R.S.O. 1990, c. P.13, s. 47 (1); 1994, c. 23, s. 27 (1).

This Section goes on to further define those powers, many of which parallel the powers proposed to be provided to Municipal Council by this legislation. It is not clear why this authority needs to be provided to a municipality, as the Minister may exercise these powers in the Provincial interest.

In summary, the City of London has significant concerns regarding the scope of this proposed legislation with respect to the many significant matters of public interest that are a fundamental part of the planning approval process that would not be required to be considered through the use of these powers. The use of an open for business planning by-law that has no regard for the Official Plan, the Provincial Policy Statement,

or the public process should be severely restricting to instances where time and immediacy of the economic development opportunity merit such a process.

**2.0 Conclusion**

The proposed legislation would provide broad municipal powers to permit the development of new employment uses. Given the extent of those powers, it is anticipated that these would be used in only the most extreme circumstances where timing and consideration of matters generally reviewed by Municipal Council cannot be met. It is important to note that these powers can only be exercised with the approval of the Minister upon the application by the City to pass an open for business planning by-law.

In order to meet the 45 day commenting period, it is recommended that this report be submitted to the Minister as London’s submission on the proposed Bill 66, “Restoring Ontario’s Competitiveness Act, 2018”.

<b>Prepared and Submitted by:</b>	<b>Gregg Barrett, AICP Manager Long Range Planning and Sustainability</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.	

December 12, 2018  
GB/gb

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## **Appendix A – Proposed Section 34.1 of the *Planning Act***

### **SCHEDULE 10 MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**

#### **PLANNING ACT**

**1 The *Planning Act* is amended by adding the following section:**

##### **Open-for-business planning by-law**

**34.1** (1) A local municipality may pass a by-law to which this section applies (hereinafter referred to as an open-for-business planning by-law) that,

- (a) involves the exercise of the municipality's powers under section 34; and
- (b) may impose one or more of the conditions specified in subsection (8) on the use of land or the erection, location or use of buildings or structures.

##### **Conditions**

(2) A local municipality shall not pass an open-for-business planning by-law unless the following conditions are satisfied:

- 1. The municipality has received approval in writing by the Minister to pass an open-for-business planning by-law.
- 2. The prescribed criteria, if any, have been met.

##### **Request by municipality**

- (3) The approval by the Minister referred to in paragraph 1 of subsection (2) must have been requested by the municipality by resolution, and the request must have been accompanied by the prescribed information.

##### **Approval subject to conditions**

- (4) The approval by the Minister referred to in paragraph 1 of subsection (2) is subject to such conditions as the Minister may provide.

##### **Purposes of open-for-business planning by-law**

- (5) An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose.

##### **Non-application of listed provisions**

(6) The following provisions do not apply to an open-for-business planning by-law:

- 1. Subsection 3 (5).
- 2. Section 24.
- 3. Subsections 34 (10.0.0.1) to (34).
- 4. Section 36.
- 5. Section 37.
- 6. Section 39 of the *Clean Water Act, 2006*.
- 7. Section 20 of the *Great Lakes Protection Act, 2015*.
- 8. Section 7 of the *Greenbelt Act, 2005*.

9. Section 6 of the *Lake Simcoe Protection Act, 2008*.
10. Subsection 31.1 (4) of the *Metrolinx Act, 2006*.
11. Section 7 of the *Oak Ridges Moraine Conservation Act, 2001*.
12. Section 13 of the *Ontario Planning and Development Act, 1994*.
13. Subsection 14 (1) of the *Places to Grow Act, 2005*.
14. Section 12 of the *Resource Recovery and Circular Economy Act, 2016*.
15. Any prescribed provision.

### **Application of site plan control**

(7) Section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of land that is subject to an open-for-business planning by-law. However, those sections do apply if the by-law has been amended, other than in circumstances where the amendment relates only to a condition imposed in accordance with subsection (8). 26

### **Conditions that may be imposed**

(8) One or more of the following conditions may be imposed in accordance with clause (1) (b):

1. A requirement that any use of land or the erection, location or use of buildings or structures be undertaken in accordance with,
  - i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
  - ii. drawings showing plan, elevation and cross-section views for any building to be erected, which drawings are sufficient to display,
    - A. the massing and conceptual design of the proposed building,
    - B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,
    - C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and
    - D. facilities designed to have regard for accessibility for persons with disabilities.
2. Any condition that can be imposed by a municipality under subsection 41 (7).
3. Any condition that can be imposed by an upper-tier municipality under subsection 41 (8).
4. Any requirement that is reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety.
5. A requirement that the owner of the land to which the by-law applies enter into one or more agreements with the municipality respecting one or more conditions imposed under this subsection.

### **Same**

(9) The following matters are not subject to a condition imposed under paragraph 1 of subsection (8) with respect to a building:

1. The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (8).
3. The manner of construction and construction standards.

### **Same**

(10) If an agreement is entered into in accordance with a requirement imposed under paragraph 5 of subsection (8),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

### **Notice**

(11) No notice or hearing is required prior to the passing of an open-for-business planning by-law, but the municipality shall give notice of the by-law,

- (a) within three days of the passing thereof to the Minister in the prescribed manner; and
- (b) within 30 days of the passing thereof to any persons or public bodies the municipality considers proper in such manner as the municipality considers proper.

### **Coming into force of by-law**

(12) An open-for-business planning by-law comes into force on,

- (a) the 20th day after it is passed, even if that day is a holiday; or
- (b) such later day as may be specified by the Minister, if the Minister notifies the municipality of that day in writing before the day on which the by-law would otherwise come into force.

### **Minister may modify, revoke**

(13) The Minister may by order modify or revoke an open-for-business planning by-law at any time before it comes into force. 27

### **Non-application of *Legislation Act, 2006*, Part III to order**

(14) Part III of the *Legislation Act, 2006* does not apply to an order made under subsection (13).

### **Order provided to municipality**

(15) If the Minister makes an order under subsection (13), the Minister shall provide a copy of the order to the municipality.

### **Deeming rule for modified by-law**

(16) If the Minister makes an order modifying an open-for-business planning by-law under subsection (13), the by-law is deemed to have been passed by the municipality with the modifications specified in the order.

### **Deeming rule for revoked by-law**

(17) If the Minister makes an order revoking an open-for-business planning by-law under subsection (13), the by-law is deemed never to have been passed by the municipality.

### **Amendment and revocation**

(18) An open-for-business planning by-law may be amended or revoked by a by-law passed by the local municipality in accordance with section 34. However, any provision of the by-law that imposes a condition in accordance with subsection (8) may be amended or revoked by a by-law passed by the local municipality if the municipality has given notice, in such manner as the municipality considers proper, to the owner of the land to which the open-for-business planning by-law applies.

### **Conflict**

(19) In the event of a conflict between an open-for-business planning by-law and a by-law passed under section 34 or 38, or under a predecessor of either of those sections, the by-law that was passed later prevails to the extent of the conflict, but in all other respects the other by-law remains in effect.

**2 Subsection 77 (3) of the Act is amended by striking out “34, 36” and substituting “34, 34.1, 36”.**

### **Commencement**

**3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor**



## Appendix B – Summary of Comments on Bill 66 with regards to the *Planning Act*

1. The City of London recommends that the Province clearly articulate under what circumstances an open for business planning by-law may not adhere to important planning directions in the Provincial Policy Statement. These include but are not limited to protecting agricultural land, conserving natural heritage features, and protecting public health and safety.
2. The City of London recommends that the Province refrain from bringing the proposed Section 34.1 of the *Planning Act* into force until a regulation is prepared clearly articulating the conditions that apply to such a by-law.
3. The City of London recommends that the Province clarify that the use of an open for business planning by-law should be used only in very rare instances where it is in the public interest to prioritize jobs and economic growth over other matters of provincial interest.
4. The City of London recommends that the nature of economic development opportunities, particularly the number and type of jobs to be created, and the types of industrial/manufacturing/employment uses intended to be permitted by this Act be clearly defined and articulated.
5. The City of London recommend that the Province confirm that thee jobs to be created as a result of an open for business planning by-law are new jobs to the Province, and not jobs created as a result of relocation for other parts of the Province.
6. The City of London notes that many of these powers are available to the Minister under Section 47 of the *Planning Act*. It is unclear why it is necessary to provide these same powers to a municipality.

## Report to the Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee (PEC)

**From:** John M. Fleming  
Managing Director, City Planning and City Planner

**Subject:** CANNABIS RETAIL STORES  
The Corporation of the City of London  
City-wide

**Meeting on:** January 7, 2019

## Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, with the concurrence of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to the review of potential locations for Cannabis Retail Stores in the City of London:

- a) the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on January 15, 2019 to repeal and replace By-law No. CPOL-232-15, as amended, being a By-law entitled "Siting of Cannabis Retail Stores in London" and replace it with a new Council policy entitled "Siting of Cannabis Retail Stores in London"; and,
- b) the attached proposed delegation by-law (Appendix "B") **BE INTRODUCED** at the Municipal Council meeting to be held on January 15, 2019 to delegate to the Chief Building Official, or delegate, the authority to respond to circulation of cannabis retail site applications to the Alcohol and Gaming Commission of Ontario (AGCO).

## Executive Summary

### Purpose and the Effect of Recommended Action

To repeal and replace the current Council policy on cannabis retail stores adopted on December 12, 2017 and amended on June 26, 2018 and replace it with a new Council Policy entitled "Siting of Cannabis Retail Stores in London" and to establish a process for the review and submission of comments on cannabis retail store locations to the Alcohol and Gaming Commission (AGCO) and to delegate the authority to submit those comments.

## Council Direction

At its meeting held on December 12, 2017 Municipal Council resolved:

11. That, on the recommendation of the Managing Director, Planning and City Planner, with the concurrence of the City Manager, the following actions be taken with respect to nontherapeutic cannabis legalization:
  - a) the staff report dated December 4, 2017, entitled "Planning for Non-Therapeutic Cannabis Retail Stores" BE RECEIVED for information;
  - b) the proposed by-law appended to the staff report dated December 4, 2017 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on December 12, 2017 to establish a new Council Policy entitled "Siting of Cannabis Retail Stores in London";

- c) the Council Policy, noted in b) above, BE FORWARDED to the Province of Ontario for their consideration when determining the siting of the first cannabis retail store in the city;
- d) the Managing Director, Planning and City Planner BE DIRECTED to initiate the necessary amendments to the Official Plan and Zoning By-law, to plan for cannabis retail stores at appropriate locations, ensure adequate parking facilities and require appropriate site design (where applicable) going forward;
- e) the Civic Administration BE DIRECTED to continue to work with the provincial and federal governments to identify the potential policing, by-law enforcement, and community services requirements associated with the legalization of non-therapeutic cannabis and to request that a portion of the revenues raised from the taxation of cannabis products be identified as a source of financing for municipalities;
- f) the Civic Administration BE DIRECTED to advise the relevant Ministries that the Municipal Council requests that consideration be given for the opening of up to five (5) retail stores in London by July 1, 2018; it being noted that London is the only municipality in Southwestern Ontario with current illegally operated dispensaries in place; it being further noted that London serves a much larger population beyond the city boundaries, given that the closest municipalities that is proposed to be opening a retail store are Windsor and Kitchener-Waterloo; and,
- g) the Mayor BE DIRECTED to write a letter to the Government of Canada expressing the Municipal Council's thanks and support for agreeing to a 25%/75% federal/provincial split of tax revenue from cannabis sales, with a copy of the letter to be sent to the local Members of Parliament.

it being noted that the Province of Ontario or its agents are not bound by municipal policies or bylaws relating to the siting of cannabis retail stores, but that Ministry of Finance and Liquor Control Board of Ontario representatives have indicated that the Province of Ontario intends to respect any such policies or by-laws established by local municipalities; and,

it being further noted that the Province of Ontario has indicated that it is intending to open a cannabis retail store in London by July 1, 2018.

This report responds to Clause (d) of the Council resolution.

### **Council Adopted Policy**

In advance of Official Plan policies and/or Zoning By-law regulations regarding the location of cannabis retail uses, Municipal Council adopted the following Council policy to provide advice and direction to the Province regarding the City's preferred locations for cannabis retail uses as follows:

It is a policy of the City of London to ask that the Province and its agents implement the following location, design and engagement measures when siting a new cannabis retail store in London:

1. The property line of any cannabis retail store site be a minimum of 500m away from the property line of any elementary school or secondary school;
2. The property line of any cannabis retail store be a minimum of 500m away from the property line of any municipal library, pool, arena, community centre or the Western Fairgrounds;

3. A cannabis retail store be located within the following Place Types in the Council-approved London Plan:
  - a. Shopping Areas
  - b. Rapid Transit – Transitional
  - c. Urban Corridor - Transitional
4. A cannabis retail store site be designed to accommodate significant volumes of automobile parking - 1 space per 15m<sup>2</sup> of floor area - and incorporate CPTED (Crime Prevention Through Environmental Design) principles into the site design of the facility and the entire site on which it is located;
5. The Province be encouraged to undertake appropriate public engagement process when siting a cannabis retail store and to continue this engagement with representatives from the community thereafter to identify and address concerns.

Both the report and resolution were forwarded to the Province for their consideration. In addition these policies were provided for consideration to any person inquiring regarding the City's position with regard to the location of cannabis retail uses.

#### **What Has changed Since Council's Resolution on December 12, 2017**

- **August 13, 2018** - Province of Ontario commits to sharing \$40 million over two years with municipal governments, and 50% of all excise tax revenue generated over \$100 million.
- **September 27, 2018** — Ontario introduces legislation to move forward with private cannabis retail stores.
- **October 17, 2018**— Ontario passes Bill 36— Cannabis Control Act, 2017.
- **October 17, 2018**— Cannabis is legalized across Canada.
- **October, 2018** – Cannabis License Act, 2018, and Ontario Regulation 468/18 to provide additional direction and regulations regarding cannabis retail sales.
- **October 2018** - Province of Ontario amended the Smoke-Free Ontario Act, to align the regulation covering the smoking of cannabis with that of tobacco.
- **November 20, 2018** - Province of Ontario releases plan for distribution of funds to municipalities: \$15 million in early January; \$15 million after the January 22, 2019 deadline for municipalities to prohibit retail stores; \$10 million set aside to address unforeseen circumstances.
- **December 13, 2018** – Province announces that only 25 cannabis retail licenses to be issued province-wide by lottery through Regulation 497/18. Seven licenses to be issued for west region, which includes London-Middlesex.
- **April 1, 2019** - Ontario private retail model is to be established by this date, allowing for sale of cannabis through retail stores

## **What Needs to Be Done in Response to Bill 36**

At the time of the Council resolution in December 2017 the Province was considering a public cannabis retail model; however Bill 36 (Royal Assent on October 17, 2018 ) provided for the implementation of a private cannabis retail model where the Province (through the Alcohol and Gaming Commission of Ontario- AGCO) oversees and regulates the location, and licensing of retail stores.

As municipal authority over the location of these uses is not permitted, there is no need for Official Plan policies or zoning by-law regulations for these uses, as was contemplated in the December, 2017 report.

Bill 36 established January 22, 2019 as the date by which Municipal Council, would, by resolution, inform the Province that retail cannabis sale would be prohibited. The Bill also confirmed that municipalities could not license these uses, nor could a municipality pass a by-law (zoning) that would distinguish a cannabis retail use from any other retail use.

On December 10, 2018, a report was received at the Community and Protective Services Committee regarding Municipal Implementation of Legalized Cannabis. At that meeting, the Community and Protective Services Committee recommended that London not “opt out” of retail cannabis sales.

The Cannabis License Act, 2018 provides further direction regarding retail cannabis sales. Regulations passed under this Act provide additional direction to Council:

### **Retail Store Authorizations**

#### Cannabis retail store requirements

9. A retail store authorization may not be issued with respect to a proposed cannabis retail store if,

(a) the retail space where cannabis would be sold,

(i) would not be enclosed by walls separating it from any other commercial establishment or activity and from any outdoor area, or

(ii) could be entered from or passed through in order to access any other commercial establishment or activity, other than a common area of an enclosed shopping mall; or

(b) the premises at which the cannabis to be sold in the store would be received or stored would be accessible to any other commercial establishment or activity or to the public.

#### Public interest

10. For the purposes of paragraph 5 of subsection 4 (6) of the Act, only the following matters are matters of public interest:

1. Protecting public health and safety.
2. Protecting youth and restricting their access to cannabis.
3. Preventing illicit activities in relation to cannabis.

No issuance, proximity to schools

11. (1) In this section,

“private school” means a private school as defined in the Education Act.

(2) For the purposes of clause 4 (12) (a) of the Act, a proposed cannabis retail store may not be located less than 150 metres from a school or a private school, as determined in accordance with the following:

1. If the school or private school is the primary or only occupant of a building, 150 metres shall be measured from the property line of the property on which the school or private school is located.

2. If the school or private school is not the primary or only occupant of a building, 150 meters shall be measured from the boundary of any space occupied by the school or private school within the building.

(3) Subsection (2) does not apply to a private school if,

(a) it is located on a reserve; or

(b) it only offers classes through the Internet.

Municipal Council may only provide comment on these matters during the 15 day notice period for an application for a retail cannabis site. It is important to note that the regulations do not require that the City confirm that any proposed site meets these separation criteria.

### **Recommended Revised Council Policy**

Given these changes since the Council resolution was adopted in December 2017, Planning staff are recommending some changes to the Council policy.

The Province, through regulation 468/18, has established a Provincial setback of 150 metre setback from schools and private schools as defined under the *Education Act*. The current 500 metre setback for schools and private schools in the City of London policy exceeds the Provincial standard and is recommended to be deleted.

The current Council policy setback of 500m from municipal libraries, pools, arena and community centres was primarily based on comments received for the previous report from the Middlesex-London Health Unit (MLHU) to protect municipal places where youth-orientated services and vulnerable populations congregate. It is recommended that setbacks from these uses be retained, but that the separation distance be reduced to 150 metres, consistent with the separation distance from schools and private schools.

It is also recommended that the parking standards policy be deleted, as parking standards will be applied through the regulations associated with the zoning that will permit the cannabis retail use.

It is also recommended that the policy that identifies Place Types where these uses would not be permitted be deleted. The Province has clearly stated that cannabis retail uses are to be considered as retail uses, and may be permitted where retail uses are permitted in zoning.

Lastly, the public engagement clause should be removed because Province-wide public engagement has already occurred and the AGCO, through the regulations, have identified site posting and web site posting of applications to inform the public of cannabis retail store applications.

The revised Council policy should be revised as follows:

It is a policy of the City of London that the following location and design measures be considered when siting a new cannabis retail store in London:

1. The property line of any cannabis retail store site be a minimum of 150m away from the property line of any municipal library, pool, arena and/or community centre; and,
2. A cannabis retail store site be designed to incorporate CPTED (Crime Prevention Through Environmental Design) principles into the site design of the facility and the entire site on which it is located.

### **Proposed Municipal Process for Reviewing Retail Store Authorization**

When a retail store authorization application is received by the Chief Building Official from the Alcohol and Gaming Commission (AGCO) the City will have 15 days to respond. The regulations provide the opportunity for the city to identify municipal concerns regarding the locations of these proposed uses. The City of London Cannabis Retail Policy Statement will provide a basis for these concerns to be identified to the AGCO.

The regulation identifies two criteria to be addressed by an Applicant for a cannabis retail use:

- 1) Is the site within 150 metres of a public school or private school as defined by the *Education Act*?
- 2) Does the site meet the public interest?

It is important to point out that only the first test is specifically contained within the regulation under Section 11(2). The last criterion is considered under Section 4 (6).5 of the *Cannabis License Act, 2018*, which reads:

“The issuance of the retail store authorization in respect of a proposed store is not in the public interest, having regard to the needs and wishes of the residents of the municipality in which the proposed cannabis retail store would be located.”

The regulation identifies these matters of public interest which include;

1. Protecting public health and safety.
2. Protecting youth and restricting their access to cannabis.
3. Preventing illicit activities in relation to cannabis.

The applications will be circulated to zoning, by-law enforcement and City Planning for individual comments and consolidated into one formalized City response on each individual application.

Any comments made by the municipality regarding matters of public interest would be considered through the review of the application by the AGCO. It is important to note that the Province of Ontario or its agents are not bound by municipal policies or by-laws relating to the siting of cannabis retail stores, but the Ministry of Finance and Alcohol and Gaming Commission (AGCO) representatives, in the past, have indicated that the Province of Ontario intends to respect any such policies or by-laws established by local municipalities.

It is expected that the City will be able to respond to circulation of the applications and respond within 15 days under normal circumstances provided a process is established to quickly identify and circulate to reviewing City Departments and Agencies. There was a significant concern that there would be a “flood” of applications in January once the province begins to accept applications for retail cannabis stores, based on the experience of other municipalities in Canada. However, on December 13, 2018, the Province indicated that it would be limiting the number of licenses province-wide to just 25, with seven licenses identified for the “West Region”, which includes London-Middlesex.

To assist in meeting the 15 day timeline, The City is preparing a Citymap layer to assist with inquiries. The map layer will show a 150 metre setback radius around schools and private schools as defined by the *Education Act*, current zoning to identify properties where retail uses are permitted, property address, and other sensitive land uses such as libraries, pools, arenas and community centres which have setbacks in the Council policy.

In order to respond to applications in a timely fashion and within the 15-day commenting period, and to co-ordinate responses from a number of municipal service areas and agencies, it is recommended that Council delegate its authority to provide comments on these applications. The delegated authority will receive the applications, circulate them, review the responses and provide a co-ordinated set of comments and then then submit them to the AGCO within 15 days. A Delegated Authority By-law has been prepared which identifies the Chief Building Official, or delegate as the delegated authority, and is attached to this report.

## **5.0 Conclusion**

These recommendations respond to Council's direction of December 12, 2017 related to the location of cannabis retail uses in London. It is also recommended that a process be established and authority be delegated for the review and submission of comments on cannabis retail store locations to the Alcohol and Gaming Commission (AGCO).

### **Acknowledgements:**

Thanks to all the members of the Cannabis Implementation Working Group cross-departmental team: Adam Thompson (Government and External Relations-City of London), Lynn Marshall and Aynsley Anderson (Legal-City of London), Rosanna Wilcox (Community and Economic Innovation-City of London), Linda Stobo (Middlesex London Heath Unit), Scott Stafford (Parks and Recreation- City of London), Orest Katolyk, (Chief Municipal Law Enforcement Officer -City of London) Adam Salton (Zoning-City of London) and George Kotsifas (Building - City of London).



<b>Prepared by:</b>	<p><b>W.J. Charles Parker, MA</b>  <b>Senior Planner – Long Range Planning and Sustainability – Planning Policy</b>  <b>City Planning</b></p>
<b>Submitted by:</b>	<p><b>Gregg Barrett, AICP</b>  <b>Manager, Long Range Planning and Sustainability</b>  <b>City Planning</b></p>
<b>Concurred by:</b>	<p><b>George Kotsifas, P. Eng.</b>  <b>Managing Director – Development and Compliance Services and Chief Building Official</b></p>
<b>Recommended by:</b>	<p><b>John M. Fleming, MCIP, RPP</b>  <b>Managing Director, City Planning and City Planner</b></p>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services</p>	

December 17, 2018  
 CP/GB/cp

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**Appendix A**

Bill No.  
2019

By-law No. CPOL.

A by-law to repeal and replace By-law No. CPOL-232-15, as amended, being a By-law entitled "Siting of Cannabis Retail Stores in London" and replace it with a new Council policy entitled "Siting of Cannabis Retail Stores in London".

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to repeal and replace By-law No. CPOL-232-15, as amended, being a By-law entitled "Siting of Cannabis Retail Stores in London" and replace it with a new Council policy entitled "Siting of Cannabis Retail Stores in London";

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

1. The policy entitled "Siting of Cannabis Retail Stores in London", attached hereto as Schedule "A" is hereby adopted.
2. By-law No. CPOL-232-15, as amended being a By-law entitled "Siting of Cannabis Retail Stores in London" is hereby repealed.
3. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on January 15, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

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

## Schedule A

**Policy Name:** Siting of Cannabis Retail Stores in London

**Legislative History:** Enacted by Council Resolution on December 12, 2017 (By-law No. CPOL-232-15), amended by By-law CPOL-339-330 on June 26, 2018

**Last Review Date:** June 11, 2018

**Service Area Lead:** Managing Director, City Planning and City Planner

### 1. Policy Statement

This policy is to establish a Council policy for the location and design for proposed locations of cannabis retail stores.

### 2. Definitions

Not applicable

### 3. Applicability

This policy applies to the matters to be considered by the Province or its Agents in the siting of cannabis retail stores in London.

### 4. The Policy

It is a policy of the City of London that the following location and design measures be considered when siting a new cannabis retail store in London:

- 4.1 The property line of any cannabis retail store site be a minimum of 150m away from the property line of any municipal library, pool, arena and/or community centre; and,
- 4.2 A cannabis retail store site be designed to incorporate CPTED (Crime Prevention Through Environmental Design) principles into the site design of the facility and the entire site on which it is located.

## Appendix B

Bill No.  
2019

By-law No.

A by-law to delegate the authority to respond to circulation of cannabis retail site applications to the Alcohol and Gaming Commission (AGCO).

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties to a person or body subject to the restrictions set out in that section of the *Municipal Act, 2001*;

AND WHEREAS The Corporation of the City of London (the "City") has by by-law adopted a Delegation of Powers and Duties Policy;

AND WHEREAS it is deemed expedient for the City to delegate the authority to provide responses to the circulation of cannabis retail store applications to the Alcohol and Gaming Commission (AGCO) within the prescribed commenting period;

AND WHEREAS Section 10 of Ontario Regulation 468/18, made under the *Cannabis License Act, 2018* identifies matters of public interest which include:

1. Protecting public health and safety.
2. Protecting youth and restricting their access to cannabis.
3. Preventing illicit activities in relation to cannabis;

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

1. That the authority to respond to circulation of cannabis retail site applications to the Alcohol and Gaming Commission (AGCO) is hereby delegated to the Chief Building Official, or delegate.
2. Scope of Power:  
  
The delegated authority to the Chief Building Official, or designate to develop a process and identify the staff and technical resources required to submit the City of London's formal response to a cannabis retail site application to the AGCO shall include:
  - a) submissions whether the proposed cannabis retail store location is within 150 metres of a school or private school as defined by the *Education Act*,
  - b) submissions whether the proposed cannabis retail store location is zoned to permit a retail store; and,
  - c) comments with regards to the proposed site's conformity with the Council Policy entitled "Siting of Cannabis Retail Stores in London", as may be amended from time to time.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council January 15, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

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

**From:** John Mutton  
**Sent:** Friday, December 07, 2018 4:09 PM  
**Subject:** Correspondence for the Council Agenda

Mayor and Members of Council,

On behalf of Cannapiece Corporation, the industry leader in health and regulatory compliance in the cannabis sector, we would respectfully ask Council to refer our zoning/licensing bylaw request to staff if Council chooses to "opt in" to recreational cannabis sales in your municipality.

Based on our expertise across North America, we would like to offer the following suggested wording to ensure that the recreational cannabis dispensaries have the highest compliance level, both for health and security of the patients/clients and the public.

We would request that "Preference be given to those recreational cannabis dispensaries that have a Health Canada approved medicinal cannabis health clinic with a medical practitioner on site"

Best Regards,

--

John Mutton | President and Chief Executive Officer

**Municipal Solutions - Energy and Infrastructure**

## Report to Planning and Environment Committee

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

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

**Subject:** Candidate Approval for the Urban Design Peer Review Panel

**Meeting on:** January 7, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, the following candidates **BE APPROVED** for the positions listed below on the Urban Design Peer Review Panel:

- a) Andrew Bousfield – Position of Architect/Urban Designer
- b) Tim O'Brien – Position of Landscape Architect
- c) Ryan Ollson – Position of Architect

## Executive Summary

On November 26, 2012, Planning and Environment Committee approved a revised Terms of Reference for the Urban Design Peer Review Panel. The revised Terms of Reference outlined the makeup of the Panel with the following positions: three (3) Architects and three (3) other professionals that influence the design of the built environment and are registered in their field; these fields include, in order of preference, Landscape Architecture, Urban Design, Planning or other professional fields that influence the design of the built environment. The terms of reference also staggered the terms of Panel appointees to balance the Panel's representation between a desire for consistency of operation while allowing for fresh perspectives. The Terms of Reference indicates Panel members are to be approved by Council upon the recommendation of administration.

Panel members serve a two (2) year term from the date of their appointment and shall not sit for two consecutive terms. On December 31, 2018 the expiry of these term limits applied to three (3) panelists. At this application cycle, the positions required to be filled are for two (2) professionals that influence the design of the built environment and one (1) architect.

Overall, the candidates noted in this report provide a full complement of expertise in the various disciplines. The overall collective experience of the candidates will assist the City as we move forward and continue the value of the Panel within the development approvals process.

<b>Prepared by:</b>	<b>Ryan Nemis, BAA Urban Design Technician, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P. Eng Managing Director, Development and Compliance Services &amp; Chief Building Official</b>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services</p>	

December 17, 2018  
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## Appendix A

**Name:** Andrew Bousfield

**Occupation:** Architect/Urban Designer

**Work experience:**

I have been in private practise for 28 years and am the Principal of ABA Architects Inc. We are a thirty person architectural practise located in Waterloo. Our work focuses primarily on Multi-Unit Residential, Commercial Office and Retail, and Institutional sectors and building types. The Firm employs two Urban Designers and a full-time complement of three Site Planners. I am profoundly interested in matters of Urban Intensification and familiar with the Panel (having appeared before it several times in my practise) and the City's Site Plan Approval Process.

**Education:**

B.Arch., OAA, MRAIC, LEED AP

**Skills:**

I bring thirty years of successful architectural practise to the Panel. My work has been focused mainly in cities throughout southwestern Ontario. I have been qualified to give evidence on matters of urban design before the Ontario Municipal Board and have considerable past experience in serving on volunteer committees and Boards.

**Interest reason:**

I am passionate about urban design and architecture. I also believe that it is important and incumbent on me to share my expertise in some voluntary manner.

**Contributions:**

I bring thirty years of direct architectural experience to the panel. I've gained an in-depth knowledge of what it takes to design and build in Ontario and believe that this experience and perspective will prove valuable in the Panel's deliberations.

**Past contributions:**

Member of the Board of the Grand Valley Construction Association Past Chair of the City of Waterloo UpTown Vision Committee Past Chair of the Conestoga College Architectural Construction Engineering Technology Programme's Professional Advisory Committee

**Interpersonal:**

See above. I have grown from a sole proprietor to the president of a large architectural practise employing three distinct professional disciplines. I constantly manage multi-disciplinary professional teams. I am a skilled negotiator and know how to balance and understand the developer mindset and priorities with design excellence.

**Interview interest:** Yes

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**Name:** Tim O'Brien

**Occupation:** Landscape Architecture

**Work experience:**

(Previous) Junior architectural designer at L360 Architecture (London, ON). (Current) I am currently employed as a landscape architect at IBI Group, Hamilton (4 years) where I work on a daily basis with engineers, planners, architects, active transportation engineers, etc. on a range of project types.

**Education:**

Bachelor of Architectural Studies, Azrieli School of Architecture and Urbanism, Carleton University (2009). Master of Landscape Architecture, University of Guelph (2016). Full member with seal OALA, CSLA (2018)

**Skills:**

Design language that cross borders between built form and site (architecture and landscape architecture). I have working knowledge of current standards in urban design, accessibility and other relevant principles that would be of value. Experience and understanding of innovative principles, eg. Urban forestry, stormwater management, CPTED, etc.

**Interest reason:**

Regional relevance and familiarity with the City. I would like to contribute professionally to the greater urban design community. Continued learning.

**Contributions:**

Leverage my complementary design education and practical knowledge as a design professional with fresh perspectives to provide balanced insight.

**Past contributions:**

None

**Interpersonal:**

Worked as a design teaching assistant during Masters degree at University of Guelph. Contributor to the OALA Ground quarterly design magazine and CSLA Landscape Paysages magazine (professional publications). Daily collaboration with multidisciplinary design professionals.

**Interview interest:** Yes

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**Name:** Ryan Ollson

**Occupation:** Architect

**Work experience:**

Cornerstone Architecture, Associate, 2017-Present

Cornerstone Architecture, Architect, 2015-2017

Cornerstone Architecture, Intern Architect, 2012-2014

Cornerstone Architecture, Architectural Designer, 2007-2011

**Education:**

Master of Architecture, University of Waterloo, 2012

Honours Bachelor of Architectural Studies, University of Waterloo, 2005

**Skills:**

Over 10 years of designing buildings in southwestern Ontario, including involvement in the following projects which were recognized with Urban Design Awards – No.7 Fire Station, Brescia University College Clare Hall and Mercato, and King's University College Student Life Centre – Familiarity with the City of London Urban Design Peer Review Panel through multiple past experiences presenting projects for panel review

**Interest reason:**

Contributing to the community by improving the quality of design in the built environment

**Contributions:**

Practical suggestions to improve project proposals while understanding the municipal rules and regulations as well as the design process that has taken place prior to submission to the UDPRP through collaboration with the consultant team and owner

**Past contributions:**

None

**Interpersonal:**

The practice of architecture is rooted in exchanging ideas with and respecting the opinion of others, including clients, consultants, team members, and peers – it is this exchange that helps advance the quality of design for the benefit of the project and general public.

**Interview interest:** Yes

## Report to Planning and Environment Committee

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

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

**Subject:** The Corporation of the City of London, Fanshawe College,  
Western University  
2475, 2506, 2555 Bonder Road, 2535 Advanced Avenue, 2575  
Boyd Court

**Public Participation Meeting on: January 7, 2019**

## Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of The Corporation of the City of London, Fanshawe College, Western University relating to the properties located at 2475, 2506, 2555 Bonder Road, 2535 Advanced Avenue, 2575 Boyd Court, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 15, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Light Industrial Special Provision (LI2(16)) Zone, **TO** a Light Industrial Special Provision (LI2(\_)) Zone;

## Executive Summary

### Summary of Request

The requested amendment would permit a maximum lot coverage of 60% on each of the subject sites.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to allow for a lot coverage of 60% while maintaining all special provisions are that currently permitted on the sites.

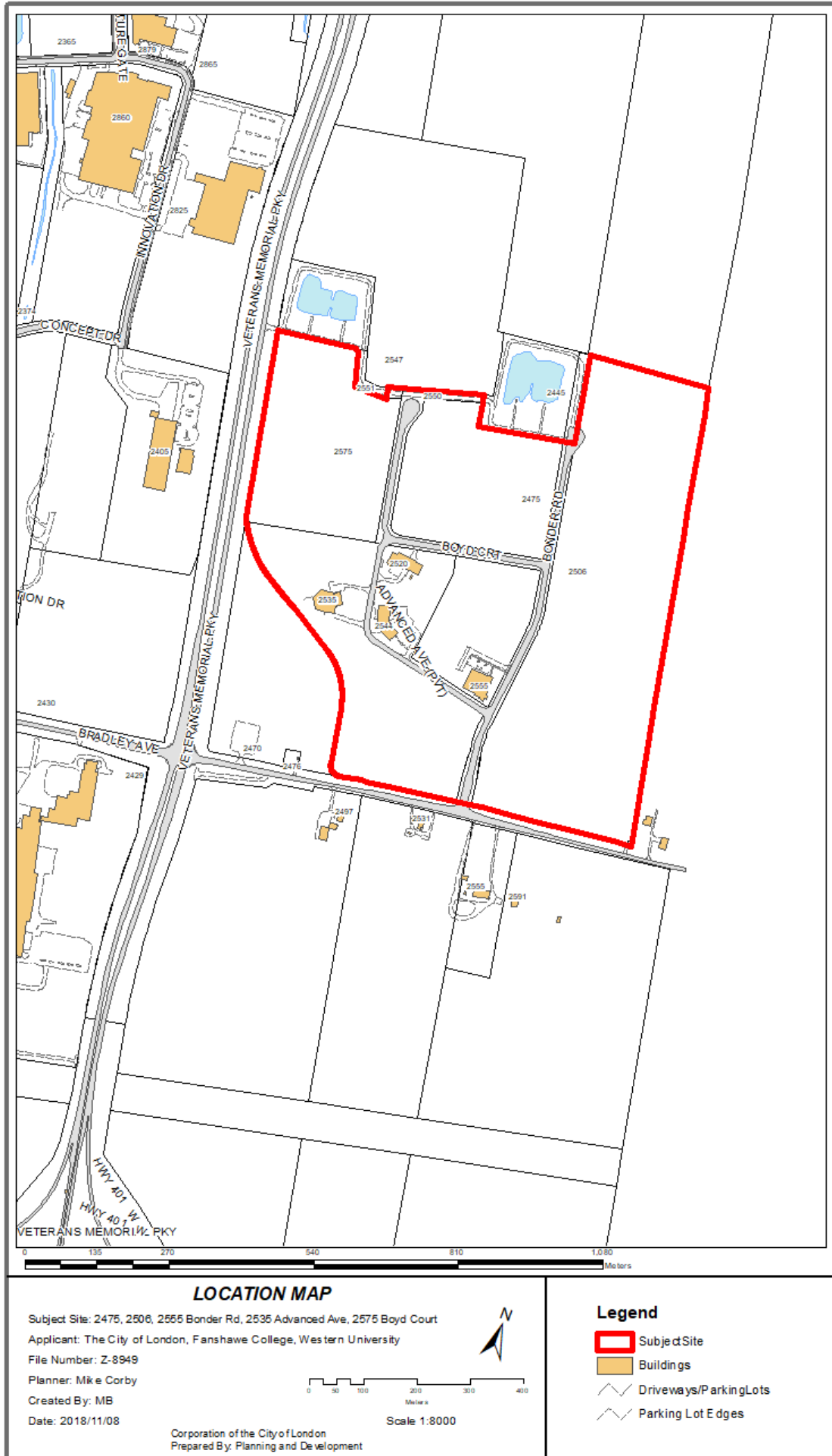
### Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS 2014.
2. The recommended amendment conforms to the City of London Official Plan policies and Light Industrial Place Type policies of the London Plan.
3. The proposed amendment will allow for greater flexibility on the size and form of developments that are implemented on the subject sites.
4. The recommended Zoning will continue to result in compatible uses with a high standard of building and site design which support the development of an advanced manufacturing park, in accordance with the terms of the agreement reached by the City of London, the University of Western Ontario and Fanshawe College.

**Analysis**

**1.0 Site at a Glance**

**1.1 Location Map**



## 1.2 Property Description

The subject sites are located in the southeast corner of the City on the northeast intersection of Veterans Memorial Parkway and Bradley Ave in close proximity to the Highway 401 corridor. The properties are large blocks of land created through an industrial plan of subdivision with the intent that this area would result in a unique light industrial subdivision specific to advanced industrial manufacturing and education uses.

## 1.3 Current Planning Information (see more detail in Appendix D)

- The London Plan Place Type – Light Industrial
- Official Plan Designation – Light Industrial
- Existing Zoning – LI2(16) Zone

## 1.4 Surrounding Land Uses

- North – Woodlot/Undeveloped Light Industrial
- East – Agricultural (City Boundary)
- South – Light Industrial/Undeveloped Light Industrial
- West – Light Industrial

## 2.0 Description of Proposal

### 2.1 Development Proposal

No specific development is proposed as a result of the recommended amendment. The amendment is a change in the existing zoning regulations to allow for an increase in lot coverage from 40% to 60%.

## 3.0 Relevant Background

### 3.1 Planning History

The subject sites were initially created through Phase IV of the Innovation Park Plan of Subdivision. The Phase IV subdivision was the subject of a report to Board of Control on November 18, 2009, recommending that the City develop an advanced manufacturing industrial park under a Joint Venture Agreement with the University of Western Ontario (UWO) and Fanshawe College.

A report was presented to the Board of Control on March 3, 2010, recommending a number of actions to implement the joint venture agreement between the City, UWO and Fanshawe College for lands in the Phase IV subdivision. The relevant actions included a zoning change application be initiated by the City of London to restrict uses in Phase IV of Innovation Park with uses that are compatible with the definition of advanced manufacturing as set out in the Joint Venture Agreement and that site specific design guidelines be developed by the City of London along with its joint venturers, the University of Western Ontario and Fanshawe College, which reflect the needs of the joint ventures and private industry to allow flexibility in site development and provide for good urban design.

On March 8, 2010 Council provided a resolution to direct staff to initiate a Zoning By-law amendment application for the lands in Phase IV of the Innovation Park industrial subdivision to fulfill the direction provided. The Zoning amendment (Z-7779) was presented on June 21, 2010 to Planning Committee which provided for uses that are compatible with the definition of advanced manufacturing along with multiple regulations to ensure that a high standard of building and site design which support the development of an advanced manufacturing park, in accordance with the terms of the agreement reached by the City of London, the University of Western Ontario and Fanshawe College. The Staff recommendation was approved resulting in the existing zoning on the lands today.

Minor variance A.109 was recently approved on September 12, 2018 for the lands located at 2475 Bonder Road which saw an increase in lot coverage from 40% to 60%.

### 3.2 Requested Amendment

The requested amendment is for a Zoning By-law amendment to change in the existing

zoning regulations on the site to allow for an increase in lot coverage from 40% to 60%.

### **3.3 Community Engagement (see more detail in Appendix B)**

Through the community engagement process no public concern was raised. City Staff and commenting agencies also expressed no concerns with the proposed regulation change.

### **3.4 Policy Context (see more detail in Appendix C)**

The subject site is currently located in a Light Industrial designation and subject to the site specific urban design guidelines as outlined in the Joint Venture Agreement. The London Plan also identifies the subject site as a Light Industrial Place Type and is subject to Innovation Park Specific Policies.

#### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development of healthy, liveable and safe communities. The PPS encourages cities to accommodate an appropriate range and mix of residential, 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. It directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years. The PPS also directs planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.1.2, 1.3.1).

The long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness (1.7.1).

#### **The London Plan**

The subject site is located in a Light Industrial Place Type which permits a broad range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses due to their emissions such as noise, odour, particulates and vibration (1115\_).

The Light Industrial Place Type may also contain Innovation Parks that focus on such things as light manufacturing, research and development, and the integration of knowledge based functions with industrial production. These Innovation Parks need to provide a context that is attractive to the knowledge-based workers that these businesses recruit, and also to provide an environment that can support and enhance the image of the businesses that locate within them (1111\_).

The subject lands are subject to the Innovation Parks Specific Policies which help ensure that developments achieve a high level of design and landscaping. The lands are located in the Airport Road South Innovation Park.

It is expected that these lands will develop as a high-quality, well-designed prestige innovation park, including an appropriate mix of light industrial, research and development, and high-tech uses. The park will have a high standard of building and site design that is sensitive to the natural environment and promotes economic growth and energy efficiency for the city. The review of planning and development applications will have regard for the Airport Road South Business Park Urban Design Guidelines (1142\_).

Areas adjacent to Highway 401 and Veterans Memorial Parkway (formerly Airport Road) have convenient access as well as a high degree of visibility from the major entryways to the City. These areas are intended for a high standard of light industrial development, and will be promoted and designed to also attract research and development and high-tech industries. This gateway corridor will develop in accordance

with subdivision and site design guidelines and function as a prestige business park (1143\_).

Lands in the Light Industrial Place Type will also accommodate the traditional light manufacturing and warehousing types of uses; however, consideration will be given to how these uses can be clustered within the overall development scheme to ensure that they are functionally and visually compatible with the desired character of the innovation park and do not undermine the ability of this park to attract prestige industrial and technology-related uses over the long term. The park will be designed to offer a high level of amenity for employees, including comfortable walking environments for physical activity and for easy access to amenity areas incorporated into development of individual sites and the overall park (1144\_).

### **The Official Plan (1989)**

The lands are currently designated as Light Industrial which seeks to provide for the development and use of industrial lands for a range of activities which are likely to have a minimal impact on surrounding uses (7.1.3. Light Industrial Objectives).

Uses permitted in the Light Industrial designation will be required to meet higher development and operating standards when located near residential areas and major entryways to the City. Certain non-industrial uses may also be permitted, provided that they are complementary to, and supportive of, the surrounding industrial area (7.3 Light Industrial).

## **4.0 Key Issues and Considerations**

The requested amendment has resulted in no issues or concerns from the public, external agencies or internal departments.

### **4.1 Issue and Consideration # 1 – Lot Coverage**

The proposed amendment is in keeping with the goals of the PPS 2014 as it helps ensure that sufficient land is available to accommodate an appropriate range and mix of land uses to meet projected needs of future industrial uses. It increases opportunities for a diversified economic base by contributing to the range and choice of suitable sites for employment uses and promotes opportunities for economic development and community investment-readiness.

The original regulations implemented on the property in 2010 were done in an effort to fulfill the requirements to the Joint Venture Agreement and achieve a high standard of design/landscaping and result in a form of development that achieves the desired research park/campus style development. The permitted uses are focused on advanced manufacturing and educational research to provide for the clustering of specialized uses and resulting business synergies that are not available in other industrial locations. Through a combination of zoning provisions, clear development parameters and enhanced site design guidelines a high level of landscaping and design is able to be achieved.

Since that time the economic demand on these industrial lands has changed requiring greater flexibility on the form of potential developments that can occur. In order to achieve this flexibility, but not disrupt the overall intention on how the subdivision should develop in the campus-like context with a high level of landscaping, the increase in lot coverage is not anticipated to compromise this intent given that the existing minimum landscaped open space regulations are not intended to change. The proposed amendment in combination with the existing provisions will allow the subject sites the ability to accommodate a wider range of forms and sizes of developments while not disrupting the goals of the Joint Venture Agreement.

The proposed 60% lot coverage is not considered a major increase in lot coverage for industrial uses. The standard Light Industrial zone currently allows for a total lot



coverage of 60% for all light industrial zone variations. The recommended special provision will maintain all the existing special provisions within the LI2(16) with the exception of the lot coverage requirement of 40%. The by-law will delete the special Lot Coverage regulation as the standard lot coverage of the LI2 zone is 60% so the base zone will implement the request.

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

<b>5.0 Conclusion</b>
-----------------------

The combination of maintaining all the existing zoning regulations, limiting uses which generally do not require a large footprint and the site specific design guidelines and direction provided through the Specific Policies for the Airport Road South Innovation Park within The London Plan, it is appropriate to allow for the lot coverage to revert back to the standard lot coverage for Light Industrial uses as the general intent of the industrial subdivision will still be achieved through the existing policy context and zoning regulations.

<b>Prepared by:</b>	<b>Mike Corby, MCIP, RPP</b> <b>Current Planning</b>
<b>Reviewed by:</b>	<b>Michael Tomazincic, MCIP, RPP</b> <b>Manager, Current Planning</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>Managing Director, Development and Compliance</b> <b>Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

December 14, 2018  
MT/mt

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8949Z - 2519-2595 Advanced Ave-2520-2580 Advanced Ave-2475-2555 Bonder Rd-2575 Boyd Crt (MC)\PEC Report\PEC-Report-Template-AODA.docx

**Appendix A**

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

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 2475,  
2506, 2555 Bonder Road, 2535  
Advanced Avenue, 2575 Boyd Court.

WHEREAS The Corporation of the City of London, Fanshawe College and Western University have applied to rezone an area of land located at 2475, 2506, 2555 Bonder Road, 2535 Advanced Avenue, 2575 Boyd Court, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning 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 2475, 2506, 2555 Bonder Road, 2535 Advanced Avenue, 2575 Boyd Court, as shown on the attached map comprising part of Key Map No. A.113, from a Light Industrial Special Provision (LI2(16)) Zone to a Light Industrial Special Provision (LI2(\_)) Zone.
- 2) Section Number 40.4 of the Light Industrial (LI2) Zone is amended by adding the following Special Provision:
  - ) LI2( )
    - a) Permitted Uses
      - i) Advanced Manufacturing Industrial Uses
      - ii) Advanced Manufacturing Educational Uses
    - b) Prohibited Uses:
      - i) Any use not explicitly defined as permitted.
    - c) Regulations:
      - i) Lot Area (m<sup>2</sup> ) Minimum: 2000 (21,528 sq.ft)
      - ii) Lot Frontage (m) Minimum: 30.0 (98.43 feet)
      - iii) Front and Exterior Side Yard Depth (m) Minimum: 6.0 metres (19.7 ft.) plus 1.0 metre (3.3 ft.) per 3.0 metres (9.8 ft.) of main building height or fraction thereof above the first 3.0 metres (9.8 ft.)
      - iv) Interior Side and Rear Yard Depth (m) Minimum: 1.2 metres (3.9 ft.) per 3.0 metres (9.8 ft.) of main building height or fraction thereof, but in no case less than 4.5 metres (14.8 ft.)
      - v) Landscaped Open Space (%) Minimum: 20.0

- vi) Height (m) Maximum: 15.0; the maximum height limitation does not apply to windmills or wind turbines accessory to a permitted use.
  - vii) Open Storage (%) Maximum: 5.0; all open storage areas shall be screened by fencing and/or landscaped berms.
- d) Regulations for properties adjacent to Veterans Memorial Parkway:
- i) No loading and open storage is permitted in the required rear yard. Where a loading space and/or open storage area is located in a yard adjacent to Veterans Memorial Parkway, lateral screening is required. Lateral screening shall be the full length of the loading space and open storage area and at least 3 metres in height above the finished grade to effectively conceal the view of these areas from Veterans Memorial Parkway. The lateral screening shall be compatible with the colour and materials of the main buildings.
  - ii) Landscaped Open Space – a minimum 5 metre wide landscape strip shall be located on the portions of any yard adjacent to the Veterans Memorial Parkway corridor.

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

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

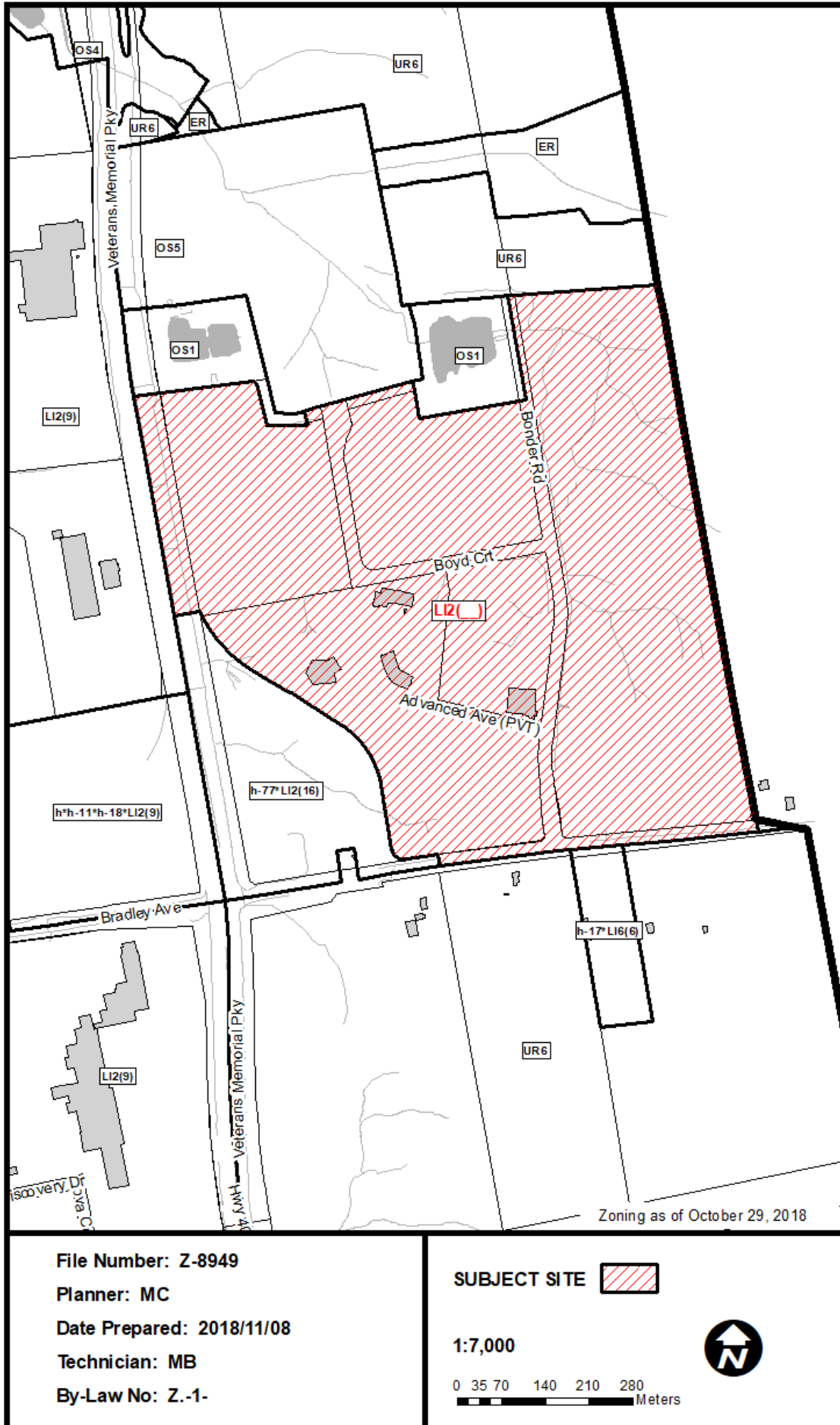
PASSED in Open Council on January 15, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

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

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



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On August 29, 2018, Notice of Application was sent to 13 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 30, 2018. A “Planning Application” sign was also posted on the site.

No replies were received

**Nature of Liaison:** The purpose and effect of this zoning change is to allow for an increase in lot coverage from 40% to 60%.

Possible change to Zoning By-law Z.-1 FROM a Light Industrial Special Provision (LI2(16)) TO a Light Industrial Special Provision (LI2(\_)) Zone.

### Agency/Departmental Comments

#### UTRCA – September 7, 2018

As indicated, the subject lands are regulated and a Section 28 permit may be required. We recommend that the applicant to contact a UTRCA Lands Use Regulations Officer regarding the Section 28 permit requirements for the proposed development. Further, an EIS may be required for the northern portion of the lands and will be confirmed through Site Plan Consultation.

#### Development Services – October 1, 2018

Stormwater:

The following SWM issues/requirements shall be considered/addressed during the development application stage:

Specific comment for this site

- The site is divided into two different SWM minor catchment areas; the west portion of the site is tributary to the innovation SWM facility 4 (Airport Road 4) while the east portion of the site is tributary to the Innovation SWM facility 3 (Airport Road 3). The impact on these facilities and the associated storm sewers by the changes in lot coverage from 40% to 60% shall be quantified and mitigated by the use of appropriated on-site SWM control and/or LID solutions.
- The site is within the UTRCA Regulated Area and therefore approval/permits should be obtained.
- The subject lands has a “LI2” designation and therefore any proposed development design shall comply with the approved City Standard Design Requirements for Permanent Private Stormwater System (PPS), including LIDs.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- Water quality to the standards of the Ministry of the Environment, Conservation and Parks (MECP) should be addressed to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc. along with the required inspection/sampling maintenance hole.

- Additional SWM related comments will be provided upon future review of this site.

#### General comments for sites within South Thames Subwatershed

- The subject lands are located in the South Thames Subwatershed. The owner shall be required to provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the South Thames Subwatershed Study that may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.
- The owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site is to be prepared and is to be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Please note that WADE Division comments will be forwarded once received.

#### Wastewater and Drainage Division – October 2, 2018

WADE does not have an objection to this change as long as the density of City Plan #22306 is not exceeded.

Presently the density is 100 persons per hectare.

### **Appendix C – Policy Context**

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

#### **PPS 2014**

1.1.1, 1.1.2, 1.3.1, 1.7.1

#### **The London Plan**

Light Industrial Place Type – 1115, 1111

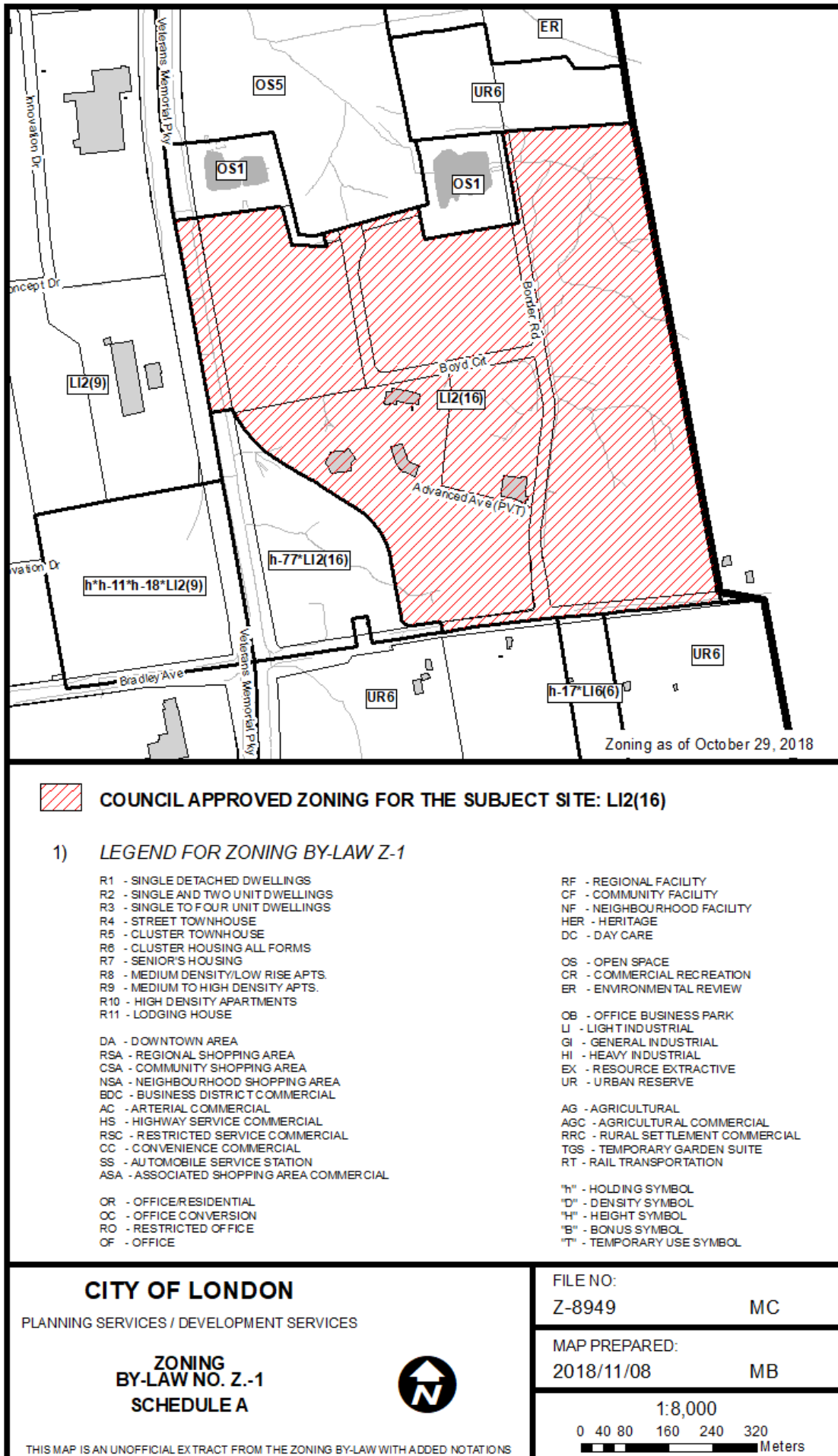
Light Industrial - Innovation Parks Specific Policies – 1142, 1143, 1144

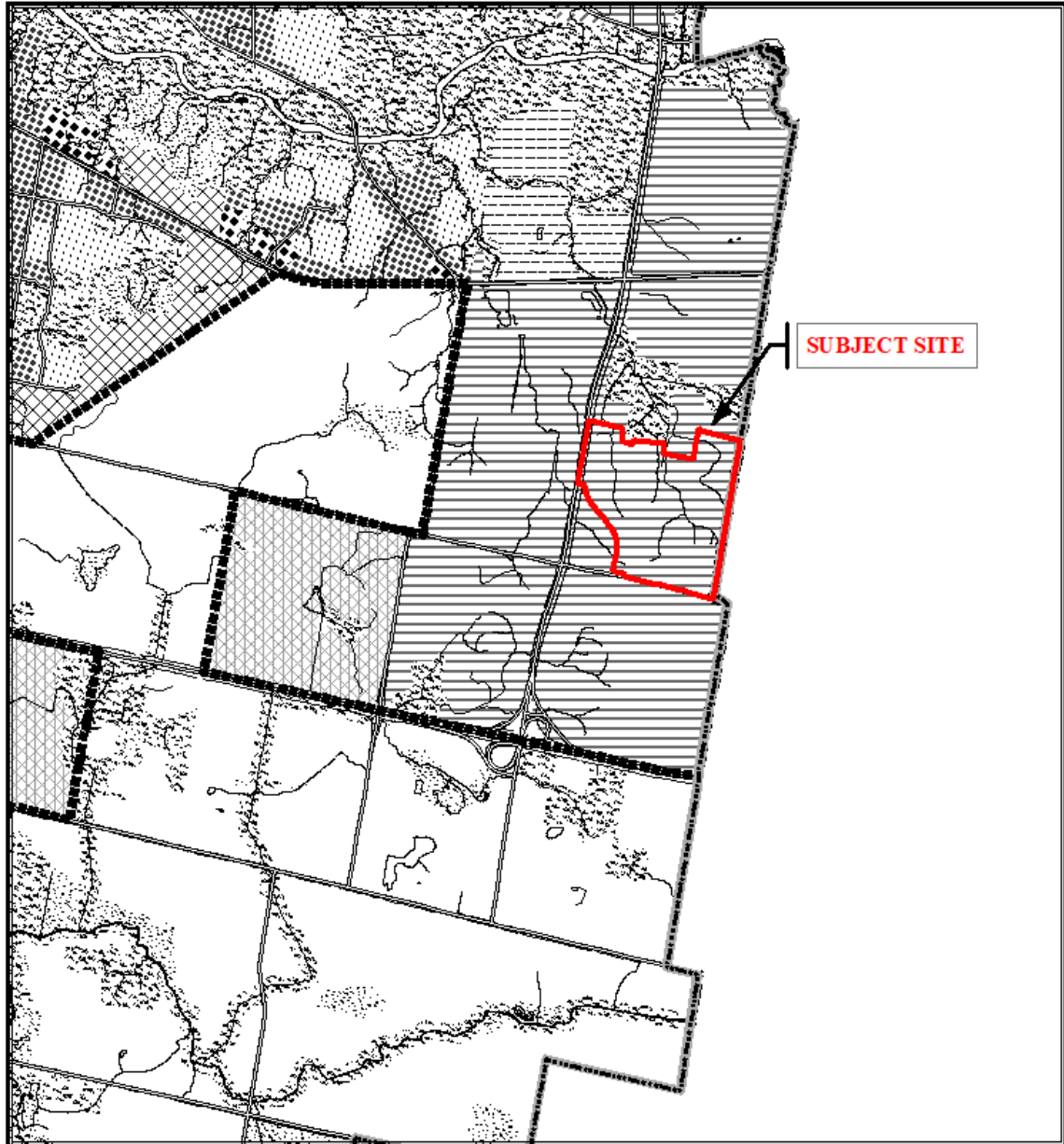
#### **Official Plan**

7.3 Light Industrial

**Appendix D – Relevant Background**

**Additional Maps**





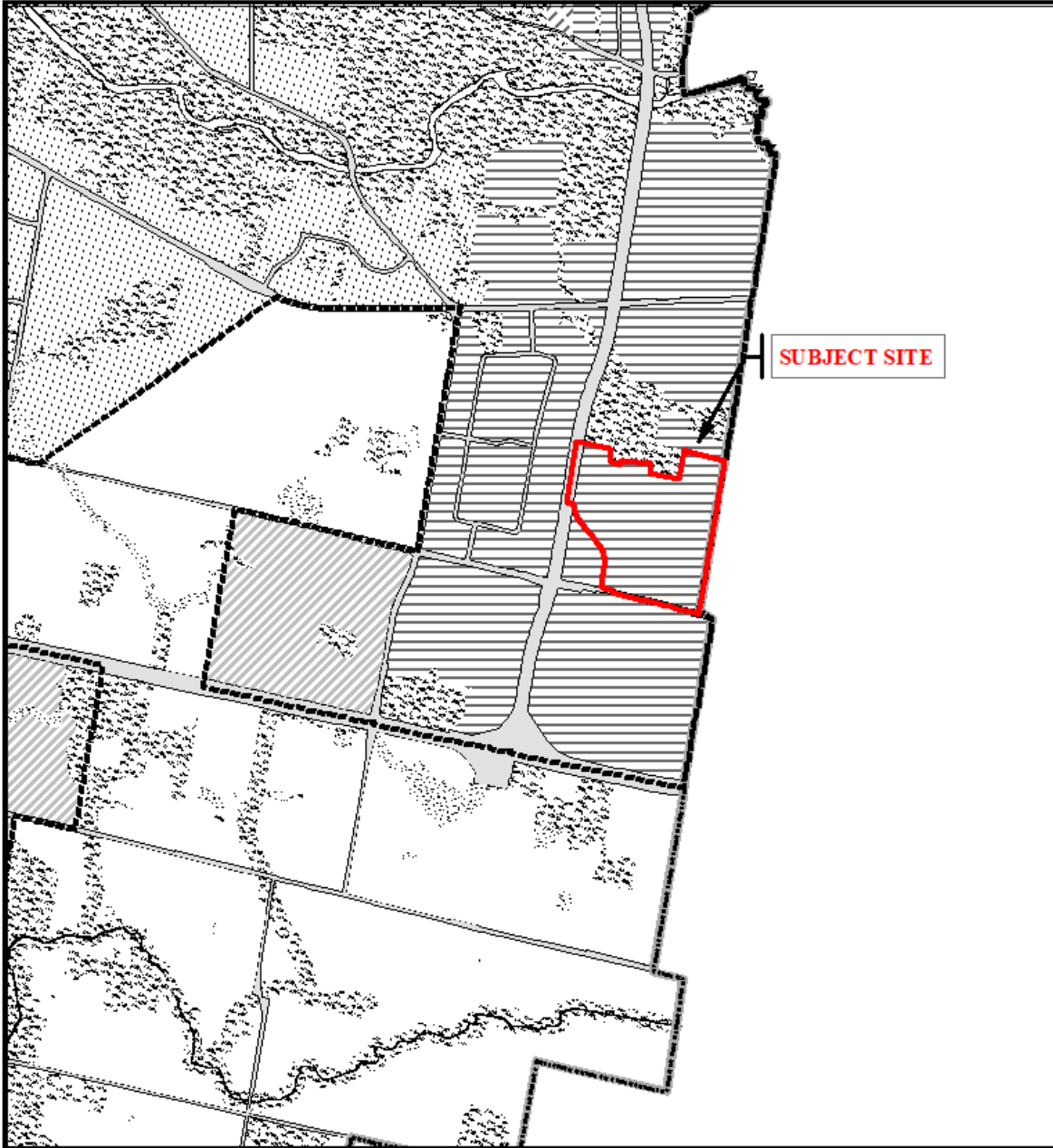
Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8949</p> <p>PLANNER: MC</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/11/08</p>
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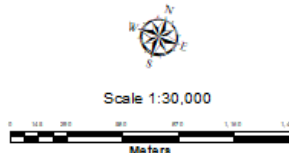
**Legend**

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

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

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

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



**File Number:** Z-8949  
**Planner:** MC  
**Technician:** MB  
**Date:** November 8, 2018

## Report to Planning and Environment Committee

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

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

**Subject:** Peter and Janice Denomme  
470 Colborne Street

**Public Participation Meeting on: January 7, 2019**

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Peter and Janice Denomme relating to the property located at 470 Colborne Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 15, 2019 to amend the 1989 Official Plan by **AMENDING** Section 3.6.9. – Office Conversions and the existing Specific Area Policy in Section 3.5.4. – Woodfield Neighbourhood;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at a future Council meeting, to amend The London Plan by **ADDING** a policy to the existing Woodfield Neighbourhood Specific Policy Area within Specific Policies for the Neighbourhoods Place Type **AND** that three readings of the by-law enacting The London Plan amendments **BE WITHHELD** until such time as The London Plan is in force and effect;
- (c) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on January 15, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Residential R3 (R3-2) Zone and a Commercial Recreation (CR) Zone, to a Residential R3 Special Provision/Office Conversion Special Provision (R3-2(\_)/OC3(\_)) Zone;
- (d) the request to amend the Official Plan by adding a Special Policy Area to Chapter 10 – Special Policy Areas, **BE REFUSED** for the following reasons:
  - i) An amendment to add 470 Colborne Street to the list of permitted office conversions in Section 3.6.9. – Office Conversions, and an amendment to add site-specific policy to the existing Woodfield Neighbourhood policies in Section 3.5.4. of the Official Plan is consistent with the established approach to office conversion permissions, and area or site-specific policies within the Woodfield Neighbourhood, and provides more transparency and ease of policy interpretation than an amendment to add a new policy to Chapter 10 – Special Areas;
- (e) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R3 (R3-2) Zone and a Commercial Recreation (CR) Zone, **TO** a Residential R3 Special Provision/Restricted Office Special Provision (RO1(\*)) Zone, **BE REFUSED** for the following reasons:
  - i) An Office Conversion (OC3) Zone conforms to and more accurately reflects the recommended amendments to the 1989 Official Plan to recognize 470 Colborne Street as a location where office conversions are permitted;
  - ii) An Office Conversion (OC3) Zone variation is a more appropriate base zone in combination with the recommended Residential R3 Special Provision (R3-2(\_)) Zone as it limits office development to within the

- existing building which is to be retained, and requires a minimum of one dwelling unit in order to enhance and maintain the low-rise residential character of the Woodfield Neighbourhood;
- iii) Applicant refinements of the parking scenarios for the converted dwelling, non-residential, and mixed-use scenarios have increased the amount of land area that may be retained as landscaped open space than originally requested;
  - iv) Additional site-specific regulations for the Residential R3 Special Provision (R3-2(\_)) Zone and the Office Conversion Special Provision (OC3(\_)) Zone are recommended that address and mitigate impacts of intensity by allowing increases to the permissible maximum parking area coverage, ensuring the provision of adequate rear yard amenity area for converted dwellings, limiting the number of parking spaces in the rear yard, ensuring that the cumulative parking requirements for the uses established in the existing building do not exceed the allowable maximum number of parking spaces, and prohibiting front yard parking.

**IT BEING NOTED** that the recommended amendment will functionally achieve the same range of uses requested by the applicant albeit in a manner that better protects the existing buildings and ensures a more compatible fit within the neighbourhood.

## Executive Summary

### Summary of Request

#### *The London Plan*

The applicant requested an amendment to *The London Plan* to recognize 470 Colborne Street as a location within the Woodfield Neighbourhood where office conversions are permitted.

Consideration of the addition of mixed-use buildings as a permitted use is also required.

#### *1989 Official Plan*

The applicant requested an amendment to the 1989 Official Plan by adding a Specific Policy Area to Chapter 10 – Policies for Specific Areas to permit, in addition to the uses permitted in the Low Density Residential designation, a minimum of one (1) and a maximum of eight (8) residential units, offices and medical/dental offices, commercial and private schools and day care centres. The applicant also requested an amendment to address the Woodfield Neighbourhood Specific Area Policies to allow office conversions on the subject property.

City staff identified the possibility of the required amendment being contained within the existing Woodfield Neighbourhood special policies instead of a site-specific (Chapter 10) amendment.

#### *Zoning By-law*

The applicant requested a change to the zoning from a Residential R3 (R3-2) Zone and a Commercial Recreation (CR) Zone to a Residential R3 Special Provision/Restricted Office Special Provision (R3-2(\_)/RO1(\_)) Zone, to permit:

- in addition to single detached, semi-detached dwellings, duplex dwellings and fourplex dwellings, specific permission for a minimum of one (1) and a maximum of eight (8) residential units with a minimum lot area of 140m<sup>2</sup> per dwelling unit in place of 180m<sup>2</sup> per dwelling unit;
- in addition to the permitted uses of medical/dental offices and offices (which includes professional or service offices and all other forms of offices except medical/dental offices) in the requested Restricted Office (RO1) Zone, day care

centres, and commercial and private schools, together with a minimum of one (1) dwelling unit, all located within the existing building;

- For both the Residential (R3-2) and Restricted Office (RO1) Zone, recognize existing site conditions including a minimum front yard depth to the enclosed porch of 4.6 metres, a minimum front yard depth to the main building of 8.2 metres, a minimum north interior side yard depth of 0.6 metres, and a minimum landscaped open space of 20.5 percent.

City staff also identified the possibility of considering relief from the maximum parking area coverage of 30 percent for residential uses in the requested Residential Special Provision (R3-2(\_)) Zone, applying gross floor area maximums for requested uses that have high parking requirements, and applying a combined minimum number of parking spaces for a mix of residential and non-residential uses.

### **Purpose and the Effect of Recommended Action**

The purpose and effect of the recommended amendments to the 1989 Official Plan and *The London Plan* is to allow for office conversions within the existing building at 470 Colborne Street, together with at least one above-grade residential unit. Office conversions may be established in a mixed-use format with other permitted uses.

The recommend Zoning By-law amendment will permit:

- Up to eight (8) converted dwelling units within the existing structure;
- Commercial schools, day care centres, medical/dental offices, offices, and private schools, all within the existing building together with at least one dwelling unit.

The by-law also provides site-specific regulations for minimum lot area per dwelling unit, minimum landscaped open space, maximum parking area coverage, maximum rear yard parking spaces, no front yard parking, and restriction on the mix of uses such that the calculated parking requirements do not exceed the maximum number of rear yard parking spaces. The existing location of the building in relation to the property lines is also recognized.

### **Rationale of Recommended Action**

1. The recommended Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement, 2014.
2. The recommended 1989 Official Plan amendment will provide policies to enable the adaptive re-use of the existing heritage building for uses that conform to the relevant review criteria for the Near Campus Neighbourhood, Woodfield Neighbourhood, community facilities and office conversions in Residential designations, and Planning Impact Analysis policies.
3. The recommended amendment to *The London Plan* will provide policies to enable the adaptive re-use of the existing heritage building for uses in a mixed-use format that conform to the Key Directions for building a mixed-use compact city and building strong, healthy and attractive neighbourhoods for everyone, the vision for the Neighbourhoods Place Type, and relevant review criteria for the Intensification in the Neighbourhood Place Type, Near Campus Neighbourhood, Woodfield Neighbourhood, community facilities and office conversions in the Neighbourhood Place Type, and Evaluation Criteria for Planning and Development Applications.
4. The recommended amendment to Zoning By-law Z.-1 will conform to the 1989 Official Plan and *The London Plan* as recommended to be amended and provide appropriate site restrictions to ensure the permitted uses are compatible and a good fit within the existing neighbourhood.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject lands are located on the east side of Colborne Street between Dufferin Avenue and Queens Avenue. Colborne Street is a Primary Collector street, and is classified as a Neighbourhood Connector in *The London Plan*. Colborne Street has dedicated curbside bicycle lanes in both directions. One building occupies the site, consisting of a two-storey single detached dwelling with a large one storey and basement addition at the rear of the building (circa 1950). The estimated gross floor area of the building including the addition, is 540 square metres (5,813 square feet). The entire building is currently occupied by the London Music Club, a private club which generally operates on Thursday, Friday and Saturday nights, drawing up to 250 customers to some events. There is no residential component. The rear yard is entirely comprised of a parking area, currently striped with fourteen parking spaces that are undersized to meet municipal standards. Three boulevard parking spaces are located in front of the building, parallel to the street. One of the boulevard parking spaces is located partially on the subject property.

The site is located within the West Woodfield Heritage Conservation District. Most adjacent and nearby structures are older building stock originally constructed as large single detached dwellings, the most notable exception being the Four Seasons condominium apartment building, located slightly the south-west.



#### 1.2 Current Planning Information (see more detail in Appendix F)

- Official Plan Designation – Low Density Residential
- *The London Plan* Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R3 (R3-2) Zone and Commercial Recreation (CR) Zone

#### 1.3 Site Characteristics

- Current Land Use – London Music Club
- Frontage – 15.85 metres (52 feet)
- Depth – 63 metres (206.7 feet)
- Area – 1,130 square metres (3,707 square feet)
- Shape – “L”-shaped

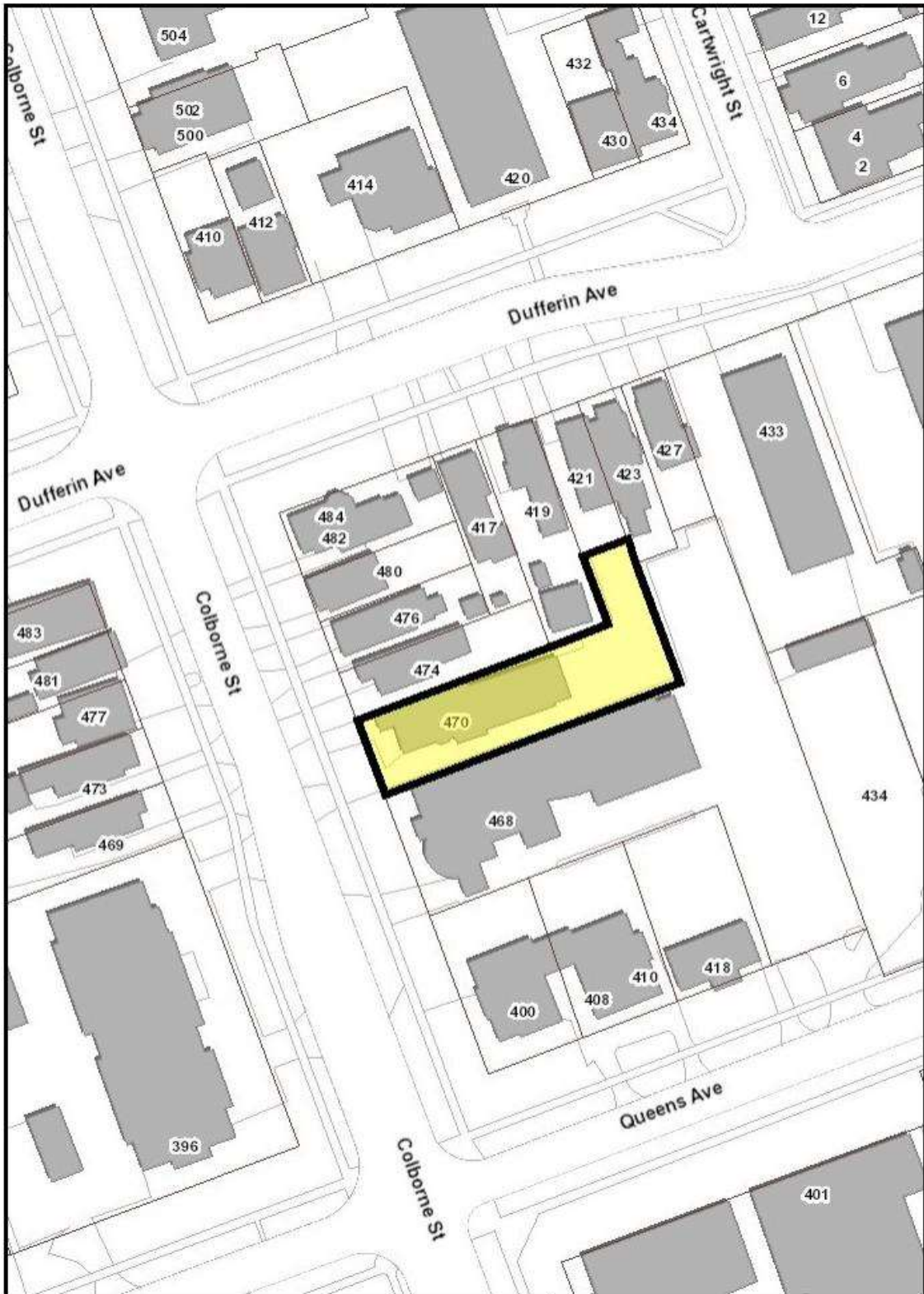
**1.4 Surrounding Land Uses**







- North – single detached dwellings, duplex, converted dwellings, home occupation
- East – Shriner Mocha Temple parking lot, single detached dwelling, low-rise apartment buildings
- South – Shriner Mocha Temple, converted dwellings, parking lot
- West – single detached dwellings, converted dwellings, office conversion, 9 storey purpose-designed apartment building

**1.5 Intensification (identify proposed number of units)**

- This proposal represents a potential for up to eight (8) converted residential dwelling units within the Built-area Boundary and inside the Primary Transit Area.

1.6 Location Map



Location Map		Legend	
Subject Property:	470 Colborne Street		Subject Property
Applicant:	Denomme Peter Lennis, Denomme Janice Anne		Parks
File Number:	OZ-8948		Assessment Parcels
Created By:	Barb Debbert		Buildings
Date:	8/16/2018		Address Numbers
Scale:	1:1000		
Corporation of the City of London			

## 2.0 Description of Proposal

### 2.1 Development Proposal

The applicant proposes to establish a broad range of uses within the existing building, and provided several possible occupancy scenarios including:

- Eight (8) converted residential units as the only tenants;
- Offices as the only tenants, and excluding medical/dental offices which tend to create a higher parking demand;
- A mix of offices (not medical/dental) with converted residential units;
- A mix of day care centre with converted residential units;
- A mix of commercial or private school with converted residential units;
- A mix of medical/dental offices (with limited gross floor area) and six (6) converted residential units.

In recognition of the Woodfield Neighbourhood special policies of the 1989 Official Plan and *The London Plan*, and the definition of “mixed-use buildings” within the Neighbourhoods Place Type in *The London Plan*, each proposal includes at least one residential dwelling unit. The various options generated parking requirements in accordance with parking rates of the Zoning By-law, of between 8 and 14 parking spaces.

## 3.0 Relevant Background

### 3.1 Planning History

The purpose-designed, single detached historic dwelling was converted and expanded to a service club headquarters in the 1950’s by the Knights of Columbus. According to the applicant’s agent, the current private club facility, the London Music Club, was established in 2003.

The site is located within the West Woodfield Heritage Conservation District, which was designated under Part V of the Ontario Heritage Act in 2008.

The site is just within the southern boundary of the Near Campus Neighbourhood policy area, which was established in Official Plan policy and zoning regulations in 2012. In 2016 a review of the Near Campus Neighbourhood policy was undertaken to determine whether the strategy is having the desired effect, and to close the gaps between the vision and current conditions in Near Campus Neighbourhoods. As a result of that review the NCN boundary was redrawn and minor clarifications were made to the existing policies.

### 3.2 Requested Amendment

#### *The London Plan*

The applicant requested an amendment to *The London Plan* to recognize 470 Colborne Street as a location within the Woodfield Neighbourhood where office conversions are permitted.

Consideration of the addition of mixed-use buildings as a permitted use is also required.

#### *1989 Official Plan*

The applicant requested an amendment to the 1989 Official Plan by adding a Specific Policy Area to Chapter 10 – Policies for Specific Areas to permit, in addition to the uses permitted in the Low Density Residential designation, a minimum of one (1) and a maximum of eight (8) residential units, offices and medical/dental offices, commercial and private schools and day care centres. The applicant also requested an amendment to address the Woodfield Neighbourhood Specific Area Policies to allow office conversions on the subject property.



City staff identified the possibility of the required amendment being contained within the existing Woodfield Neighbourhood policies instead of a Chapter 10 amendment.

*Zoning By-law*

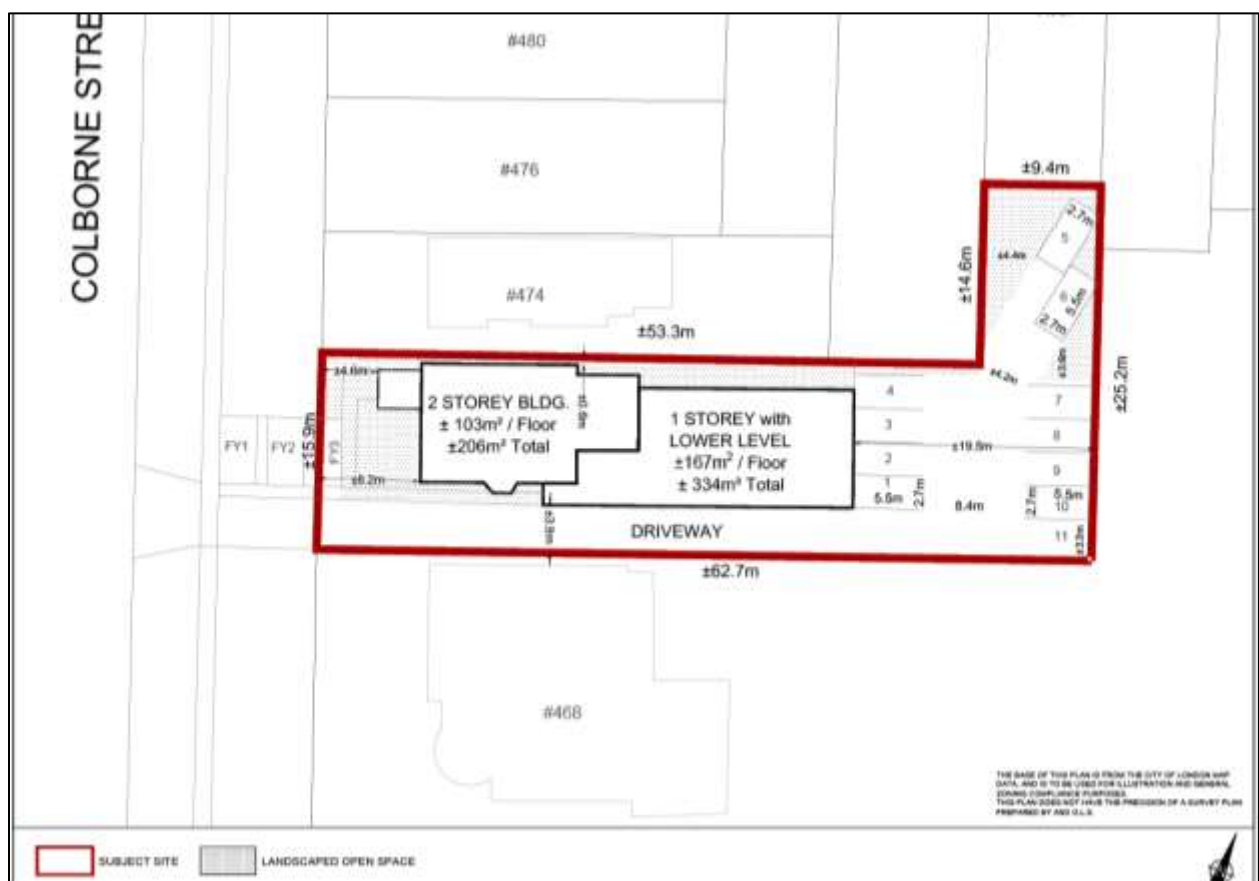
The applicant requested a change to the zoning from a Residential R3 (R3-2) Zone and a Commercial Recreation (CR) Zone to a Residential R3 Special Provision/Restricted Office Special Provision (R3-2(\_)/RO1(\_)) Zone, to permit:

- in addition to single detached, semi-detached dwellings, duplex dwellings and fourplex dwellings, specific permission for a minimum of one (1) and a maximum of eight (8) residential units with a minimum lot area of 140m<sup>2</sup> per dwelling unit in place of 180m<sup>2</sup> per dwelling unit;
- in addition to the permitted uses of medical/dental offices and offices (which includes professional or service offices and all other forms of offices except medical/dental offices) in the requested Restricted Office (RO1) Zone, day care centres, and commercial and private schools, together with a minimum of one (1) dwelling unit, all located within the existing building;
- For both the Residential (R3-2) and Restricted Office (RO1) Zone, recognize existing site conditions including a minimum front yard depth to the enclosed porch of 4.6 metres, a minimum front yard depth to the main building of 8.2 metres, a minimum north interior side yard depth of 0.6 metres, and a minimum landscaped open space of 20.5 percent.

City staff also identified the possibility of considering relief from the maximum parking area coverage of 30 percent for residential uses in the requested Residential Special Provision (R3-2(\_)) Zone, applying gross floor area maximums for requested uses that have high parking requirements, and applying a combined minimum number of parking spaces for a mix of residential and non-residential uses.

The below site concept illustrates the location of the existing structure which is to be retained, the current boulevard and front yard parking conditions, and the proposed rear yard parking and landscaped open space areas.

**Existing site layout with modified parking and landscaped open space areas**



### 3.3 Community Engagement (see more detail in Appendix D)

No members of the public responded to this application.

### 3.4 Policy Context (see more detail in Appendix E)

#### ***Provincial Policy Statement (PPS), 2014***

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs (1.1.1b.). The PPS also directs planning authorities to identify appropriate locations and promote opportunities for residential intensification (1.1.3.3). In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

#### ***The London Plan***

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

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

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustaining, enhancing and revitalizing our downtown, main streets and urban neighbourhoods;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Mix stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity. (Key Direction #5, Directions 2, 3, 4 and 6)

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

- Protecting what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features. (Key Direction #7, Direction 5).

The subject site is located in the Neighbourhoods Place Type on \*Map 1 – Place Types in *The London Plan*. Each of our neighbourhoods provides a different character and function, giving Londoners abundant choice of affordability, mix, urban vs. suburban character, and access to different employment areas, mobility opportunities and lifestyles (\*917\_). A key element of the City’s vision for Neighbourhoods includes a strong neighbourhood character, sense of place and identity. The City’s vision for Neighbourhoods will be realized by, among other considerations, providing a diversity of housing choices, easy access to daily goods and services within walking distance, and employment opportunities close to where we live (\*916\_).

Specific Policies for the Woodfield Neighbourhood apply to the site. These policies recognize the area’s predominantly low-rise residential character, with a mix of higher density uses and office conversions. The Woodfield Neighbourhood is intended to be maintained as a low-rise residential area, and as such, office conversions are limited to specific locations within the Neighbourhood. (\*1033\_ and \*1034\_).

The site is also within the Specific Policy Area known as the Near Campus Neighbourhood. Near Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents. (\*964\_). The Near Campus Neighbourhood policies outline planning goals for Near Campus areas and encourage appropriate forms and locations for intensification. While generally intensification is to be in mid-rise and high-rise forms of development on significant transportation nodes (\*965\_), intensification may also occur in some locations within the Neighbourhoods Place Type where it is permitted in Tables \*10 to \*12 and meets the Near Campus Neighbourhood policies of *The London Plan* (\*967\_). The Near Campus Neighbourhood policies in *The London Plan* are a more condensed, user-friendly and re-organized version of the parallel policies of the 1989 Official Plan, but reflect similar ideologies and review criteria. These policies are found in Sections \*968\_ and \*969\_ of *The London Plan* and will be reviewed in further detail.

#### *1989 Official Plan*

The subject site is located in the Low Density Residential designation in the 1989 Official Plan. The primary permitted uses of the Low Density Residential designation include single-detached, semi-detached and duplex dwellings (3.2.1). Residential Intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form, and may be permitted through the conversion or expansion of existing residential buildings to create new residential units (3.2.1. and 3.2.3.). Secondary permitted uses that are considered to be integral to, or compatible with, residential neighbourhoods, including group homes, home occupations, community facilities, funeral homes, and office conversions may be permitted (3.2.1. and 3.6.). Consideration of residential intensification and secondary uses are subject to more specific policies of the Plan.

Special Area Policies for the Woodfield Neighbourhood apply to the site. These policies reflect the same perspectives as the parallel policies within *The London Plan* (summarized above), but have been modified to ensure a consistent policy structure and content to fit within the new policy regime (3.5.4.).

The site is also within the Special Policy Area known as the Near Campus Neighbourhood (3.5.19.). Minor revisions were made to these policies in 2016 following a review of the effectiveness of the former Near-Campus policies.

#### *Mechanics of the Recommended Amendments*

Specific policies already exist in both *The London Plan* and the 1989 Official Plan regarding the preferred locations for office conversions, along with site and area-specific policies that apply to the Woodfield Neighbourhood to direct the mix of uses within a building, and the ability to apply area-specific zoning regulations related to the intensity and form of development. It is recommended that a new site-specific policy to recognize the site as a preferred area for office conversions, be incorporated into the existing office conversion policies (1989 Official Plan) and the existing Woodfield Neighbourhood policies (both the 1989 Official Plan and *The London Plan*) rather than creating a brand-new but separate policy for 470 Colborne Street. This will promote transparency and ease of policy interpretation, and provide a consistent approach to Specific Policies applicable to the Neighbourhoods Place Type.

Within *The London Plan*, the following policies are under appeal and need to be addressed through a Specific Policy to allow mixed-use buildings and office conversions within the existing building and to provide more direction regarding the number of permitted residential units:

- \*Table 10 – Range of Permitted uses in the Neighbourhoods Place Type;
- \*Table 12 - Retail, Service and Office Floor Area Permitted in Neighbourhoods Place Type; and,
- \*Policy 1034\_, which lists the locations where office conversion are permitted.

The staff recommendation would also add a new policy to a policy grouping that provides land use and development policies within the Woodfield Neighbourhood. The existing policy grouping (Policies 1035\_ to 1038\_) is not under appeal.

Since the affected portions of the Neighbourhoods Place Type and Woodfield Neighbourhood policies are under appeal, such an amendment may be considered by Council, but three readings of any by-law adopting amendments to *The London Plan* must be withheld pending the full coming into force and effect of the directly affected policies.

## 4.0 Key Issues and Considerations

### 4.1 Scenario 1 - Conversion to Residential - Use and Intensity

The applicant is requesting Official Plan and Zoning By-law amendments to allow the existing building to be repurposed for up to eight (8) converted dwelling units. Consideration is required of the appropriateness of the proposed use and the maximum number of residential units that can adequately be accommodated on the site.

#### *Provincial Policy Statement, 2005 (PPS)*

The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs (1.1.1b.). The PPS also directs planning authorities to identify appropriate locations and promote opportunities for residential intensification (1.1.3.3).

Consistent with the PPS, permitting residential intensification within the existing building on the subject property will contribute to the provision of residential uses in an appropriate location within the urban area.

#### *The London Plan*

The subject property is in the Neighbourhoods Place Type within Central London, mid-block on a Neighbourhood Connector Street. The Plan encourages residential intensification within existing neighbourhoods as a means to realize the City's vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. Intensification is to be undertaken in such a way as to add value to neighbourhoods, rather than undermining their character, quality and sustainability. The Plan contains a number of policies to ensure that intensification is appropriate and a good fit within the receiving neighbourhood (\*937\_).

Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type, sets out the broadest range of uses that may be permitted within the Neighbourhoods Place Type, including a wide spectrum of residential uses including single detached, semi-detached, duplex, triplex, fourplex and converted dwellings, townhouses and stacked townhouses, low-rise apartments, secondary suites, and group homes. \*Table 11 – Range of Permitted Heights in Neighbourhoods Place Types, allows a minimum building height of 1 storey and a maximum height of 2.5 storeys with opportunities for bonusing for additional height. The applicant is not seeking to modify the existing building, which fits within the required height limitations. The requested converted dwelling with between one (1) and eight (8) residential units is permitted subject to the evaluation of more specific criteria.

The Near Campus Neighbourhood (\*962\_ through 974\_), Urban Design Considerations for Residential Intensification (\*953\_), and the Evaluation Criteria for Planning and Development Applications (Our Tools – \*1577\_ through 1578\_) policies of *The London Plan* all serve to inform the evaluation of the residential conversion proposal.

The vision for Near Campus Neighbourhoods includes the provision of places to live for residents who enjoy the neighbourhood's unique attributes, which offer an outstanding stock of heritage buildings and streetscapes and provide close proximity to the nearby

employment, culture and entertainment resources. Near Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (\*963\_ and \*964\_).

The goals for Near Campus Neighbourhoods encourage proactive planning for residential intensification, and discourage incremental changes that cumulatively lead to undesirable changes in the character and amenity of streetscapes and neighbourhoods. They also direct intensification proposals away from areas that have already absorbed significant amounts of residential intensification, and encourage a balanced mix of residential structure types. They discourage a concentration of residential intensification in low-rise forms of housing and direct it toward significant transportation nodes and away from the interior of neighbourhoods. Residential intensification is to conserve heritage resources in ways that contribute to the identity of streetscapes and neighbourhoods (\*965\_ and \*969\_).

Specific policies for intensification in the Neighbourhoods Place Type require that all of the following criteria be met:

1. The proposed development is in conformity with the vision and planning goals for Near Campus Neighbourhoods;
2. The proposed development is consistent with Tables 10 and 12 in the Neighbourhoods Place Type;
3. The development conforms to the Residential Intensification policies of this Plan, where those policies do not conflict with Near Campus Neighbourhood Policies;
4. The development conforms to any relevant Specific Policies in the Neighbourhoods Place Type;
5. The development provides for an adequate amenity area that is appropriately shaped, configured and located;
6. Mitigation measures are incorporated into the proposed building(s) and site to ensure that the amenity of surrounding residential land uses is not negatively impacted;
7. Significant heritage resources are protected and conserved where appropriate and necessary;
8. The proposal establishes a positive and appropriate example for similar locations within Near-Campus Neighbourhoods. (\*968\_).

The Plan does not permit intensification through the conversion of dwellings that do not reasonably accommodate the increased intensity due to issues such as a lack of on-site amenity area, inadequate parking to meet the required number of spaces, or a relationship to adjacent residential properties that is not consistent with the prevailing neighbourhood form or character.

In combination, the Urban Design Considerations for Residential Intensification (\*953\_), and the Evaluation Criteria for Planning and Development Applications (Our Tools – \*1577\_ through 1578\_) policies require the evaluation of potential impacts on adjacent and nearby properties, compatibility and the degree to which the proposal fits within its context based on a variety of matters. Those that are most relevant to this proposal include:

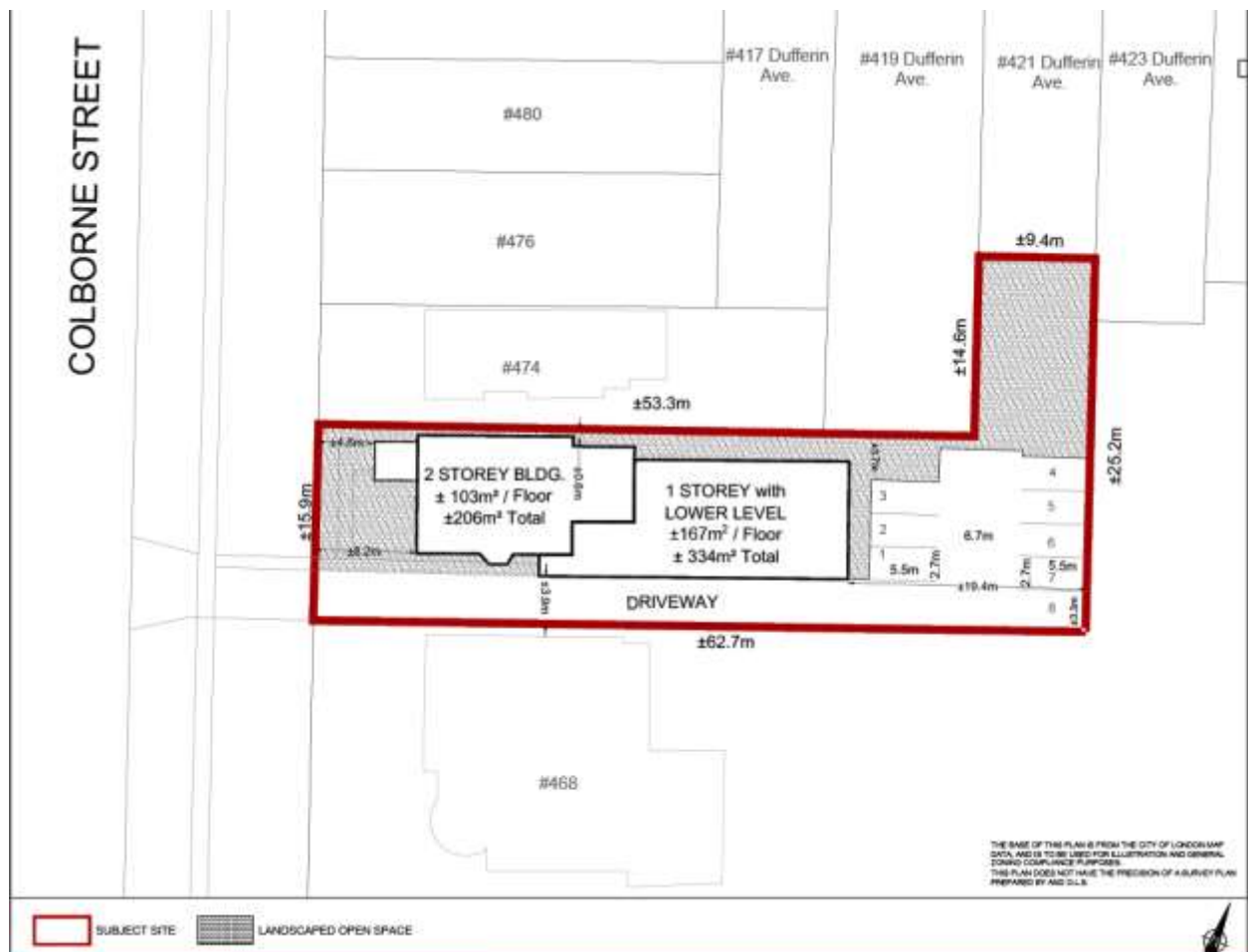
- traffic and access management;
- noise;
- site layout within the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, building location, and parking;
- the appropriateness of the proposal for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, and outdoor residential amenity area;
- character and features of the neighbourhood and streetscape;
- impact on and relationship to cultural heritage resources on the site and adjacent to it.

470 Colborne Street as it exists today presents a somewhat unique situation as a commercial recreation use (noting also the existence of the Shriner Mocha Temple to the immediate south) located in a neighbourhood which has been specifically identified for the preservation of its predominantly low-rise residential character. Allowing the adaptive re-use of the existing building for converted dwellings supports the City's key directions as it is sustainable and will generate a more regular pattern of pedestrian activity on a daily and weekly basis. Retention of the existing structure will strengthen the Woodfield Neighbourhood in general, recognizing that it contributes to and helps to maintain the vitality, identity and neighbourhood character of the West Woodfield Heritage Conservation District.

The proposal represents residential intensification within the Near Campus Neighbourhood within the Neighbourhoods Place Type. Such intensification is permitted by \*Table 10 which allows converted dwellings for properties that front on a Collector Street. Key premises for intensification at this location relate to the ability of the site and surrounding area to accommodate the use without causing negative neighbourhood impacts or allowing for more units than can be reasonably accommodated on the site. City staff undertook a review of the relevant policies and engaged the applicant in additional discussions which resulted in revisions to the conceptual plan (shown below) to improve the on-site amenity. These revisions included:

- the removal of at least one parking space in front of the building, providing more front yard outdoor amenity space and enhancing the historic streetscape (two of these parking spaces are licensed boulevard parking spaces which cannot be regulated through the zoning for the site, but which the applicant has indicated a willingness to remove in conjunction with changing the use of the property);
- the number of rear yard parking spaces reduced to eight (8) to meet minimum zoning requirements resulting in:
  - A reduced percentage of the site covered by the parking area; and,
  - A larger and more regularly shaped and useable open space amenity area in the rear yard.

**Scenario 1 - Proposed Parking and Landscaped Open Space Arrangement for All Residential Use (8 units)**



The site is located within the context of predominantly residential uses of different intensities and forms, along with a mix of non-residential uses. It is not uncommon to find existing dwellings in the surrounding area that have experienced intensification and are serviced by rear yard parking, together with a small amenity space that can be typical of urban residential properties in older parts of the City. In context, the proposal as revised provides sufficient outdoor amenity area in the front and rear yards, meets minimum parking requirements, and is consistent with the existing neighbourhood form and character.

With the proposed change of use, the site and surrounding neighbourhood will experience a significant positive change in traffic patterns and volumes. Residential use of the property will generate lower overall traffic volumes and will eliminate the concentrated on and off-site parking demands and traffic volumes that currently occur before, during and after events held at the London Music Club.

Similarly, noise impacts will change, but are not expected to negatively impact the surrounding adjacent properties. Activity areas associated with residential use will be concentrated within the building and in the parking and rear yard amenity area. The subject property is bounded on the south and east by the Shriner Mocha Temple, which will not be impacted by noise generated by intensified residential use. New residents in the converted dwelling units at 470 Colborne Street may experience occasional noise impacts from the Shriner site. Noise impacts on the duplex and few single detached residential properties to the north are expected to be negligible and more consistent with noise patterns expected of a residential area.

The proposed residential conversion is an incremental change but will lead to desirable improvements to enhance the character and amenity of the streetscape and the neighbourhood. The area around the subject site has a stable and balanced residential nature and has not absorbed inappropriately significant amounts of residential intensification. While the site is located on a Secondary Collector street, the grid pattern and regular traffic control characteristic of the near-Downtown area means that the street and area do not act as the interior of a neighbourhood and can adequately accommodate the requested residential intensification. The conversion will also assist in conserving, and may enhance the heritage character of the neighbourhood and streetscape (further discussion on heritage attributes and impacts is found in Section 4.4 – Form for All Uses).

The adaptive re-use of the existing building for eight (8) converted dwelling units will represent a positive change that will contribute to the character and amenity of the existing streetscape and neighbourhood. It is consistent with the vision and planning goals for Near Campus Neighbourhoods, and conforms to the specific Neighbourhoods Place Type policies regarding use and intensity, and the Near Campus policies for intensification in the Neighbourhood Place Type. Evaluation criteria have been reviewed and the proposal will not have negative impacts on surrounding properties and fits within its context. The proposal conforms to the Official Plan and represents good planning.

#### *1989 Official Plan*

Residential conversions and intensification are permitted by the Low Density Residential designation in the 1989 Official Plan, subject to a review of the surrounding neighbourhood character, compatibility and fit, and the completion of a Planning Impact Analysis (3.2.3). The Plan does not specify a maximum density for dwelling conversions (3.2.3.2.)

Special Area Policies for the Woodfield Neighbourhood apply to the site. These policies reflect the same ideologies as the parallel policies within *The London Plan*. The Woodfield policies promote the maintenance of the Woodfield Neighbourhood as a low density residential area. (3.5.4.).

The site is also within the Special Policy Area known as the Near Campus Neighbourhood (3.5.19.). The Near Campus Neighbourhood policies of the 1989 Official

Plan are more extensive than the parallel policies within *The London Plan* but reflect similar ideologies and specific review criteria. The essence of the analysis of the Near Campus Neighbourhood policies provided for *The London Plan* above applies, and the proposed residential conversion conforms to the applicable policies of the 1989 Official Plan.

A planning review of the 1989 Official Plan policies has been completed. The proposal conforms to the Official Plan and represents good planning.

#### *Zoning By-law*

Specific zone regulations are recommended to recognize the existing building location and yard setbacks for the property.

They also specify the number of converted dwelling units that can be accommodated on the site and ensure the illustrated balance between parking areas and useable outdoor amenity area is achieved with the adaptive re-use of the site, as summarized below:

- allow a maximum of eight (8) converted dwelling units;
- reduce the minimum lot area per converted dwelling unit from 180m<sup>2</sup> per unit to 140 m<sup>2</sup> per unit;
- increase the maximum parking area coverage from 30% to 40%; and,
- allow a maximum of eight (8) parking spaces and direct those spaces to the rear yard.

#### **4.2 Scenario 2 - Office, Community Facility and Mixed-use Occupancy – Use and Intensity**

As an alternative to repurposing the existing building for residential uses only, the applicant also proposes possible office, day care, commercial and/or private school uses in combination with converted residential units in a mixed-use format. Consideration is required of the appropriateness of these uses either on their own (together with at least one dwelling unit) or in a mixed-use format, and whether the site can adequately accommodate them.

#### *Provincial Policy Statement, 2005 (PPS)*

The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs (1.1.1b.).

Consistent with the PPS, permitting the establishment of community facility uses and office conversions combined with at least one (1) residential dwelling unit will contribute to the provision of residential, employment and institutional uses within the neighbourhood.

#### *The London Plan*

As previously noted, the subject property is in the Neighbourhoods Place Type (\*Map 1 – Place Types) within Central London, mid-block on a Neighbourhood Connector Street. The vision for the Neighbourhoods Place Type provides for mixed-use and commercial uses to be provided at appropriate locations within neighbourhoods to meet the daily needs of neighbourhood residents. Schools, places of worship and small-scale community facilities to support all ages will be permitted in appropriate locations within neighbourhoods (\*918\_).

Table 10 - Range of Permitted Uses in the Neighbourhoods Place Type, permits small-scale community facilities as a possible permitted use on the subject property. The Permitted Uses section for the Neighbourhoods Place Type further indicates that community facilities that are normally associated with, and integral to, a residential environment, such as places of worship, day care centres, branch libraries, schools, community centres, public parks, public recreation facilities, and similar community-



oriented facilities may be permitted at appropriate locations subject to the Planning and Development Applications section of the Plan. These uses are to be directed to locations that are easily accessible and where they can help establish and enhance the character of the neighbourhood (930\_).

While \*Table 10 also provides for secondary uses including mixed-use buildings on properties that meet certain locational criteria, 470 Colborne does not meet these criteria. As such, the mixing of the requested non-residential uses with residential uses or with each other, is not permitted unless it is considered as part of a Specific Policy. To provide clarity, *The London Plan* states “Mixed-use buildings are those that include more than one use within a single building. The range of uses that may be permitted in such buildings is limited to those allowed for in the relevant place type. In most cases, mixed-use buildings include a residential component. Within the Neighbourhoods Place Type, a residential use is required as a component of any mixed-use building”. (\*Glossary of Terms – Mixed-use buildings)

Finally, office uses or office conversions of any type are not listed in Table 10 as permitted uses within any variation of the Neighbourhood Place Type where the property fronts on a Neighbourhood Connector Street. The Plan does state, however, that an appropriate range of office uses may be permitted in the Neighbourhoods Place Type, if they are appropriate and compatible within a neighbourhood context (\*924\_). Office conversions may only be considered where mixed-use buildings are allowed, and may also be permitted through the use of Specific Policies for the Neighbourhoods Place Type (931\_).

470 Colborne Street is already located within the area affected by the Specific Policy for the Woodfield Neighbourhood. The area is characterized by predominantly low-rise residential development, with a mix of higher density uses and office conversions. It is a policy of the Plan to maintain the Woodfield Neighbourhood as a low-rise residential area. As such, it permits office conversions only within specifically identified areas. While office conversions are permitted on several street frontages or specific properties within the Neighbourhoods Place Type (\*1034\_), the subject property is not one of them.

The London Music Club at 470 Colborne Street was historically established as a permitted use and has achieved a high level of compatibility with the neighbourhood context within which it is located. It would not, however, be considered an appropriate or compatible new use to be established in the neighbourhood today. As a general rule, the conversion of residential structures in residential neighbourhoods to office and other uses is of some concern due to the loss of residential units and the residential amenity that is associated with them. While the residential form of the original building classifies this proposal as a residential conversion, no residential units currently exist within the building. The requested Official Plan and Zoning By-law amendments could result in the addition of a residential component with a minimum of one dwelling unit as requested by the applicant and supported by the staff recommendation. The proposal for mixed-use adaptive re-use of the existing building supports the City’s key directions to sustain, enhance and revitalize our urban neighbourhoods, mix services and other appropriate uses in a way that respects the character of the neighbourhood and generates pedestrian activity. As equally important as a complete conversion to residential use, the retention and re-use of the existing building for mixed-use purposes will strengthen the Woodfield Neighbourhood in general, recognizing that it contributes to and helps to maintain the vitality, identity and neighbourhood character of the West Woodfield Heritage Conservation District.

The possible addition of schools, day care centres and office conversions either on their own (together with at least one dwelling unit) or in a mixed-use format, is subject to an analysis of the Evaluation Criteria for Planning and Development Applications (Our Tools – \*1577\_ through 1578\_). Those matters related to potential impacts on adjacent and nearby properties, compatibility and the degree to which the proposal fits within its context that are most relevant to this proposal include:

- traffic and access management;
- parking on streets or adjacent properties;
- character and features of the neighbourhood and streetscape; and,
- impact on and relationship to cultural heritage resources on the site and adjacent to it.

The site is located within the context of predominantly residential uses of different intensities and forms, along with a mix of non-residential uses including converted professional, medical/dental and drugless practitioner offices and the Shriner Mocha Temple. With the exception of the purpose-designed nine-storey apartment building, the uses fronting Colborne Street between Queens Avenue and Dufferin Avenue are located in historic residential buildings, some of which have been modified with additions to the rear of the historic facades. Parking is primarily in the rear yards, with some parking in driveways leading to the building or in the side yard. The adaptive re-use of the existing building will not result in significant changes to the front of the building or its relationship to the street and is consistent with the existing neighbourhood form and character.

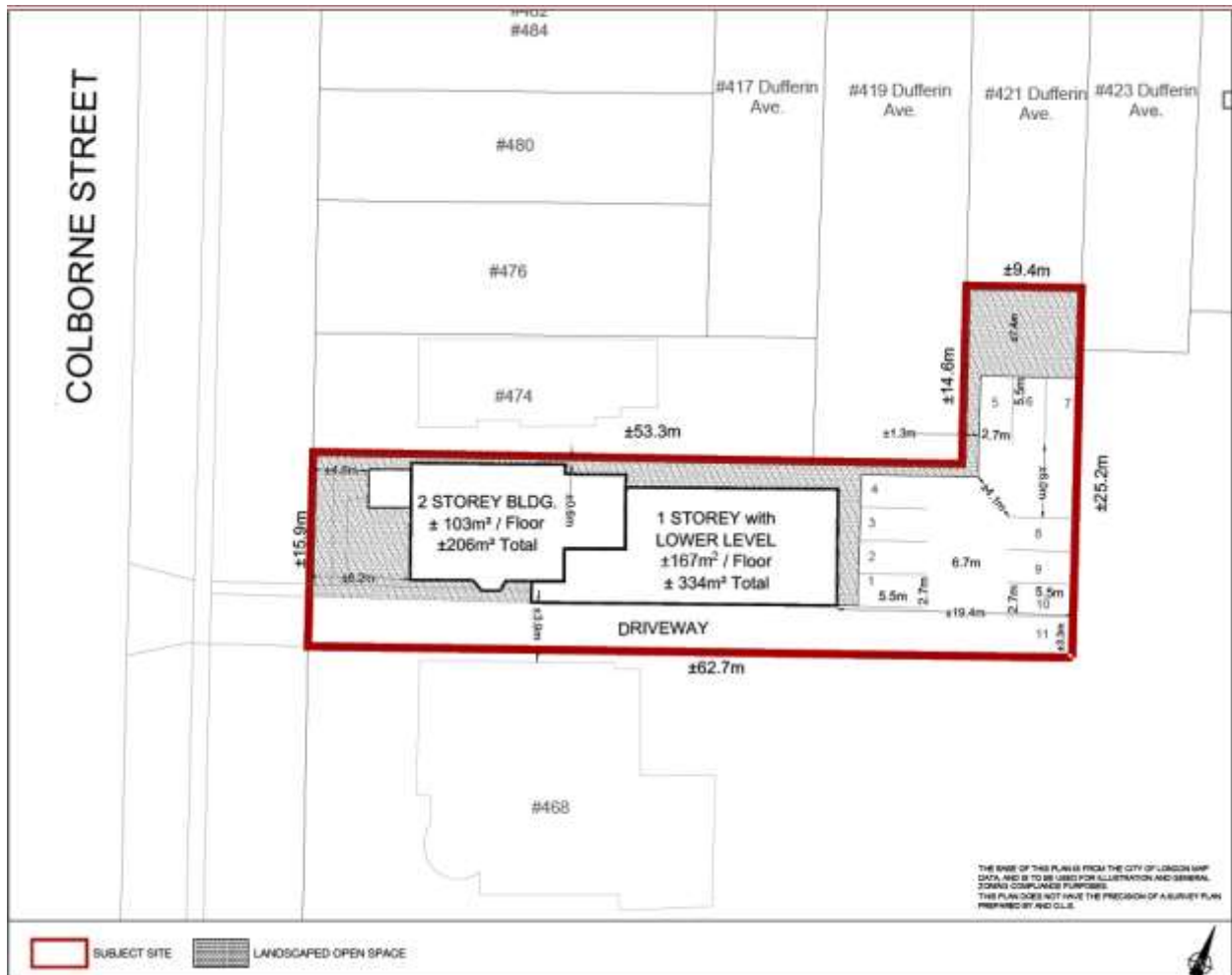
It is expected the site and surrounding neighbourhood will experience a change in traffic patterns and volumes. Day care and school uses may result in peaks in the morning and late afternoon hours, although it is expected these would be short-lived and primarily accommodated on-site. Office uses can generate widely varied traffic and parking impacts, depending on their nature. Professional offices often generate very little vehicular activity, while medical/dental offices and drugless practitioners rely on the arrival and departure of clients throughout the course of the day. The existing commercial recreation use on the site creates high traffic and parking demands at times when events are being held in the facility. The introduction of a mix of uses can normalize activity on the site with more regular hours, and smooth out parking demands within the weekly cycle. In addition, the intensity of mixed uses within the building can be controlled with regulations to ensure that the cumulative parking requirements do not exceed the 11 spaces that can be provided in the rear yard.

It is appropriate to apply site specific regulations to ensure there is an appropriate balance between parking areas and landscaped open space/outdoor residential amenity area in a scenario where dwelling conversions are mixed with non-residential uses. Based on the mixed-use options outlined in the Planning Justification Report prepared by the applicant's agent, mixed use of the building will result in higher calculated parking requirements.

Further to discussions regarding possible mitigation measures to achieve a more efficient site design that provides an appropriate balance between parking coverage and landscaped open space for mixed-use scenarios, the applicant's agent revised the conceptual plan (shown below) and proposed zoning regulations to:

- remove at least one parking space in front of the building, providing more front yard amenity space and enhancing the historic streetscape;
- reconfigure the proposed 11 parking spaces to:
  - reduce the percentage of the site covered by the parking area; and,
  - provide for a more regularly shaped and useable open space amenity area in the rear yard; and,
- dedicate a minimum rear yard useable amenity area based on the number of converted dwelling units in the mixed-use building.

**Scenario 2 - Parking Arrangements for All Commercial Uses**



Allowing the revitalization and repurposing of this unique building on a site-specific basis for a potential mix of uses including residential, community facility and office components is appropriate and compatible within the existing neighbourhood context. With the recommended controls on the intensity of use, it conforms to intent of the Neighbourhoods Place Type policies. This should be formalized through the addition of 470 Colborne Street as a permitted location for office conversions and introducing a new Specific Policy within the Woodfield Neighbourhood policies to permit a mixed-use format and include direction for site-specific zoning regulations.

*1989 Official Plan*

The Low Density Residential designation permits secondary uses that are considered to be integral to, or compatible with, residential neighbourhoods, including among other things, community facilities and office conversions, subject to meeting certain criteria (3.2.1 vi).

Where they are determined to be appropriate, community facilities are permitted in all Residential land use designations including day care centres and schools (3.6.4). New community facilities are subject to the evaluation of criteria related to:

- the loss of residential amenity and character due to a concentration of community facilities;
- compatibility and sensitivity to the scale and appearance of surrounding residential uses;
- the functionality of the site for the proposed use;
- site plan considerations such as sufficient parking, measures to protect the amenity of adjacent residential properties, adequacy of on-site drop-off and pick-up facilities.

Within a two block radius of the subject property, there is an elementary school, a secondary school and 2 churches. These do not represent a concentration of

community facilities and are also of a very different nature and scale from the types of schools and/or daycare facilities that might be established within the existing building. The site is located within the context of predominantly residential uses of different intensities and forms, along with a mix of non-residential uses including converted professional, medical/dental and drugless practitioner offices and the Shriner Mocha Temple. The proposed community facility uses will be located within the existing building and as such will be compatible with and sensitive to the scale and appearance of surrounding residential uses. Sufficient rear yard parking will be provided, since the recommended zoning will limit the scale and mix of uses such that they do not exceed the available rear yard parking. The rear yard parking facilities should also suffice for drop-off and pick-up activities. The site meets the evaluation criteria for community facilities and conforms to the Official Plan policies.

Office conversions are permitted only in specified locations, or on arterial roads which have lost some of their residential amenity and meet a series of other criteria. The subject site is not located in one of the specified locations or on an arterial road. Council may permit an office conversion on a site-specific basis where the proposed use is compatible with adjacent uses and an area approach is not warranted.

470 Colborne Street is located within the Woodfield Neighbourhood specific policy area. The area is characterized by predominantly low-rise residential development, with a mix of higher density uses and office conversions. It is a policy of the Plan to maintain the Woodfield Neighbourhood as a low-rise residential area. As such, it permits office conversions only within specifically identified areas, including those listed in Section 3.6.9 ii) of the Official Plan. While office conversions are permitted on several street frontages or specific properties within the Woodfield Neighbourhood, the subject property is not one of them. An Official Plan amendment is required to establish office conversions as a permitted use on the site.

Given the history of the property, the site should be considered for office conversions on a site specific basis as it represents a move toward a range of uses that are more compatible with the surrounding area than the existing use. The adaptive re-use of the property for office conversions will result in a positive impact on the surrounding neighbourhood as more regular and less disruptive traffic patterns will be established, and the site is located within a mixed-use area that already included office conversions that have integrated well within the existing neighbourhood context. While not dictated by the policy context, the recommended Official Plan amendment also requires the inclusion of a minimum of one above grade residential dwelling unit, which will contribute to the residential amenity of the area.

A planning review of the 1989 Official Plan policies has been completed. The proposal conforms to the Official Plan and represents good planning.

#### *Zoning By-law*

A variation of the Office Conversion (OC) Zone is recommended instead of the requested Restricted Office (RO1) Zone because it more accurately reflects that office development will take place only within an existing building that is an important part of the character of the neighbourhood and the local streetscape. The Office Conversion (OC3) variation permits medical/dental offices in the existing building together with at least one dwelling unit. Converted dwellings, commercial schools, day care centres, offices, and private schools are included in the special provision as additional permitted uses in the existing building together with at least one dwelling unit.

Specific zone regulations are recommended to recognize the existing building location and yard setbacks for the property.

They also modify existing regulations regarding the number of converted dwelling units that can be accommodated on the site and ensure a balance between parking and landscaped open space for a mixed-use re-use of the existing building, as summarized below:

- allow a maximum of eight (8) converted dwelling units;
- reduce the minimum lot area per converted dwelling unit from 180m<sup>2</sup> per unit to 140 m<sup>2</sup> per unit;
- reduce the minimum landscaped open space from 30% to 23%;
- increase the maximum parking area coverage from 30% to 45%;
- allow a maximum of 11 parking spaces and direct those spaces to the rear yard; and,
- limit the mix of uses within the existing building such that they do not require more than 11 parking spaces combined.

#### 4.3 Impact on the West Woodfield Heritage Conservation District

West Woodfield's Heritage Conservation District shares a common history – exhibited in the character of its architecture and streetscape – that is singularly unique in the City of London. The District is located prominently near the centre of the City, and is one of London's older neighbourhoods, retaining a large number of original buildings that are well crafted and maintained. Woodfield is mainly residential in character and reflects an era when London moved to the national stage in terms of its manufacturing and wholesaling presence. The District retains a large percentage of its homes, dating from 1880-1914 and built by the city's elite and leading architectural firms during this period. Several excellent and well-preserved examples of every major architectural style can be found in the District. Throughout, there is a visual consistency to the architecture, exhibited through the repetition of such features as front porches including some very fine two storey examples, decorative gables, projecting bays, and recurring window forms and details. Finally, with streets lined with mature trees, wide boulevards and picturesque Victoria Park at its core, Woodfield exudes a park-like setting that is a significant heritage asset, imparting a sense of history to the District. (WW HCD, 2.3).

The requested changes of use to permit residential conversions, day care centres, schools, and offices within the existing building may result in either requirements or requests for changes that would affect the exterior of the building to some extent, and thus its contribution to the architectural character and streetscape of the area. Examples of changes typical of the adaptive re-use of historic buildings include such things as accessibility ramps, fire exiting, signage and larger windows.

Under the authority of the Ontario Heritage Act, the impacts of any such works will be able to be mitigated through a Heritage Alteration Permit process.

The proposed re-use of the site also provides an opportunity for the removal of at least one of the existing parking spaces in front of the existing building. Removal of front yard parking and replacement with landscaped open space would have a positive impact on the historic streetscape.

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

**5.0 Conclusion**

The recommended amendments to the 1989 Official Plan and *The London Plan* to facilitate the adaptive re-use of the existing heritage building for residential, office and institutional uses is consistent with the Provincial Policy Statement, 2014 and conforms to the relevant review criteria to establish these uses where they are not already permitted as-of-right. The recommended Zoning By-law amendment provides for an appropriate range of uses and site-specific regulations to ensure the permitted uses are compatible and good fit within the existing neighbourhood. The recommended amendments represent good land use planning and are recommended to Council.

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

December 14, 2018  
 BD/

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## Appendix A

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

By-law No. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 470  
Colborne Street.

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

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

PASSED in Open Council on January 15, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

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

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add 470 Colborne Street to Section 3.6.9 of the Official Plan to recognize the site as a location where office conversions may be permitted.
2. To add a policy in Section 3.5.4 – Woodfield Neighbourhood of the Official Plan for the City of London to permit new office conversions within the existing building along with other permitted uses.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 470 Colborne Street in the City of London.

C. BASIS OF THE AMENDMENT

The subject site has been used for several decades as a commercial recreation establishment. While it has achieved a measure of compatibility within the historic Woodfield Neighbourhood, it is not a use that would be considered appropriate or compatible today. The adaptive re-use of the existing building for dwelling conversions, office conversions, schools and day care centres is compatible and a good fit within the mixed-use nature of the neighbourhood and represents good planning.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 3.6.9 – Office Conversions of the Official Plan for the City of London is amended by adding the following after Section 3.6.9 ii)(17):

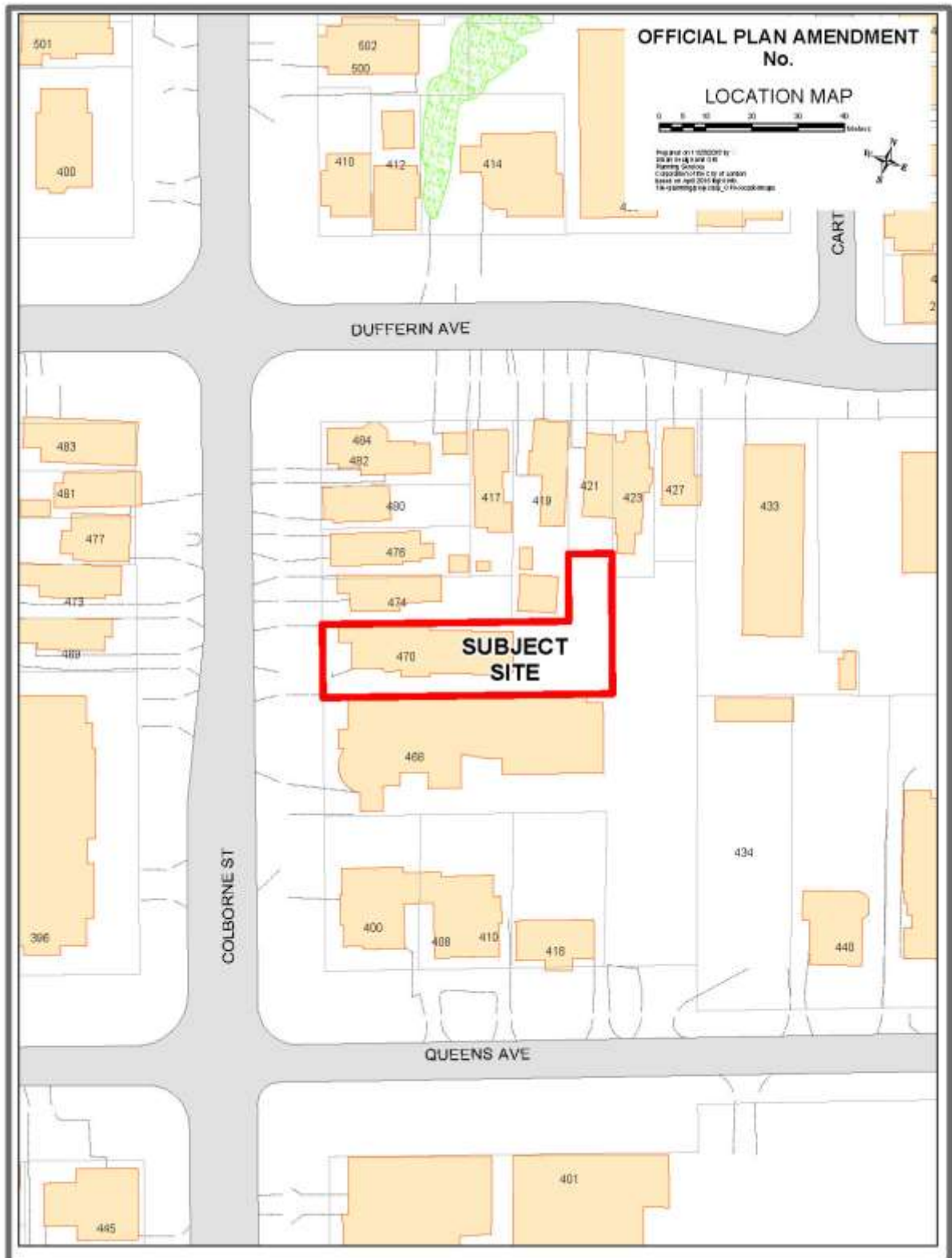
( ) 470 Colborne Street

2. Section 3.5.4 – Woodfield Neighbourhood of the Official Plan for the City of London is amended by adding the following in a new paragraph after the paragraph ending in "... the retention of existing structures including their heritage features shall be encouraged." and immediately before Section 3.5.5 – Jackson Planning District:

In addition to the uses permitted in the Low Density Residential designation, new office uses may be permitted within the existing building at 470 Colborne Street, provided there is little alteration to the external residential character of the original residential structure and at least one above-grade residential dwelling unit is provided and maintained within the building. These new office uses may be established with other permitted uses in a mixed-use format. Residential intensification and conversions to non-residential uses shall be permitted only where it is compatible with the character, scale and intensity of the surrounding low-rise residential neighbourhood and where the intent of the Near-Campus Neighbourhoods policies is met. Site-specific zoning regulations such as, but not limited to, maximum number of converted dwelling



units, maximum number of parking spaces, minimum landscaped open space and limiting the range and mix of uses within the building such that they do not exceed the available parking may be applied to ensure that the future re-use of the existing structure meets this objective.



## Appendix B

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

By-law No. C.P.- \_\_\_\_

A by-law to amend The London Plan for  
the City of London, 2016 relating to 470  
Colborne Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for  
the City of London Planning Area – 2016, as contained in the text attached hereto and  
forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of  
the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on .

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading –  
Second Reading –  
Third Reading –

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. Amend policy 1034\_7. of the Woodfield Neighbourhood Specific Policy of The London Plan for the City of London to recognize the site as a location where office conversions may be permitted.
2. To amend policies in the Woodfield Neighbourhood Specific Policy Area within the Specific Policies for the Neighbourhoods Place Type policy of The London Plan for the City of London by adding a policy to permit new office conversions within the existing building along with other permitted uses in a mixed-use format.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 470 Colborne Street in the City of London.

C. BASIS OF THE AMENDMENT

The subject site has been used for several decades as a commercial recreation establishment. While it has achieved a measure of compatibility within the historic Woodfield Neighbourhood, it is not a use that would be considered appropriate or compatible today. The adaptive re-use of the existing building for dwelling conversions, office conversions, schools and day care centres is compatible and a good fit within the mixed-use nature of the neighbourhood and represents good planning.

D. THE AMENDMENT

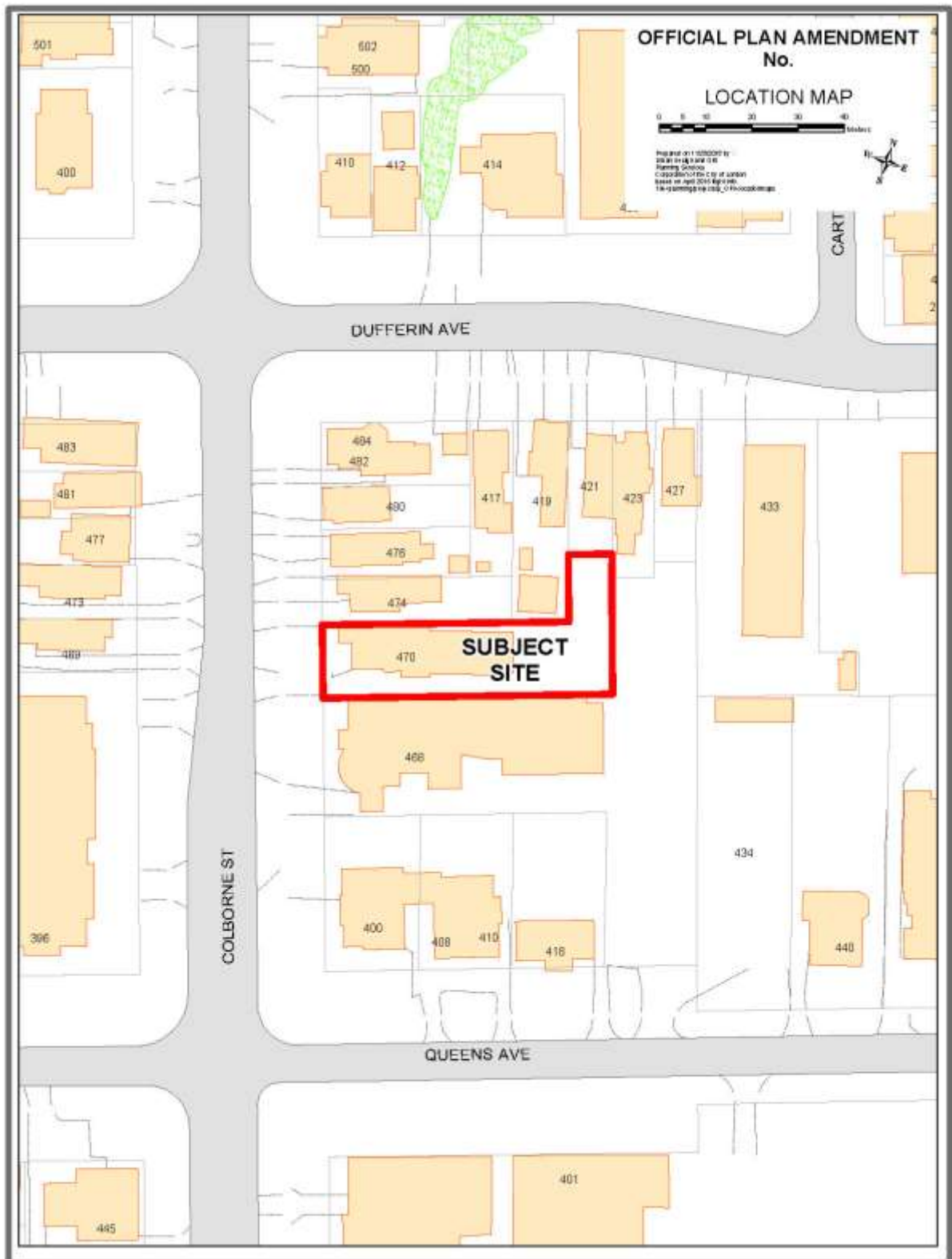
The London Plan for the City of London is hereby amended as follows:

1. Policy 1034\_ - Woodfield Neighbourhood Specific Policy of The London Plan for the City of London is amended by adding the following:

1034\_7. 470 Colborne Street

2. The Woodfield Neighbourhood Specific Policy of The London Plan for the City of London is amended by adding the following immediately after policy 1038\_:

XXXX\_ In addition to the uses permitted in the Neighbourhoods Place Type, new office uses may be permitted within the existing building at 470 Colborne Street, provided there is little alteration to the external residential character of the original residential structure and at least one above-grade residential dwelling unit is provided and maintained within the building. These new office uses may be established with other permitted uses in a mixed-use format. Residential intensification and conversions to non-residential uses shall be permitted only where it is compatible with the character, scale and intensity of the surrounding low-rise residential neighbourhood and where the intent of the Near-Campus Neighbourhoods policies is met. Site-specific zoning regulations such as, but not limited to, maximum number of converted dwelling units, maximum number of parking spaces, minimum landscaped open space and limiting the range and mix of uses within the building such that they do not exceed the available parking may be applied to ensure that the future re-use of the existing structure meets this objective.



**Appendix C**

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

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
 rezone an area of land located at 470  
 Colborne Street.

WHEREAS Peter and Janice Denomme have applied to rezone an area of  
 land located at 470 Colborne Street, as shown on the map attached to this by-law, as set  
 out below;

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

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to  
 lands located at 470 Colborne Street, as shown on the attached map comprising  
 part of Key Map No. A107, from a Residential R3 (R3-2) Zone and a Commercial  
 Recreation (CR) Zone, to a Residential R3 Special Provision/Office Conversion  
 Special Provision (R3-2(\_)/OC4(\_)) Zone.
- 2) Section Number 7.4 of the Residential R3 (R3-2) Zone is amended by adding the  
 following Special Provision:

)	R3-2(_)	470 Colborne Street	
	a)	Regulations	
		i) Number of Converted Dwelling Units (max)	8
		ii) Lot Area per Converted Dwelling Unit (min)	140 m <sup>2</sup> (1,506 sq. ft.)
		iii) Front Yard Depth (main building) (min)	As existing on the date of passing of this By-law
		iv) Front Yard Depth (enclosed porch) (min)	As existing on the date of passing of this By-law
		v) North Interior Side Yard Depth (min)	As existing on the date of passing of this By-law
		vi) Parking Area Coverage (max)	40%
		vii) Parking Spaces (max)	8
		viii) Front Yard Parking	0 spaces

3) Section Number 17.4 of the Office Conversion (OC3) Zone is amended by adding the following Special Provision:

- ) OC3( ) 470 Colborne Street
  - a) Additional Permitted Uses
    - i) Converted dwellings within the existing building
    - ii) Commercial School in existing building together with at least one dwelling unit
    - iii) Day Care Centre in existing building together with at least one dwelling unit
    - iv) Offices in existing building together with at least one dwelling unit
    - v) Private School in existing building together with at least one dwelling unit
  - b) Regulations
    - i) Number of Converted Dwelling Units (max) 8
    - ii) Lot Area per Converted Dwelling Unit (min) 140m<sup>2</sup> (1,506 sq. ft.)
    - iii) Landscaped Open Space (min) 23%
    - iv) Parking Area Coverage (max) 45%
    - v) Parking Spaces (max) 11
    - vi) Front yard parking 0 spaces
    - vii) Any combination of converted dwellings and non-residential uses in the existing building shall be restricted such that the number of required parking spaces calculated in accordance with Section 4.19 of this By-law does not exceed 11 spaces.

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

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

PASSED in Open Council on January 15, 2019.

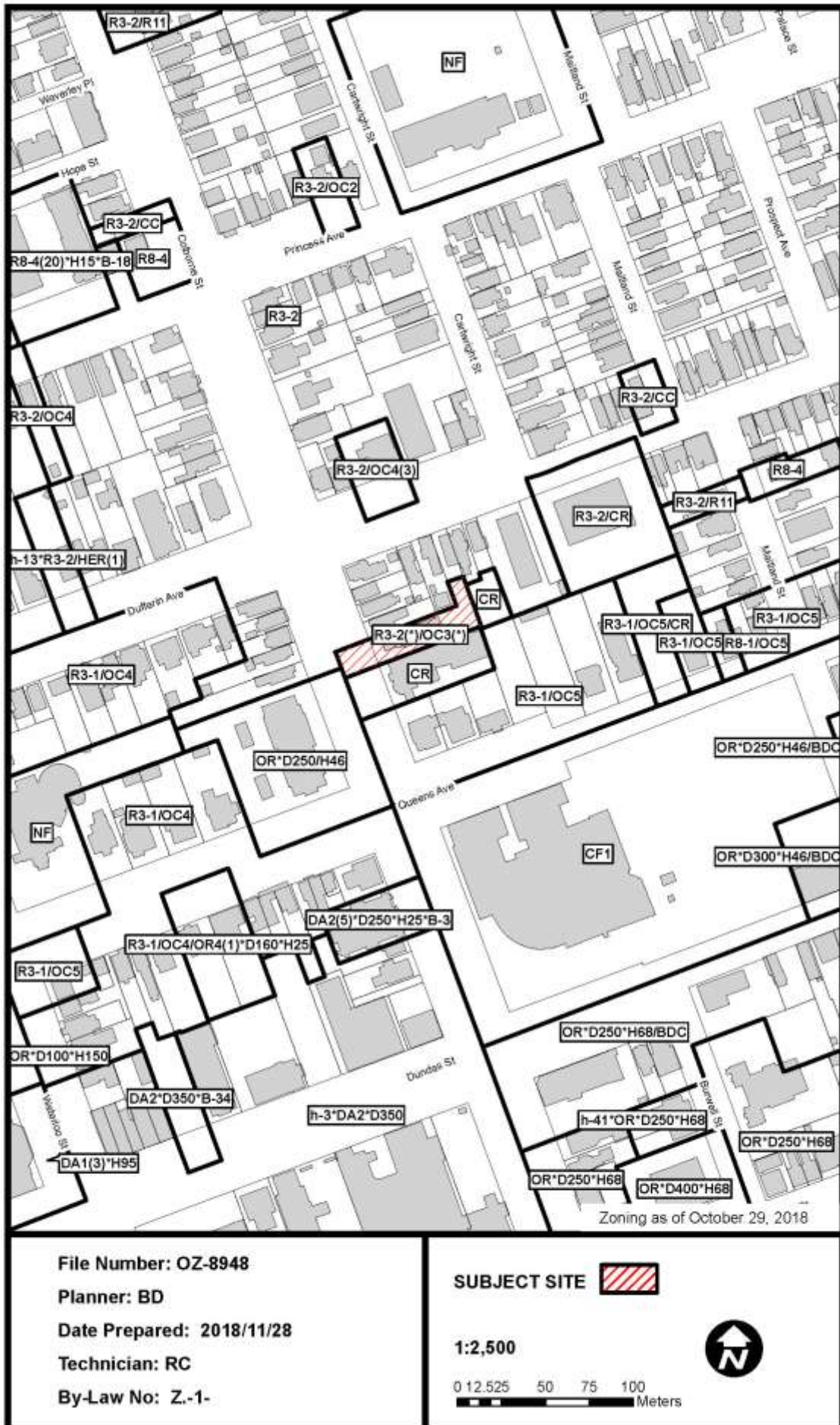
Ed Holder  
Mayor

Catharine Saunders  
City Clerk

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



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



## Appendix D – Public Engagement

### Community Engagement

**Public liaison:** On August 29, 2018, Notice of Application was sent to 106 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 30, 2018. A “Planning Application” sign was also posted on the site.

No replies were received.

### Nature of Liaison:

#### Requested Amendment to the Current Official Plan

To amend the Official Plan by adding a Specific Area Policy and/or amending the existing Specific Area Policy for the Woodfield Neighbourhood (Section 3.5.4) to permit, in addition to the uses permitted in the Low Density Residential designation, a minimum of one (1) and a maximum of eight (8) residential units, offices and medical/dental offices, commercial and private schools, and day care centres.

#### Requested Amendment to The London Plan (New Official Plan)

To amend The London Plan by adding a Specific Policy and/or amending the existing Specific Policy for the Woodfield Neighbourhood (Paragraphs 1033\_ – 1038\_) to permit, in addition to the uses permitted in the Neighbourhoods Place Type, commercial and private schools, office and medical/dental office uses.

#### Requested Zoning By-law Amendment

To change the zoning from a Commercial Recreation (CR) Zone to a Residential R3 Special Provision (R3-2(\_))/Restricted Office Special Provision (RO1(\_)) Zone. Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at [london.ca/planapps](http://london.ca/planapps).

#### Current Zoning

**Zone:** Commercial Recreation (CR) Zone

**Permitted Uses:** Commercial recreation establishments, golf courses, private clubs, private outdoor recreation clubs, private parks, recreational buildings, recreational golf courses

**Residential Density:** n/a

**Height:** 12.0 metres

#### Requested Zoning

**Zone:** Residential R3 (R3-2(\_)) Special Provision Zone

**Permitted Uses:** single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings, and fourplex dwellings

**Special Provision(s):** recognize existing site conditions including a minimum front yard depth of 4.6 metres to the enclosed porch in place of 7 metres, a minimum north interior side yard depth of 0.6 metres in place of 1.8 metres, minimum landscaped open space of 20.5 percent in place of 30 percent, and permit an increase in residential density as noted below.

**Residential Density:** a minimum of one (1) and a maximum of eight (8) residential units with a minimum lot area of 140 m<sup>2</sup> per dwelling unit in place of 180m<sup>2</sup> per dwelling unit

**Height:** 10.5 metres

#### Requested Zoning

**Zone:** Restricted Office Special Provision (RO1(\_)) Zone

**Permitted Uses:** medical/dental offices and offices (Note: Offices include professional or service offices and all other forms of offices except medical/dental offices)

**Special Provision(s):** permit, in addition to the existing list of permitted uses, business and professional offices, medical/dental offices, service offices, support offices, charitable organization offices, day care centres, commercial and private schools, together with a minimum of one (1) dwelling unit. Recognize existing site conditions including a minimum front yard depth of 4.6 metres to the enclosed porch in place of 6

metres, a minimum north interior side yard depth of 0.6 metres in place of 3.6 metres, and a minimum landscaped open space of 20.5 percent in place of 30 percent

**Residential Density:** n/a

**Height:** 10 metres

The City may also consider relief from the maximum permitted parking area coverage of 30 percent for residential uses in the requested Residential Special Provision (R3-2( )) Zone. The City may also consider applying gross floor area maximums for requested uses that have high parking requirements, and a combined minimum number of parking spaces for a mix of residential and non-residential uses.

## Agency/Departmental Comments

### Development Services – Engineering

No comments.

### Heritage – October 31, 2018

#### **1. Heritage Status**

470 Colborne Street is a property located on the east side of Colborne Street – between - Dufferin and Queens Avenue. The property is located within the West Woodfield Heritage Conservation District (HCD) and designated under Part V of the *Ontario Heritage Act* (L.S.P.-3400-254; March 9, 2009). The property has been assigned a historic ranking of “B” in the HCD Plan; it is a contributing resource to the District through its architectural style, details, age, history and/or contribution to the streetscape. Archaeological potential is identified at the rear of the property (2018 – mapping; historic potential).

#### **2. Scope of Work**

The current file (OZ-8948) is for an Official Plan Amendment and Rezoning to permit various uses on the property that are not currently allowed (i.e. residential apartment, office, neighbourhood facility, offices). A *Heritage Impact Review* (HIR)<sup>1</sup> was submitted as part of requirements for a full application, however the HIR prepared was not in response to a specific proposal or direction for future development. Due to this omission, Heritage Staff referenced the *Planning Justification Report* and noted (6) scenarios outlined in the report, with all of them proposing a change of use within the square footage of the existing building.<sup>2</sup> Required parking (as/per scenario) is said to be accommodated within existing spaces on-site. It is presumed that the footprint of the existing building will be retained, however considerable alterations are likely to be needed to the interior to accommodate a change in use. Relatedly, further repairs, restoration and/or replacements are likely to be considered for various exterior features intrinsic to the property.

A Heritage Impact Assessment (HIA/HIS) is required as part of a complete application for this file – as per Section 565 of *The London Plan*. The primary purpose of this HIA is to assess the impacts of the proposed OP-ZBA (and resultant potential conversion of use) on the cultural heritage value and attributes of adjacent significant heritage properties and surrounding context, and to make recommendations to mitigate any adverse impacts that may arise.

The submitted HIS is currently insufficient because it does not contain information stipulated by the Ontario Ministry of Culture, published in *InfoSheet #5 – Heritage Resources in the Land Use Planning Process*. The *West Woodfield HCD Plan* Policies emphasize the nature of its “development pattern” which is described as small scale, low density, residential, and pedestrian in quality. Policies clearly discourage new land uses or higher intensity uses that are out of keeping with the general residential character of the District (*WW HCD*, 4.1). Heritage staff is concerned that proposed conversions might visibly impact this character through increased site and street activity, traffic, and parking requirements. The HIS should adequately assess the impacts and proposed mitigative measures responding to these Development Pattern District Policies.

Finally, at the September 12<sup>th</sup> 2018 meeting of the London Advisory Committee on Heritage, the following recommendation to Council was made:

That the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research assessment and conclusions of the Heritage Impact Review, dated June 2018, from Kirkness Consulting, with respect to the property located at 470 Colborne Street; it being noted that the LACH is not opposed to the proposed Official Plan and zoning by-law amendment and that a Heritage Alteration Permit may be required for any exterior alterations.

#### 4. Moving Forward

The applicant should:

- revise the HIS submitted providing clarity to the “response” portions. This will ensure that the range of proposed conversions will not impact the single-family residential character of the District. These target minor revisions will also make certain that heritage requirements for the file application are met.
- be aware that heritage staff has no record of an archaeological assessment being done or archaeological clearance of the property. As per *The London Plan* (Policy 616), an archaeological assessment may be required dependent on potential for soil disturbance, area impacted and scope of work.
- be aware that building conversions requiring exterior alterations have been identified as a Class of Alteration that requires Heritage Alteration Permit approval. An Heritage Alteration Permit (HAP) application may need to be submitted for proposed work that is integral with any change in use and impacts the exterior.

#### London Advisory Committee on Heritage – September 12, 2018

The Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research assessment and conclusions of the Heritage Impact Review, dated June 2018, from Kirkness Consulting, with respect to the property located at 470 Colborne Street; it being noted that the LACH is not opposed to the proposed Official Plan and Zoning By-law Amendment and that a Heritage Alteration Permit may be required for any exterior alterations; it being further noted that the Notice of Planning Application, dated August 29, 2018, from B. Debbert, Senior Planner, with respect to the above noted matter, was received;

#### Upper Thames River Conservation Authority – September 7, 2018

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act

#### **CONSERVATION AUTHORITIES ACT**

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

#### **DRINKING WATER SOURCE PROTECTION**

##### Clean Water Act

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. Mapping which identifies these areas is available at:

[http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsrassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)

Upon review of the current assessment report mapping, we wish to advise that the subject property is identified as being **within a vulnerable area**.

#### **Provincial Policy Statement (PPS, 2014)**

**Section 2.2.1** requires that “*Planning authorities shall protect, improve or restore the quality and quantity of water by:*

*e) implementing necessary restrictions on development and site alteration to:*

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions.”*

**Section 2.2.2** requires that “*Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.”*

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at:

<http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

#### **RECOMMENDATION**

The UTRCA has no objections to this application.

London Hydro – September 26, 2018

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 – Policy Context**

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

#### **Provincial Policy Statement, 2014**

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

1.1.1b.

1.1.3.3

#### **The London Plan**

##### Key Directions

Direction 5 – Build a Mixed-use Compact City – Directions 2, 3, 4 and 6

Direction 7 – Build Strong, Healthy and Attractive Neighbourhoods for Everyone – Direction 5

##### Neighbourhoods

\*OUR VISION FOR THE NEIGHBOURHOODS PLACE TYPE – 916\_

\*ROLE WITHIN THE CITY STRUCTURE – 917\_

\*HOW WILL WE REALIZE OUR VISION? – 918\_

PERMITTED USES – \*924, 930\_ AND 931\_

RESIDENTIAL INTENSIFICATION IN NEIGHBOURHOODS – \*937\_ , \*939\_ , 943,  
\*944\_ , \*953\_  
\*NEAR CAMPUS NEIGHBOURHOOD – 963\_ TO 974\_  
\*WOODFIELD NEIGHBOURHOOD – 1033\_ AND 1034\_  
WOODFIELD NEIGHBOURHOOD – 1035\_ TO 1038\_  
\*Tables, 10, 11, 12

Our Tools

\*EVALUATION CRITERIA FOR PLANNING AND DEVELOPMENT APPLICATIONS –  
1577\_ & 1578\_  
\*GLOSSARY OF TERMS – Mixed-use buildings

**1989 Official Plan**

Low Density Residential Designation

3.2.1 – Permitted Uses – Office Areas  
3.2.2 – Scale of Development  
3.2.5 – Dwelling Conversions  
3.5.4 – Woodfield Neighbourhood  
3.6.4 – Community Facilities  
3.6.9 – Office Conversions  
3.7 - Planning Impact Analysis

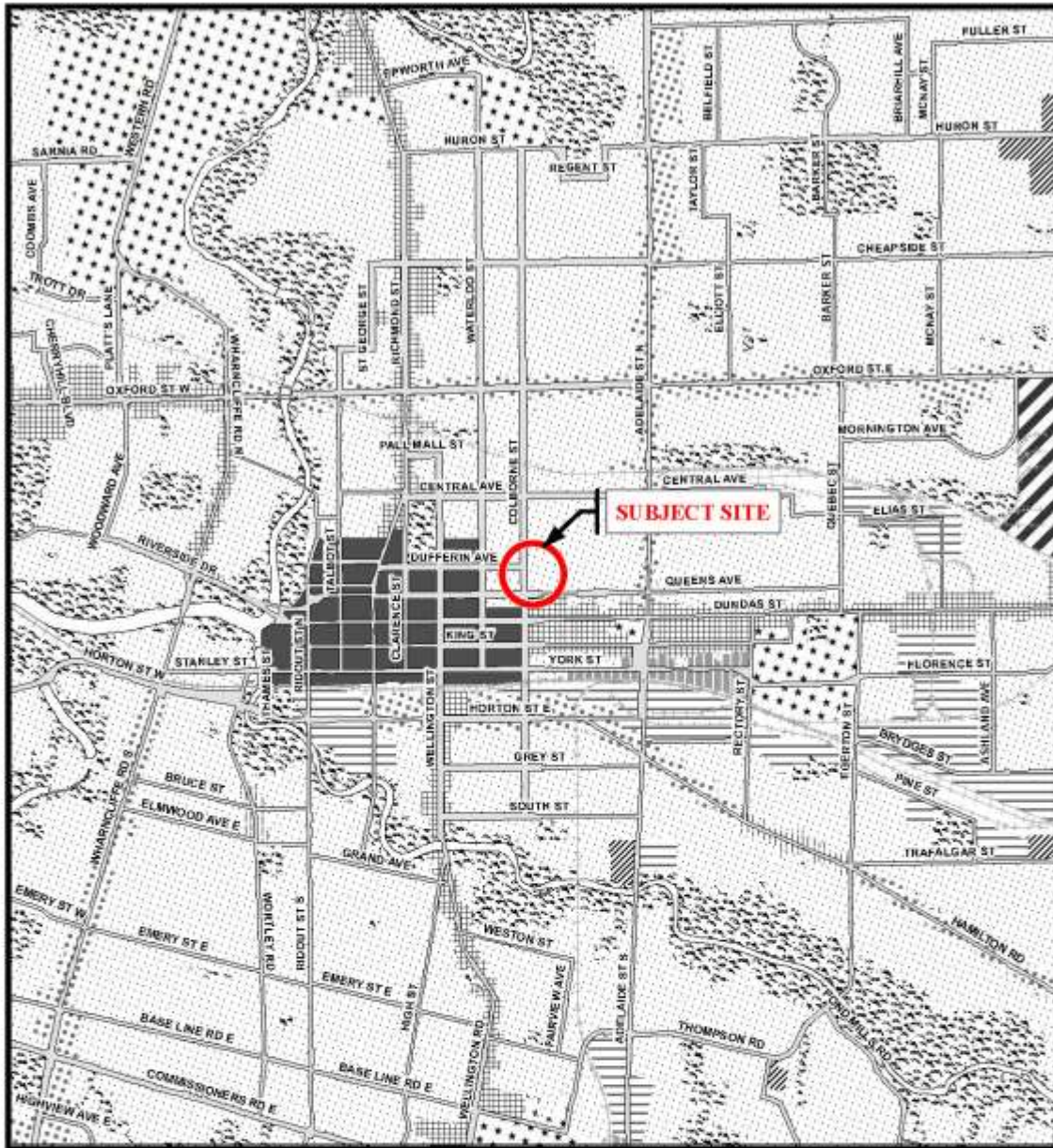
**Zoning By-law Z.-1**

**West Woodfield Heritage Conservation District**

**Appendix F – Relevant Background**

**Additional Maps**

**The London Plan Map 1 – Land Use**



**Legend**

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

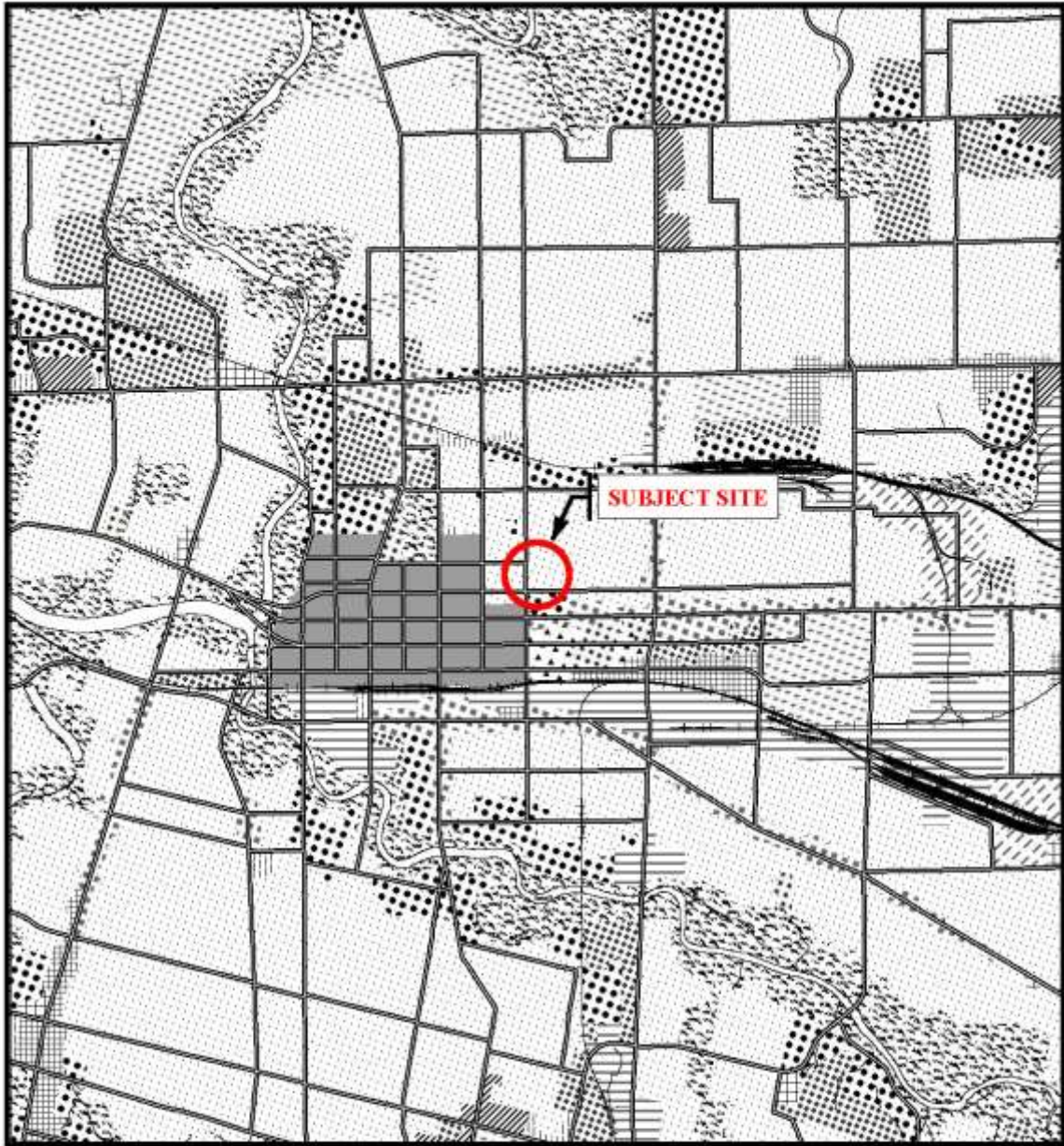
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

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

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services</p> <p><b>LONDON PLAN MAP 1</b>                  - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>File Number:</b> OZ-8948</p> <p><b>Planner:</b> BD</p> <p><b>Technician:</b> RC</p> <p><b>Date:</b> November 30, 2018</p>
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1989 Official Plan Schedule A – Land Use



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

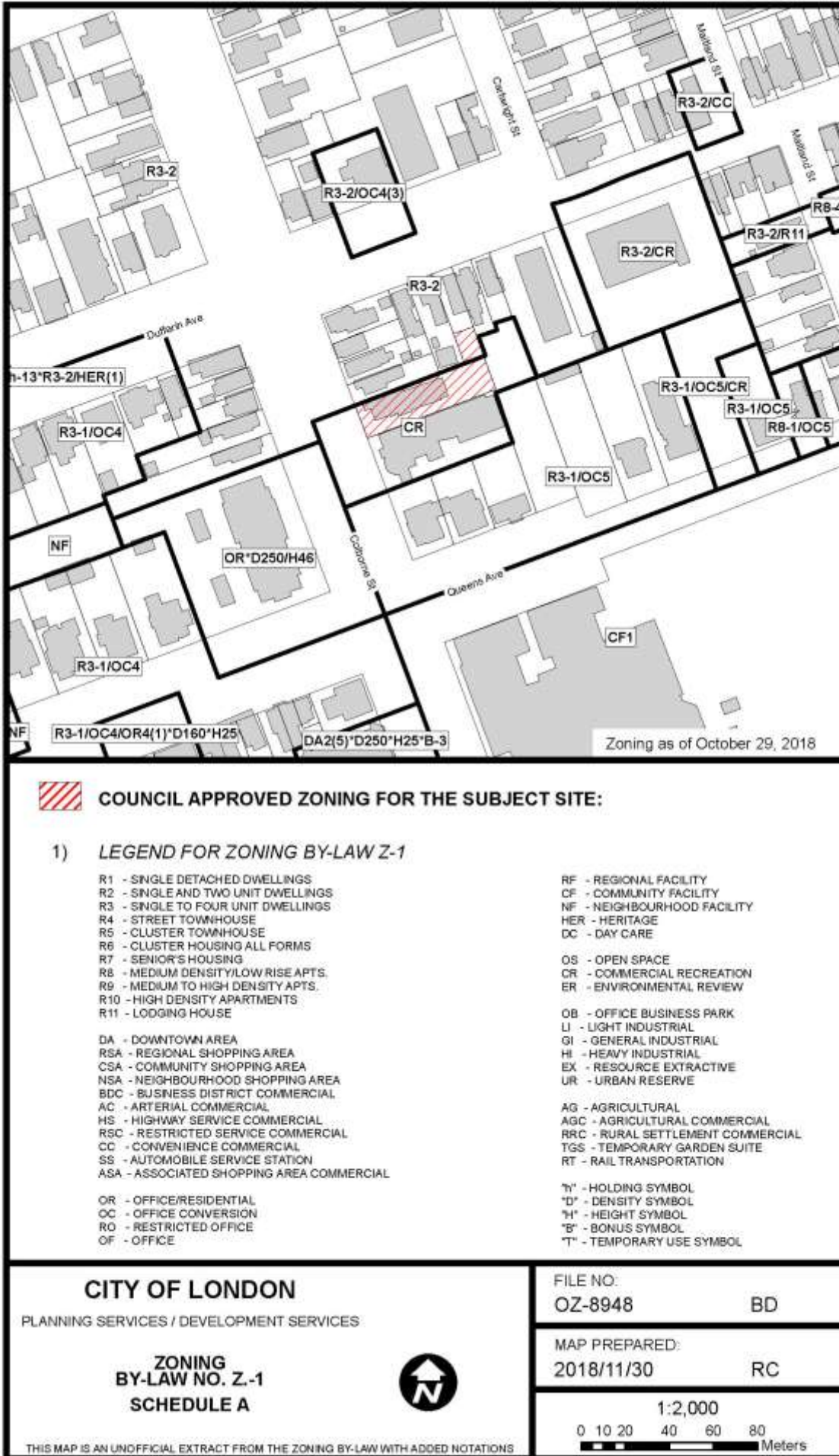
  

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	 Scale 1:30,000 Meters	FILE NUMBER: OZ-8948
		PLANNER: BD TECHNICIAN: RC DATE: 2018/11/30

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Zoning By-law Z.-1 Map



## Report to Planning and Environment Committee

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

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

**Subject:** Sifton Properties Limited  
2835 Sheffield Place (Block 153 - Victoria on the River)  
Application for Zoning By-law Amendment  
Request for Revisions to Draft Plan of Subdivision  
Application for Draft Plan of Vacant Land Condominium

**Public Participation Meeting on: January 7, 2019**

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited relating to the lands located at 2835 Sheffield Place (also known as Block 153 within the Victoria on the River Draft Plan of Subdivision):

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on January 15, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** an Open Space Special Provision (OS5(3)) Zone and a Holding Open Space (h-2•OS4) Zone **TO** a Holding Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) Zone to permit cluster housing in the form of single detached dwellings; together with a special provision for lot frontage of 12.0 metres minimum, rear yard depth of 4.5 metres minimum, interior side yard depth of 3.0 metres minimum, and lot coverage of 35 percent maximum; and, **FROM** a Holding Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) Zone **TO** an Open Space Special Provision (OS5(3)) Zone to permit such uses as conservation lands, conservation works, passive recreation, and managed woodlots;
- (b) Municipal Council **SUPPORTS** proposed red-line revisions to the draft approved plan of subdivision as submitted by Sifton Properties Limited, prepared by Bruce Baker, Ontario Land Surveyor (Drawing No. D4099-DP.dwg, dated July 18, 2017), which shows a revised Low Density Residential Block 153 and Open Space Buffer Block 172, and creation of a new Open Space block, **SUBJECT TO THE PREVIOUSLY APPROVED DRAFT PLAN CONDITIONS**;
- (c) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the proposed revisions to the limits of Block 153 within the Victoria on the River draft plan of subdivision, as submitted by Sifton Properties Limited; and,
- (d) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended actions is to rezone a small area (0.169 hectares) along the southerly portion of Block 153 to permit single detached cluster housing, and to rezone an equivalent area on the northerly portion of Block 153 to permit

open space uses; consider a request to make red-line revisions to the configuration of the block; and, report to the Approval Authority any issues or concerns raised at the public meeting with respect to an application for Draft Plan of Vacant Land Condominium for a proposed 30 unit cluster housing development.

### **Rationale of Recommended Action**

1. The recommended zoning amendments, revisions to draft plan of subdivision, and proposed vacant land condominium are considered appropriate and consistent with the Provincial Policy Statement.
2. The proposal conforms with The London Plan, the 1989 Official Plan, and the Old Victoria Area Plan.
3. The proposed residential use, form and intensity of development are considered appropriate. The zoning previously approved through the draft plan of subdivision process contemplates low density residential development in the form of single detached cluster housing.

## **Analysis**

### **1.0 Site at a Glance**

#### **1.1 Property Description**

The property is described as a vacant pocket of land located west of Sheffield Place, and west of a small mill pond, and narrow ravine and watercourse. There is an existing farm crossing between the mill pond and the ravine which has historically provided access to the area. The easterly half of this pocket of land consists of abandoned agricultural field and the westerly half consists of vegetation cover which has been evaluated and identified as a Mineral Cultural Thicket community. The lands that are the subject of this application are identified as a residential development block (Block 153) within a draft-approved plan of subdivision, as well as a small area of approximately 0.169 hectares immediately to the south of Block 153.

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

- The London Plan Place Type – Neighbourhoods
- 1989 Official Plan Designation – Low Density Residential
- Zoning – Holding Residential R6 Special Provision (h•h-100•h-159•R6-2(11)), holding Open Space (h-2•OS4), and Open Space Special Provision OS5(3))

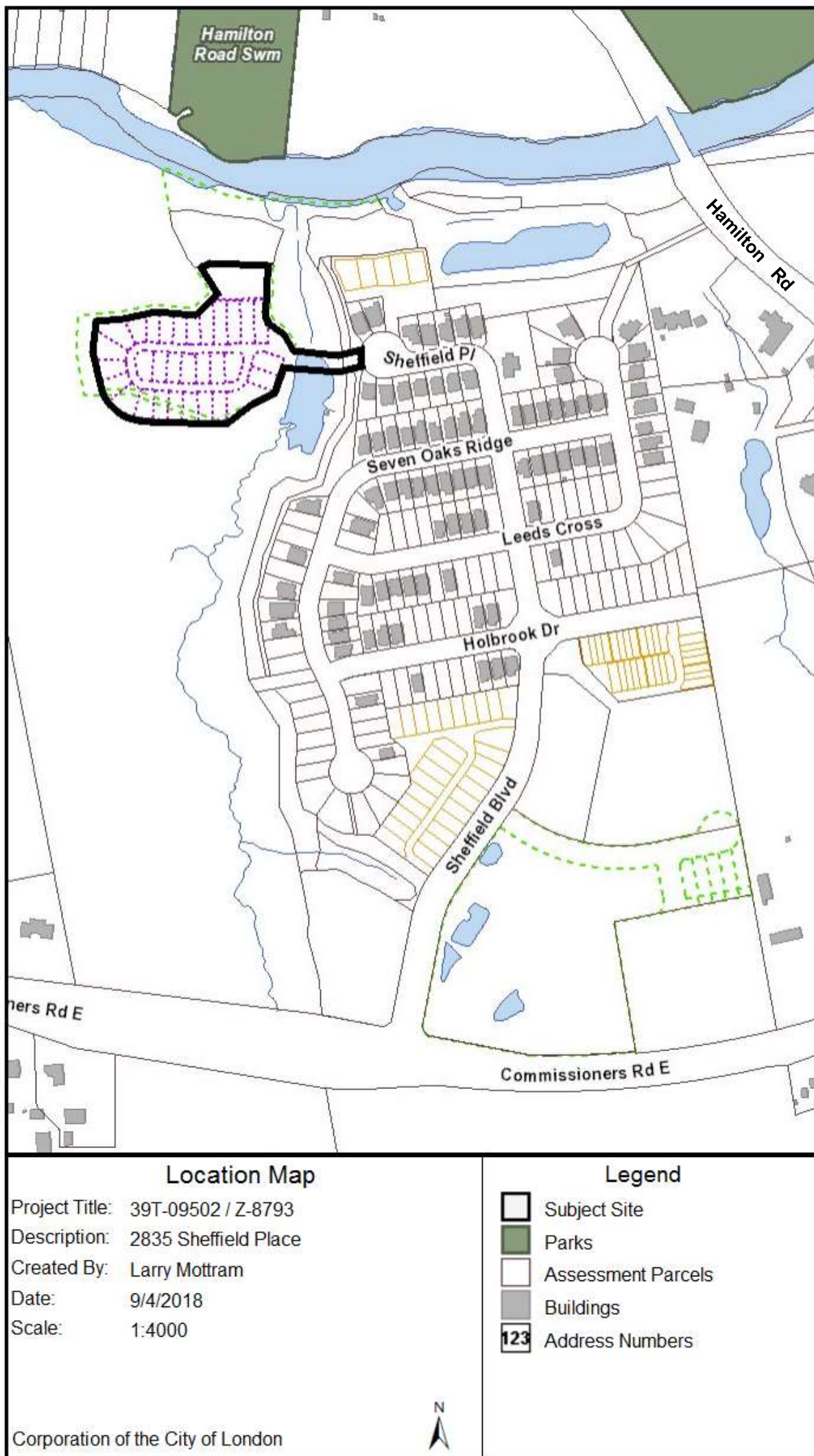
#### **1.3 Site Characteristics**

- Current Land Use – vacant
- Frontage – approx. 15 metres
- Depth – approx. 240 metres
- Area – approx. 1.8 hectares
- Shape – irregular

#### **1.4 Surrounding Land Uses**

- North – open space
- East – low density residential
- South – open space
- West – open space

### 1.5 Location Map

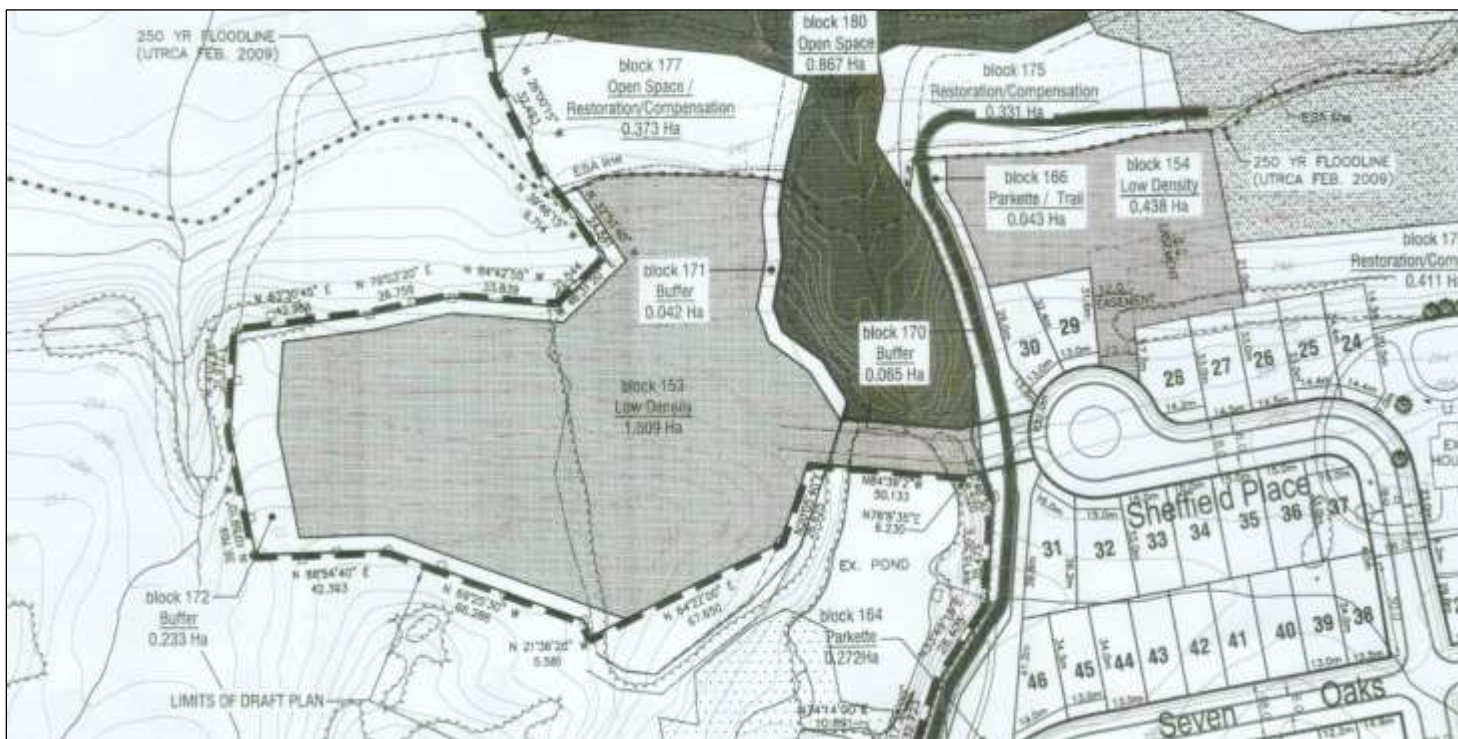


**2.0 Description of Proposal**

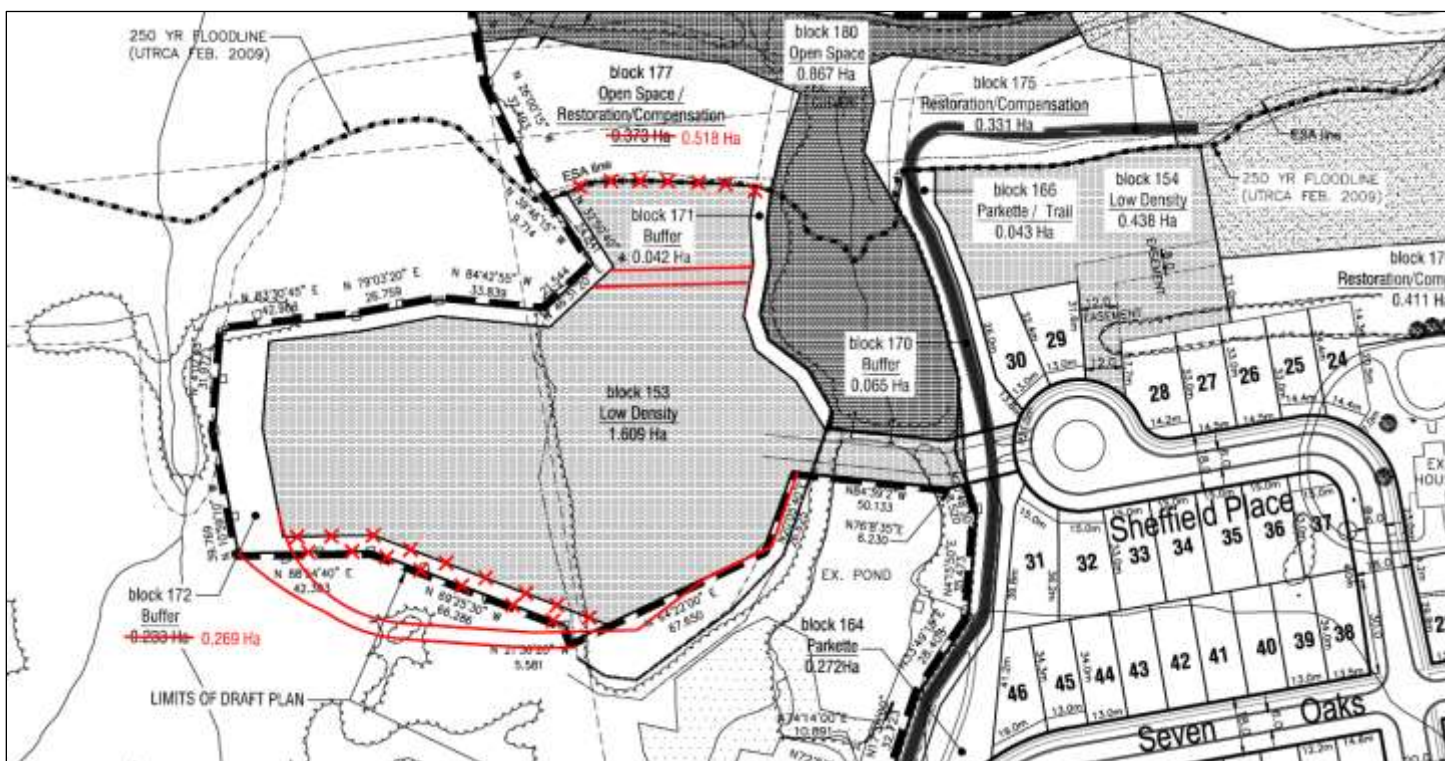
**2.1 Development Proposal**

Proposal to rezone a small area (0.169 hectares) along the southerly portion of Block 153 to permit single detached cluster housing, and to rezone an equivalent area on the northerly portion of Block 153 to permit open space uses; together with minor adjustments to the block limits, as shown on the draft-approved plan below. The lands at 2835 Sheffield Place (Block 153) are the subject of applications for Draft Plan of Vacant Land Condominium and Site Plan Approval for 30 single detached cluster housing units – (File No. SPA17-062 - Sifton Properties Limited).

**2.2 Current Draft-Approved Plan - Block 153**



**2.3 Proposed Revisions to Draft-Approved Plan – Block 153**





### 3.0 Relevant Background

#### 3.1 Planning History

On January 19, 2012, the City of London Approval Authority granted draft approval to the plan of subdivision submitted by Sifton Properties Limited, known as “Victoria on the River”; located on the north side of Commissioners Road East, west of Hamilton Road, and south of the Thames River (File No. 39T-09502). The draft plan consisted of 133 single family lots, one (1) multi-family, high density residential block, four (4) multi-family, medium density residential blocks, two (2) multi-family, low density residential blocks, one (1) commercial/office/mixed use block, seven (7) park blocks, seven (7) open space blocks, one (1) stormwater management facility block, and nine (9) reserve, easement and road widening blocks, served by a primary collector road extending north from Commissioners Rd. East, and four (4) internal local streets. The plan has undergone a number of red-line revisions over time as development progressed in phases. Phase 1 was registered as Plan 33M-672 on July 31, 2014; Phase 2 was registered as Plan 33M-688 on November 19, 2015; and Phase 3 was registered as Plan 33M-707 on November 16, 2016. The fourth phase of the subdivision draft plan incorporating lands along the Commissioners Road East frontage is expected to be submitted for final approval shortly. To date there have three (3) vacant land condominium registrations take place on multi-family residential blocks within the development.

#### 3.2 Requested Amendment

Zoning By-law Amendment - An amendment to change the zoning of lands adjacent the southerly portion of Block 153 from an Open Space Special Provision (OS5(3)) Zone and a holding Open Space (h-2•OS4) Zone to a holding Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) Zone to permit cluster housing in the form of single detached dwellings; and to change the zoning of lands on the northerly portion of Block 153 from a Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) Zone to an Open Space Special Provision (OS5(3)) Zone. The request also includes an amendment to the Residential R6 Special Provision (R6-2(11)) Zone to add special provisions for lot frontage of 12 metres minimum, lot coverage of 35 percent maximum, rear yard setback of 4.5 metres minimum, and interior side yard setback of 3.0 metres minimum (Note: The current R6-2(11) zone already contains a regulation for lot frontage of 12 metres minimum).

Red-line Revisions to Draft Plan – Revisions are proposed to Block 153 to correspond with the requested zoning changes as noted above. This will result in a slightly reconfigured block having the same development area, and will also result in creation of a new Open Space block.

Draft Plan of Vacant Land Condominium - Consideration is requested of a proposed draft plan consisting of 30 single detached dwelling units and common element to be registered as one Condominium Corporation.

#### 3.3 Community Engagement (see more detail in Appendix B)

Comments/concerns received from the community are generally summarized as follows:

- The proposal will generate too much traffic on this quiet cul-de-sac street.
- Access should be provided from another street, such as Commissioners Road East, rather than Sheffield Place.
- Will be impossible for this street to safely support this much traffic. With the young children that live on Sheffield Place, this will create hazardous situations.
- Concern the proposed access driveway will require draining or disrupting an adjacent pond, and impact the habitat for snapping turtle and other wildlife.

#### 3.4 Policy Context Summary (A detailed policy analysis is provided in Appendix C)

##### Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) policies and objectives aimed at:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and,
3. Protecting Public Health and Safety.

The PPS contains strong policies regarding the importance of promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents (Sections 1.1 and 1.4). The policies for Settlement Areas require that new development should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Section 1.1.3.6). The PPS recognizes the importance of the Province's natural heritage resources, and the long term protection of natural features and areas (Section 2.1.1). Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified as significant wetland and significant wildlife habitat, 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 (Section 2.1.8)

### **The London Plan**

The subject lands are located within the Neighbourhoods Place Type in The London Plan. The range of primary permitted uses include single detached, semi-detached, duplex, townhouses, secondary suites, home occupations, and group homes. Consideration has also been given to Old Victoria Community specific-area policies under Section 1000, as well as the general policies of the Our Strategy, Our City, City Building and Design, Neighbourhoods Place Type, and Our Tools sections. An excerpt from The London Plan Map 1 – Place Types is found at Appendix D.

### **Old Victoria Area Plan**

The Old Victoria Community Planning Area policies were incorporated into The London Plan under Specific Policies for Neighbourhood Place Types (Policies 1000 to 1011). The specific policy that has particular relevance here is as follows:

*1003\_In the northwest area of the Old Victoria community along the east Meadowlily Environmentally Significant Area and the Thames Valley Corridor, re-vegetation and ESA enhancement opportunities on the active agricultural fields below the flood plain and stable slope should be actively pursued. The intent is to restore ecological functions and provide a net benefit for the east Meadowlily ESA and the Thames Valley Corridor. In exchange, developable lands may be added to the adjacent Neighbourhoods Place Type, with access provided along the existing farm lane crossing at the north end of the existing farm pond. An environmental impact study shall determine the precise location and extent of the developable lands to be added and will be the basis for the design of street crossing of the watercourse.*

Block 153 and the surrounding lands have been the subject of numerous planning and environmental studies, including the Victoria Ridge Plan of Subdivision Environmental Impact Study (AECOM 2009) and the Victoria Ridge Plan of Subdivision Environmental Impact Study Addendum (AECOM 2013). The current proposal was accompanied by two EIS reports. The first EIS report is intended to provide supporting documentation for the proposed zoning by-law amendment that slightly modifies the development limits for Block 153. A second EIS report was prepared in conjunction with the Application for Site Plan Approval to address the proposed Block 153 development and its access from Sheffield Place.

### **1989 Official Plan**

These lands are designated “Low Density Residential” and “Open Space” on Schedule ‘A’ of the 1989 Official Plan. An excerpt from Land Use Schedule ‘A’ is found at Appendix D.



#### 4.0 Key Issues and Considerations

##### **4.1 Issue and Consideration # 1 – The proposal will generate too much traffic on this quiet cul-de-sac street.**

Sheffield Place is classified as a Neighbourhood Street and designed to carry local traffic volumes. There are currently 20 residential units served by this street. The proposed 30 unit development is not expected to contribute significantly to traffic volumes. Response received from the City's Transportation Planning & Design Division indicated no concerns regarding the zoning amendments and revisions to the draft plan for Block 153.

##### **4.2 Issue and Consideration # 2 – Access should be provided from another street, such as Commissioners Road East, rather than Sheffield Place.**

The parcel is constrained by its location adjacent the Meadowlily Wood ESA and there is no opportunity of providing an alternate public road access directly to Commissioners Road East.

##### **4.3 Issue and Consideration # 3 – Will be impossible for this street to safely support this much traffic. With the young children that live on Sheffield Place, this will create hazardous situations.**

The draft-approved plan always contemplated access to Block 153 would be provided from the bulb at the end of Sheffield Place. A public sidewalk is provided for pedestrians on Sheffield Place. The site plan approval process will ensure safe vehicular access is achieved. The proposed condominium entrance at Sheffield Place also intersects the TVP multi-use pathway crossing. Warning signs and possibly some form of physical barrier such as bollards should be installed in order to prevent conflicts between vehicular ingress and egress to the condominium and cycling/pedestrian movement on the pathway.

##### **4.4 Issue and Consideration # 4 – Concern the proposed access driveway will require draining or disrupting an adjacent pond, and impact the habitat for snapping turtle and other wildlife.**

The Victoria on the River Block 153 Site Plan Environmental Impact Study (prepared by AECOM) does address the pond-ravine crossing. The required works will involve the removal of the existing berm and reconstruction of an earthen berm with side slopes having a grade of 2.5:1. The existing culverts that drain the pond will be replaced by a controlled outlet structure. The proposed crossing berm has been aligned to minimize encroachment into the forested ravine by keeping most of the berm fill into the agricultural pond. The total area of disturbance will be 0.24 hectares. This area includes: i) filling in an area of the pond and the associated vegetation removal along the pond banks at the north end of the pond; ii) the existing berm access lane, and iii) the fill and grading of the ravine slope associated with the reconstruction of the earthen berm to support the future access road.

It was recognized that with the filling of a portion of the agricultural pond there will be a loss of approximately 0.08 hectares of open water aquatic habitat. While the pond does not function as habitat for native fish species, it does provide habitat for turtles (Snapping Turtles and Painted Turtles) and frogs (Green Frog, Gray Tree Frog and American Toad). Since most of the pond area being filled is open water, it will likely have limited impact on amphibian habitat within the pond.

As noted in the Victoria on the River Block 153 Site Plan - Compensation and Restoration Plan, the pond and wetland south of the pond-ravine crossing provides various opportunities for habitat enhancement. Included in these are: infill plantings of native wetland species and exposed sediment areas at the south end of the pond; installation of logs for turtle basking placed along the edges of the pond; edge and submergent plantings on the underwater shelf at the pond-ravine crossing in order to restore to provide riparian cover.

One of the recommendations of the Compensation and Restoration Plan features a “live wall” along portions of the north and south border of the proposed development between the condominium units and the buffer zone. A live vegetated wall is a natural alternative to a traditional retaining wall that can provide natural habitat with minimal impact to install. The installation of the proposed Envirolok walls (north wall and south wall) will blend into the existing grade and will be vegetated with a native seed and plant mix.

While in some instances retaining walls can impose a barrier to wildlife movement, the live walls aligned perpendicular to the Thames River corridor and fencing proposed for Block 153 allow for wildlife to move around the development block. Wildlife movement along the Thames River is facilitated by the compensation/restoration plantings in the floodplain and is not impeded by the live walls. Furthermore, any wildlife movement within the Meadowlily Woods ESA has ample opportunity to utilize ecological communities to the south and west.

**5.0 Conclusion**

The recommended zoning amendments and corresponding adjustments to the limits of Block 153 within a draft-approved plan of subdivision, and the proposed vacant land condominium, are considered appropriate, are consistent with the Provincial Policy Statement, and conform to The London Plan and the 1989 Official Plan. The proposal will permit a 30-unit, low density cluster housing development consistent with the intent of the subdivision plan, and is compatible with the surrounding land use pattern.

<b>Prepared &amp; Recommended by:</b>	<b>Larry Mottram, MCIP, RPP</b> <b>Senior Planner, Development Planning</b>
<b>Reviewed by:</b>	<b>Lou Pompilii, MCIP, RPP</b> <b>Manager, Development Planning</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P. Eng.</b> <b>Managing Director, Development and Compliance Services and Chief Building Official</b>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

December 17, 2018

GK/PY/LP/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\1- January 7\PECreport - 39T-09502, Z-8793 and 39CD-18502 - 2835 Sheffield Place - Block 153.docx

**Appendix A**

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

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 2835  
Sheffield Place.

WHEREAS Sifton Properties Limited has applied to rezone an area of land  
located at 2835 Sheffield Place, as shown on the map attached to this by-law, as set out  
below;

AND WHEREAS this rezoning 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 2835 Sheffield Place, as shown on the attached map, from an Open Space Special Provision (OS5(3)) Zone and a Holding Open Space (h-2•OS4) Zone to a Holding Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) Zone; and, from a Holding Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) Zone to an Open Space Special Provision (OS5(3)) Zone.
- 2) Section Number 10.4 of the Residential R6 Zone is amended by deleting the current special provision R6-2(11) and replacing it with the following new special provision:

) R6-2(11)

a) Regulations:

- i) Lot Frontage (Minimum) 12.0 metres
- ii) Rear Yard Depth (Minimum) 4.5 metres
- iii) Interior Side Yard Depth (Minimum) 3.0 metres
- iv) Lot Coverage (Maximum) 35%

**File: 39T-09502 / Z-8793 / 39CD-18502**

**Planner: L. Mottram**

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

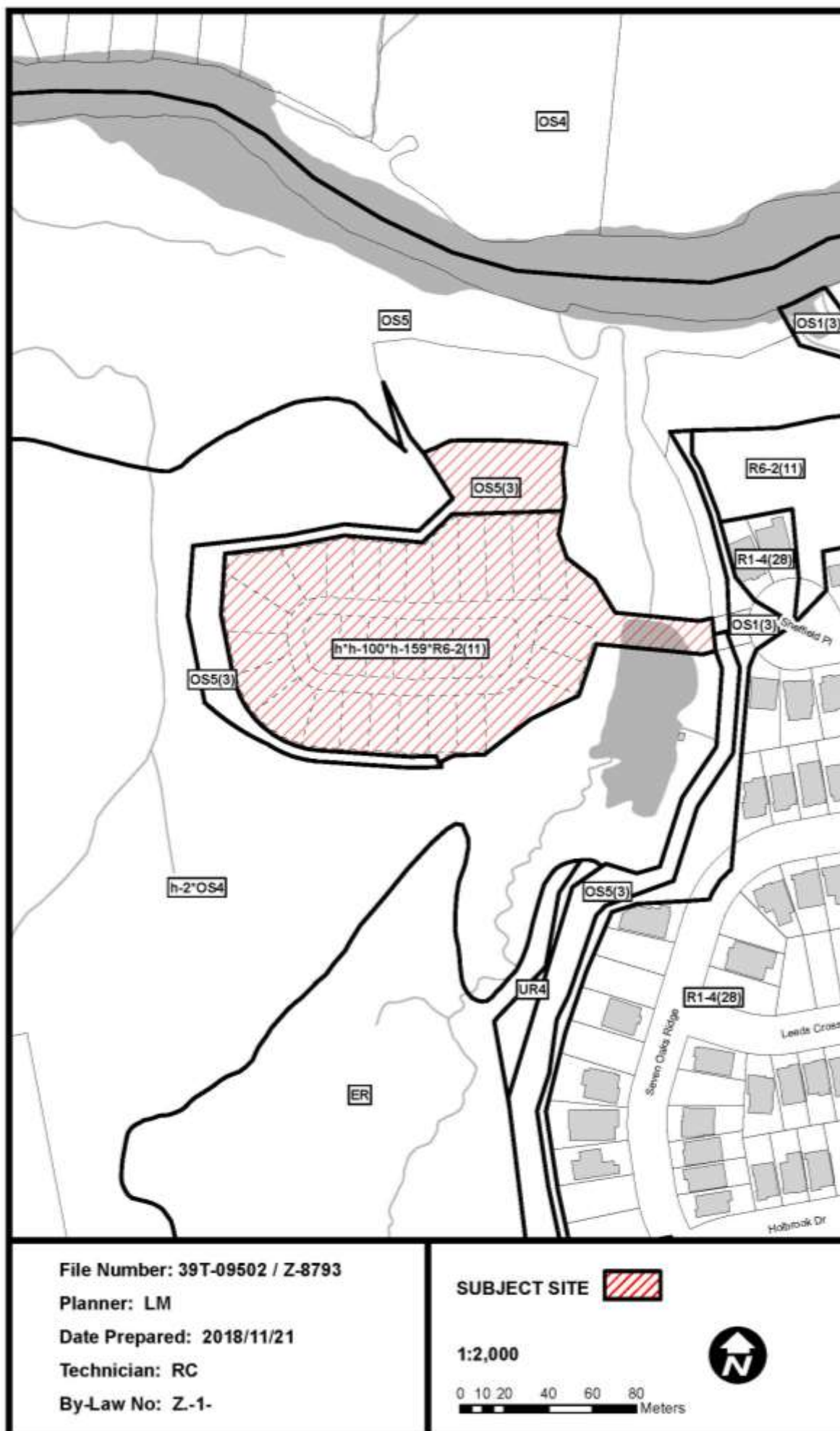
PASSED in Open Council on January 15, 2019

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

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

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



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On September 5, 2017, Notice of Application was sent to 39 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 14, 2017.

**Responses:** 5 written replies received.

**Nature of Liaison:** To rezone a small area (0.169 hectares) along the southerly portion of Block 153 to permit single detached cluster housing, and to rezone an equivalent area on the northerly portion of Block 153 to permit open space uses; together with minor adjustments to the block limits as shown on the draft plan. Also, an amendment to the zoning to apply site-specific regulations for lot frontage, coverage, rear and interior side yard setbacks.

Possible Amendment to Zoning By-law Z.-1 to change the zoning of lands adjacent the southerly portion of Block 153 from an Open Space Special Provision (OS5(3)) Zone and a holding Open Space (h-2•OS4) Zone to a holding Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) Zone to permit cluster housing in the form of single detached dwellings.

Possible Amendment to Zoning By-law Z.-1 to change the zoning of lands on the northerly portion of Block 153 from a Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) Zone to an Open Space Special Provision (OS5(3)) Zone to permit such uses as conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, and managed woodlots.

Possible Amendment to the Residential R6 Special Provision (R6-2(11)) Zone to add special provisions for lot frontage of 12 metres minimum, lot coverage of 35 percent maximum, rear yard setback of 4.5 metres minimum, and interior side yard setback of 3.0 metres minimum.

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

- The proposal will generate too much traffic on this quiet cul-de-sac street.
- Access should be provided from another street, such as Commissioners Road East, rather than Sheffield Place.
- Will be impossible for this street to safely support this much traffic. With the young children that live on Sheffield Place, this will create hazardous situations.
- Concern the proposed access driveway will require draining or disrupting an adjacent pond, and impact the habitat for snapping turtle and other wildlife.

### Responses to Notice of Application and Publication in “The Londoner”

Telephone	Written
	Artur Kosinski – 2806 Sheffield Place
	Louise Falkenham – 2820 Sheffield Place
	Lijuan Zhao & Dishu Ding – 2803 Sheffield Place
	Steve Mohammed – 2815 Sheffield Place
	Terri Zuccherato – 2800 Sheffield Place

Dear Jared,

Hello my name is ARTUR KOSINSKI ,I live on 2806 Sheffield Pl.

My concern about this new multi unit development is not about it being built but it is about the road that will be connecting Sheffield Place and the new development. If this is going to be approved by the city council, we are going to get 60 or more extra cars going through Sheffield Place everyday. Why can they not connect the new development to commissioners road directly. When me and my neighbours were buying our homes we had assumed that since we lived on a road that ended with place it would not be connected to any other road and would be the end of the street. Also the map that was provided to us for our street showed that there was a closed off roundabout at the end of our street which showed a court. The court by definition is the end of the road.

I would like to know what parameters they used for the environmental study that was conducted and what were the results of that study.

Thank you for your time and your patience. I hope to hear back from you soon!

Sincerely,

Artur Kosinski

Jared,

I live at 2820 Sheffield Pl. We purchased the property knowing there was proposed development for multi family but never expected 30 housing units. We considered our Cul de Sac would be a low traffic area. The impact of this cluster housing would totally ruin our quiet area. When we purchased our forever home we expected the street to be quiet, not a major intersection. We sincerely hope that the proposal does not get accepted. Could you please present this as a serious concern.

Best regards,

Louise Falkenham

Good morning Jared,

My husband (Dishi Ding) and I (Lijuan Zhao) would like to make comments that we strongly disagree with this proposal. This plan was never mentioned when we picked a lot to have our home built. We love the quiet street and beautiful view which is why we picked home in this street and paid for living in this street. This proposal will bring much impact on our daily living, please represent us to fight against it.

Thank you and your help is much appreciated.

Best regards,

Lijuan Zhao & Dishi Ding

2803 Sheffield Place

London N6M 0E5

Hello Mr. Mottram and Mr. Zaifman

Please accept this email as my formal request to decline the application for the Zoning By-law Amendment made by Sifton Properties Limited. I currently live at 2815 Sheffield Place, very close to the proposed entrance for Block 153. The following is a list of concerns that I hope will provide some background as to why the application should be rejected.

- **Natural Habitat for Endangered Snapping Turtles.** Perhaps the most important factor of all is that the proposed entrance off Sheffield Place requires that the pond that is adjacent be either drained or completely disrupted in order to construct a road. This pond, like the others in the immediate area is the home of Snapping Turtles, one of Canada's endangered species. Considering how little space exist between the pond and a very sharp 15 to 30 foot drop, there is no way of creating a wide enough road with the appropriately engineered structure to support automobiles without doing damage to the natural ecosystem. The photos below illustrate just how narrow and unstable that space is as well as a Snapping Turtle caught on camera.



- **Increased traffic volume with a single point of entry and exit.** Currently, there are approximately 14 homes on this street and with this, the street is often quite congested with many cars parking on the road when the residents have visitors. This often results in double parking which causes several traffic issues in this small area. With such a large volume of townhomes being proposed for Block 153, it is impossible for this street to safely support this much traffic. With the young children that live on Sheffield Place, this will create hazardous situations.
- **Current speeding down the street.** There are several non residence that drive down this street on a daily basis, often driving at excessive speeds. This is already a problem for the safety of the residents and with the expectation of at least 3 times the traffic volume, there is an extremely high risk that this area will become unsafe for the residents.
- **Unfair to existing residents who paid premiums.** One of the selling points of this street was the proximity to natural woods and the river. As such, several properties were sold at premium prices with the natural beauty being the attraction. Recently, Sifton levelled a large area for constructing condos. It is important to note that when I purchased my property, there were no indication of any condos in that area.

In the early morning hours, it is not uncommon to see either wild turkey or sometimes deer walking through that propose entrance. By turning that into a road to condos, this will drive the natural wildlife further away and considering that there are many land repurposing applications in progress between this location and Summerside, this will significantly reduce the amount of space for this wonderful wildlife to roam freely. By building this many homes so near to the water, it will destroy the natural ecosystem and impact the animals that depend on access to the river for water.

In conclusion, I humbly request that the application made by Sifton Properties Limited/File Number 39T-09502/Z-8793, be rejected. If this area must be developed, then Sifton should build an entrance on the other side of the pond and not connect through Sheffield Place. This area should be left in its natural state to allow the Snapping Turtles and other wildlife to survive in their natural habitat.

Thank you for your considering.

Regards

Steve Mohammed

This letter is being written in response to File 39T-09502/Z-8793 that is requesting to rezone 2835 Sheffield Place from "low density" and "open space" to "cluster housing".

Sheffield Place is currently a small cul-de-sac with 16 houses. This cul-de-sac sits at the end of the Victoria on the River subdivision where we have been informed via prior letter from the city that 5 additional condos will also reside. This street already receives a constant stream of traffic on what should expectedly and normally be a quiet area - or so I thought when I bought my house.

With the addition of the "cluster houses" being proposed, I cannot even imagine the traffic that will be expected, especially during busy morning and afternoon hours. I bought my lot/house because it was at the end cul-de-sac never expecting the population of houses going down this road to double nonetheless triple. One road to service the cul-de-sac plus the condos at 2010 Sheffield Place and now also the ones proposed at 2835 Sheffield Place. It infuriates me.

If this is approved I highly recommend entrance to these dwellings from a road other than Sheffield Place. I already have concerns that in an emergency all residents will not be able to get out of the one road out of the subdivision to Commissioners Road but,

now to add a cluster of houses at the end of my expected quiet cul-de-sac is anxiety building. Enough to make me want to move out of this location all together.

I feel that this letter will once again go on deaf ears as it honestly feels that no one truly listens to the residents of the City of London, let alone of a household within a new subdivision where the bottom line for the city is to generate money and not the satisfaction of it's tax payers.

Respectfully Yours,

Terri Zuccherato

2800 Sheffield Place

This amendment to my letter sent is being written to add that at the moment with the subdivision still in its early stages it is dangerous at best trying to get out of the area into Commissioners Road to go to work in the morning. There should for safety sake be a set of lights at this intersection. Commissioners is a speed of 80kms and getting busier everyday and trying to make a left is dangerous at good times. But when winter hits this will be tenfold and accidents are forthcoming. For the safety of everyone a set of lights at this intersection is very important to save injuries let alone lives.

Terri Zuccherato

**Agency/Departmental Comments (attached):**

1. Upper Thames River Conservation Authority

UTRCA advises that they still have some outstanding comments and concerns as outlined in their recent response with respect to the supporting technical studies for the proposed development. However, at this stage they are of the opinion that these matters can be addressed through their Section 28 permit process. UTRCA final approvals are still required in order to clear conditions of draft plan of subdivision and removal of holding zone provisions.

2. EEPAC Working Group comments to PEC dated October 19, 2017, revised October 23, 2017

Recommendations provided by EEPAC regarding the environmental impact studies have been forwarded to the consultant (AECOM) for consideration and response. AECOM has recently prepared a report entitled Compensation and Restoration Plan Victoria by the River Block 153 Site Plan dated November 9, 2018. In this document they have attempted to provide further clarification as well as provide additional compensation, restoration and enhancement measures to what was previously recommended in the Victoria on the River Block 153 Site Plan EIS.



"Inspiring a Healthy Environment"



December 11, 2018

City of London - Development Services  
P.O. Box 5035  
London, Ontario N6A 4L9

**Attention: Larry Mottram** (sent via e-mail)

Dear Mr. Mottram:

**Re: File No. 39T-09502/Z-8793 – Revisions to Draft Plan of Subdivision & Zoning By-Law Amendment**  
**Applicant: Sifton Properties Limited**  
**2835 Sheffield Place, London (aka Block 153 - Victoria on the River Subdivision)**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether these lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

#### **PROPOSAL**

The applicant is proposing to rezone a parcel having an area of 0.169 hectares from Open Space (OS5) to a Residential R6 Zone to permit cluster housing and to rezone a portion of an area which is currently zoned Residential R6 to Open Space (OS5). Minor adjustments to the block limits in the draft plan are also proposed.

#### **CONSERVATION AUTHORITIES ACT**

As shown on the enclosed mapping, the subject lands are entirely regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of riverine flooding and erosion hazards and the area of interference surrounding a wetland. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

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**UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)**

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

The following policies are applicable to the subject lands:

**3.2.2 General Natural Hazard Policies**

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the Provincial Policy (PPS).

**3.2.3 Riverine Flooding Hazard Policies**

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

**3.2.4 Riverine Erosion Hazard Policies**

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

**3.2.6 & 3.3.2 Wetland Policies**

New development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

**3.3.3.1 Significant Woodlands Policies**

The UTRCA does not permit new development and site alteration in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA.

**TECHNICAL PEER REVIEW**

**ENVIRONMENTAL & ECOLOGICAL STUDIES**

The UTRCA has reviewed various Environmental Impact Studies (EIS) and submissions for the subject lands:

1. *Victoria Ridge Plan of Subdivision Environmental Impact Study* (AECOM, 2009)
2. *Victoria Ridge Plan of Subdivision Environmental Impact Study Addendum* (AECOM, 2013)

UTRCA Comments  
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3. ***Victoria by the River Block 153 Zoning By-Law Environmental Impact*** Study (AECOM, 2017)
4. ***Victoria by the River Block 153 Site Plan Environmental Impact Study*** (AECOM, 2017)

It is the Conservation Authority's understanding that the City of London has reviewed and approved these submissions.

The Conservation Authority has reviewed and provides its comments on the following submissions:

**Compensation and Restoration Plan Victoria on the River Block 153 Site Plan** (AECOM, November 9, 2018)

On June 27, 2018, AECOM updated a previous response table (February 15, 2018) to address the UTRCA's comments pertaining to the various EIS submissions and addendums for the proposed development (November 14, 2017, May 4, 2018 and June 4, 2018). Furthermore, AECOM provided two supplementary submissions. One letter dated November 13, 2018 was intended to respond to specific questions that were raised by the Conservation Authority during a meeting held on September 19, 2018. The second letter dated November 9, 2018 pertained to comments on the Compensation and Restoration Plan. Other than the following comments, all of the UTRCA's natural heritage/ecological concerns have been addressed. We have kept the numbering system from the June 27, 2018 response table for ease of tracking, and request that a final table with all comments/ clarification be compiled. This can be submitted as part of our Section 28 permit process. Our comments are as follows:

1. Thank you for the clarification as to how the amount and location of the compensation lands were derived. Although it is still our opinion the proposed compensation is not a net benefit, given that the CUT1 / CUM1-1 lands are located in an Environmentally Significant Area (ESA), we will defer to the City's decision on this matter.
2. Please discuss when the Terms of Reference for the monitoring plan will be developed, given that the compensation and restoration measures have been completed for Area 1.
3. Thru 7. Addressed. Thank you.
8. We do not agree that the proposed buffer zones I, II nor III are "buffers" given that the development will be occurring within an area currently identified as ESA. It is not appropriate to protect an ESA by removing a large portion thereof so that it can simply be replanted as a "buffer". Instead, we are of the opinion that it is more appropriate to call buffer zones I, II and III "bay" areas. We contend that these bay areas will likely experience significant negative impacts from the development as compared to areas situated further away. Lastly, in our opinion, these "bay" areas cannot be considered as compensation for the development as they are being created as part of the development and must be mitigated. Please address.
9. Thru 22. Addressed. Thank you.
23. The UTRCA anticipates that a draft homeowners guide will be prepared that includes recommendations about green waste, garbage disposal, release of non-native species such

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File No.39T-09502/Z-8793

as goldfish, impacts of domesticated animals, impacts of runoff from residential lots, road salts and runoff into the pond, non-native plants, etc.

24. As was discussed with the applicant, the UTRCA requires a large fence be installed around the proposed condo development, given its proximity to the boundary of the ESA, either as a condition of this approval or as a requirement in the Site Plan/Development Agreement.
25. All trails and pathways constitute development and should be kept outside of natural heritage features and their buffers. If this is not feasible, justification shall be required as to why this requirement cannot be achieved, accompanied by a compensation plan that addresses the amount of area as well as features and functions being lost to trail development.
26. Thru 28. Addressed. Thank you.
29. The UTRCA is still awaiting a response to our November 27<sup>th</sup>, 2013 (June 19, 2013) correspondence (enclosed) regarding the Victoria Ridge Plan of Subdivision EIS Addendum. Please address.
30. Thru 31. Addressed. Thank you.
32. Please prepare the floristic calculations without the invasive / non-invasive species and submit.

**Victoria on the River, Block 153 Comments on Ravine Crossing Option #1(Berm Widening Towards the Pond to Accommodate Road) – Response (Table) to UTRCA's letter dated September 14, 2018** (AECOM, November 22, 2018)

The UTRCA is generally satisfied with the provided natural heritage information however further recommendations are required for the natural heritage response with respect to the erosion control measures that are to be implemented (last row of table, page 5). How will the watercourse be accessed to install the temporary rock check dams and straw bale filters? This can be addressed through our Section 28 permit process.

The UTRCA is satisfied with the Engineering/Geotechnical information provided in the response table.

#### ENGINEERING SUBMISSIONS

The UTRCA has reviewed:

- i. ***Proposed Low-Density Development Stormwater Management Letter Block 153 Sheffield Place, London ON*** prepared by Development Engineering dated November 1, 2018
- ii. Sheet No.1 – 2835 Sheffield Place (SPA17-062) ***Existing Conditions and Erosion & Sediment Controls*** prepared by Development Engineering dated Nov. XX, 2018
- iii. Sheet No.2 – 2835 Sheffield Place (SPA17-062) ***Site Servicing Plan*** prepared by

UTRCA Comments  
File No.39T-09502/Z-8793

Development Engineering dated Nov. XX, 2018

- iv. Sheet No.3 – 2835 Sheffield Place (SPA17-062) **Site Grading Plan** prepared by Development Engineering dated Nov. XX, 2018
- v. Sheet No.4 – 2835 Sheffield Place (SPA17-062) **Notes and Details** prepared by Development Engineering dated Nov. XX, 2018

We offer the following comments which can be addressed through our Section 28 approval process:

1. The UTRCA continues to have concerns that a significant percentage of stormwater flows are to be directed away from the natural sub-catchment to the stormwater management facility constructed on the lands to the east of the subject block.
2. Please describe the process to mitigate the impacts of the removal of the existing 600 culvert. Specifically, please include erosion and sediment control (ESC) measures to be implemented for this preliminary stage of work.
3. Please clarify whether the rock check measures in the ravine are actually a "spreader" vs a check dam (as per OPSD 219.210). Also, please provide a cross-section of the feature showing the size and depth of the stone.
4. Please describe in detail how the proposed work will be carried out during normal flow conditions and indicate if a diversion plan will be required during a storm event.
5. Please consider doubling the row of straw bales proposed within the ravine system for erosion/sediment control for added reinforcement of this measure.
6. Further to item 2, please describe the process for all removals/access strategies and installation of the proposed erosion and sediment control measures within the ravine system downstream of the crossing including the access point.
7. Please note that it appears that only drawings 1 through 4 were provided for review. These drawings make reference to additional drawings (5 through 7) associated with work in the current pond area. Please provide these additional drawings for our review (note: we are aware that drawings 5-7 may not have been revised since June 13, 2017).
8. Please provide a comprehensive plan for erosion and sediment control within Block 153, given the steepness of the site. We expect to receive details regarding staging/phasing of ESC and various methods to be utilized, with an emphasis on a multi-barrier approach. As part of this plan, please include access/egress routes for construction equipment/materials and plans for monitoring/reporting on ESC installation, inspection, maintenance and upgrades where applicable.
9. Specs for mud mats have been included in the drawing set but none are shown as part of the ESC plan on the site. Please confirm whether or not there is an opportunity to utilize this measure.

5

UTRCA Comments  
File No.39T-09502/Z-8793

10. Final drawings shall be properly stamped, sealed and dated by an engineer.

#### WATER BALANCE

The UTRCA has reviewed *Water Balance Analysis – Victoria on the River – Block 153, London, ON* prepared by exp dated October 31, 2018. We offer the following comments:

1. Pre-development calculations are stated as 2663 cubic metres while post-development calculations show a volume of 1342 cubic metres. Please explain and provide justification on how this difference will be addressed under the proposed development condition (infiltration gallery). Also, please add the drawdown time for the infiltration gallery.
2. Under the proposed condition, please explain how the surplus flow will be conveyed downstream of the rear yard catch basin. Additionally, will any site-specific ESC measures be incorporated in the project?
3. Please confirm who will be responsible for the operation and maintenance of the infiltration gallery and whether there will be a manual produced to assist with this responsibility.

#### RAVINE CROSSING & RETAINING WALL

The UTRCA has reviewed the *Response to UTRCA Letter Ravine Crossing and Retaining Wall* prepared by exp dated November 9, 2018. We offer the following comments:

1. Please confirm that local soil conditions will be suitable to support the proposed retaining walls, to avoid future instability.
2. Please confirm who will be responsible for the maintenance of the live wall and whether a manual will be prepared to assist with this responsibility.

#### UTRCA COMMENTS – PROPOSED ZONES

In the notice of public meeting, it is indicated that the proposed Open Space OS5 (3) zone allows multi-use pathways. It is our understanding that the OS5 zone applies to important natural features and functions that have been recognized by Council as being of City-wide or regional significance. In this case it is the Meadowlily Environmentally Significant Area. "In order to protect the identified features and functions permitted activity is limited to a range of low-impact uses associated with passive recreation, conservation and ecosystem management."

The Zoning By-Law definition for "Passive Recreational Use" includes access trails, nature study, birdwatching, outdoor education and associated facilities. In our comments regarding the Compensation and Restoration Plan for the proposed development, the UTRCA has indicated that in our opinion, all trails and pathways constitute development and should be kept outside of natural heritage features and their buffers. Accordingly we recommend that the OS5 zone not permit multi-use pathways which typically are paved.



UTRCA Comments  
File No.39T-09502/Z-8793

**RECOMMENDATION**

As indicated, the UTRCA has outstanding comments regarding the supporting technical studies for the proposed development. However, we are of the opinion that that these matters can be addressed through our Section 28 permit process.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 293.

Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton  
Land Use Planner  
IS/TT/MSn/CC/cc

Enclosures –

- 1) UTRCA Regulations Mapping (please print on legal size paper to ensure accurate scales)
- 2)UTRCA November 27<sup>th</sup>, 2013 (June 19, 2013) correspondence regarding the Victoria Ridge Plan of Subdivision EIS Addendum

c.c. Sent via email -  
Applicant – Sifton Properties Limited  
UTRCA – Mark Snowsell, Land Use Regulations Officer

## Victoria on the River, Block 153

Site Plan EIS dated June 29, 2017, received by EEPAC August 24, 2017, ZBA Planning Rationale Report dated May, 2017 received by EEPAC September 15, 2017 (after request to Planner)

Reviewers: C. Dyck, S. Levin, R. Trudeau

Submitted to October 19th 2017, EEPAC meeting, revised October 23, 2017

### OVERVIEW - Achieving a Net Benefit

1. Consider if eliminating the controlled outlet would enhance the PSW.
2. Monitor the restoration sites for many years as restored areas are prone to invasive species for a long time.
3. Fencing areas which border the ESA prevents encroachment and contributes to a 'net benefit'
4. Educating homeowners about the presence of SARs and SWHs is crucial to achieving a 'net benefit'

### THEME #1 – Compliance with OP policy

3.5.18 of the OP indicates that *its intent is to restore ecological functions and provide a net benefit for the east Meadowlily ESA and the Thames River corridor.*

It is unclear how a net benefit is achieved. Section 5.1 of the Site Plan EIS starts by discussing the existing environmental impacts which seems to set a low bar for the restoration.

For example, the proposal is to create a controlled outlet for the pond at the new laneway.

### THEME #2 – Controlled Outlet

EEPAC would appreciate knowing why a controlled outlet is to be installed rather than letting the Tributary run freely. It would appear that before the pond was created, the extent of the wetland would have been larger. There is no commentary in the Site Plan EIS to address this. Did the proponent examine if a different design such as allowing the tributary to resume its natural flow, enhance the aquatic environment and the wetland feature?

**Recommendation 1:** The EIS not be accepted until a net benefit is clearly demonstrated to the satisfaction of the City and the UTRCA.

### Theme #3 - Official Plan mapping

Page 3 of the Site Plan EIS and the ZBA Report p. 3 of 16 note that the Official Plan designation does not reflect the results of the ESA boundary amendment as recommended and accepted in the Victoria Ridge Plan of Subdivision Environmental Impact Study (AECOM 2009). Appendix A2 of the ZBA report provides a copy of Map 4 from the Victoria Ridge Plan of Subdivision Environmental Impact Study (AECOM 2009) showing the recommended delineation of the Meadowlily Woods ESA in the Block 153 area and surrounding Victoria on the River subdivision lands.

VICTORIA ON THE RIVER, BLOCK 153

**Recommendation 2:** The Planning report for the ZBA include a recommendation to Council that the OP and London Plan be amended to reflect the ESA boundary as recommended by the Victoria Ridge Plan of Subdivision.

**Theme #4– Restoration Plan and Monitoring**

**Recommendation 3:** For the tributary, the best vegetation to plant on the stream banks would depend on the width of the watercourse, but you would ideally want something that is relatively fast growing and could provide adequate shading to protect the tributary from solar radiation. A good mix of grasses, shrubs, and trees would help to provide shade, run-off control, and habitat for invertebrates.

EEPAC is aware from the Site Plan EIS that work has been done in Area 1 and is considered successful. It is unclear to EEPAC what the plan was for that area and what the outcomes measures were that determined that the work was a success. Recommendation 16 on page 60 of the Site Plan EIS speaks to the development of an Environmental Monitoring Program prior to the commencement of construction. EEPAC recommends the following instead:

**Recommendation 4:** An Environmental Monitoring Program (EMP) be a condition of the development or site plan agreement. The Program must be to the satisfaction of a City Ecologist and the UTRCA. It should have clear outcome measures such as survival rates of trees and shrubs.

**Recommendation 5:** The EMP should have a monitoring period of no less than 5 spring seasons from the completion of plantings, with a particular emphasis on the Significant Wildlife Habitat. Ideally, monitoring would be by an independent consultant reporting to the City. The EMP must include requirements for watering new plantings during dry periods, warranties, replanting/reseeding requirements, invasive species management.

**Recommendation 6:** The plantings in Area 3 should be similar to the species in the FOD 6-5. It is unclear to EEPAC if the suggested list of plants listed on page 57 (EMP, #10, Site Plan EIS) is similar to the dominant species in this ecosite.

**Recommendation 7:** All trees that are planted must be 15 cm or greater at dbh and any trees that are lost to construction must be replaced at a minimum ratio of two for every tree lost.

**Recommendation 8:** All buffers must be planted and seeded consistent with the abutting vegetation in the ESA. If the development agreement allows for regeneration without active restoration, the agreement must include a condition that if the regeneration results in a majority being invasive species within 3 years, the proponent must initiate active restoration.

**Recommendation 9:** Monitoring of the restoration planting should follow the regime suggested at the end of this report from the Nature Conservancy, noting the City's standard time frame is likely insufficient:

VICTORIA ON THE RIVER, BLOCK 153

**THEME #5 – OTHER PARTS OF PROPOSED ENVIRONMENTAL MANAGEMENT PLAN**

Page 10 of 16 of the ZBA report notes: "The boundary of the Site Plan and ESA buffer along the rear (and where relevant, side yards) shall be fenced (without gates) to prevent the encroachment and access of ESA lands from Block 153 residential lots." EEPAC agrees. The recommendation for fencing is included with other recommendations on page 17 of the ZBA EIS:

*In order to further ensure minimal to negligible impacts, we recommend the following mitigation measures:*

*Rear yard fencing to prevent residents from entering ESA lands from rear yards;  
Shielded or other forms of lighting that reduce light impacts on adjacent ESA lands;  
Condominium by-laws that restrict access to ESA lands, disposal of yard waste in ESA lands, feeding of wildlife, etc.*

**Recommendation 10:** These recommendations from the ZBA EIS should be further detailed in Site Plan provisions or Conditions of Site Plan approval.

**Recommendation 11:** Recommendation #14 in the Site Plan EIS (p. 59) be amended to say fencing of the ESA – development limit be **required** to reduce encroachment into the ESA. This must be a requirement of either conditions of development or of site plan approval

EEPAC also proposes these additional steps which should also be considered conditions in the development agreement:

**Recommendation 12:** Turtle and / or Snake Crossing signs be installed at either end of the access to the condominium.

To deal with the indirect impact of human intrusion, In addition to the standard homeowner package and the condominium restrictions listed in Recommendation 15 of the Site Plan EIS on page 59, EEPAC recommends the following:

**Recommendation 13:** An information sign about the ESA and the species present be installed in a common area of the Condominium development. The text should be to the satisfaction of a City Ecologist and include the recently developed "cat brochure" and Living with Natural Areas.

**Theme #6: Remainder of Environmental Management Plan (Site Plan EIS)**

EEPAC is generally supportive of the recommendations except as follows:

**Recommendation 14:** Recommendation #6 of the EMP dealing with buffers should be strengthened by including monitoring of the buffer plantings in the proposed Monitoring Program.

**Recommendation 15:** Recommendation #7 should be strengthened to include the removal of non-native and invasive species as mentioned in the text on page 54 of the Site Plan EIS that precedes the recommendation.

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Recommendation #10 on page 57 indicates trees will be planted on the slope but there is no information about removal of trees or whether the new plantings will be of the same or similar species nor what mass will be lost and what mass will be planted to replace the loss. What is the compensation for the loss of forest species? (EEPAC notes there are no drawings showing existing mature trees - Appendix M just shows the extent of vegetation).

**Recommendation 16:** Recommendation #10 on page 57 of the Site Plan EIS should be revised to reflect EEPAC's concerns noted in the preceding paragraph.

As per page 18 of the ZBA EIS, the following be added to the EMP:

**Recommendation 17:** Provide increased wildlife habitat within through the installation of bird & bat boxes, sentinel rocks/perch posts and brush piles

**THEME #7 - Species at Risk**

**Recommendation 18:** As per Appendix K, page 21 of the Site Plan EIS, a species specific survey for the Eastern Ribbon Snake be conducted before construction starts. This must be added to Recommendation 18 on page 60 of the Site Plan EIS.

**Recommendation 19:** At least one snake hibernacula be included in the restoration area

As per Appendix K p. 23-4 and Appendix L, pp. 4 and 15, the following be required as part of Recommendation 17 on page on page 59-60 of the Site Plan EIS:

**Recommendation 20:**

- a. Sedimentation and erosion control measures be installed prior to any works within 30 m of aquatic or semi aquatic habitats, specifically, the pond and the MAM at the south end of the pond.
- b. Work take place outside of turtle overwintering and nesting season.
- c. Photos of the SAR turtles be posted with a number to call if turtles are encountered during construction. The # should be for the Species at Risk biologist (Scott Gillingwater) at the UTRCA.

**Theme #8 Existing Berm**

There is very little mentioned about the work to be done to remove and reconstruct the existing berm (see p. 41 of the Site Plan EIS). It is unclear if this is to support a future road or for some other purpose as no road is shown in any of the drawings or figures. Is it to remove the perched culvert to restore flow within the channel? It is not clear in either document.

It is unclear what compensation for loss of aquatic habitat immediately north of the existing lane way and loss of FOD6-5 (.13 ha) within the ravine north of the existing berm caused by the removal of the this berm. It appears from the Site Plan EIS that the removal of the existing perched culvert can improve function of the aquatic habit.

**Recommendation 21:** Plantings must be required to shade the water as well.

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It is unclear though if there is any compensation at the location of the existing berm. It is not included as one of the Compensation Areas shown on the various Figures.

**Recommendation 22:** This deficiency should be resolved before the EIS is accepted.

**THEME #9 – Construction conditions**

**Recommendation 23:** On site monitoring should occur when the weather forecasts any heavy rain events during the construction period (to avoid the potential for excess run off from piles of top soil)

**Recommendation 24:** Refueling and other activities listed on page 59 of the Site Plan EIS be 30 or more metres from the Significant Wildlife Habitat, the River and Tributaries.

**Recommendation 25:** Construction practices follow the Clean Equipment Protocol to reduce the chance of introducing/spreading Phragmites and other invasive species into the area.

**Recommendation 26:** Any construction must be outside the nesting season of bank swallows.

It is likely they are nesting in the banks of the river. Construction will change their foraging. Construction should not be permitted during this species nesting season at a minimum.

**Recommendation 27:** In constructing access road, consideration be given to permanent measures to reduce the chance of turtles climbing on to the road surface.

**Recommendation 28:** In constructing the access road, Best Management Practices be employed so that salt, sand and other road contaminants do not end up untreated into the watercourse or the pond.

**Theme #10 – ERRORS and OMISSIONS and OTHER**

**Recommendation 29:** The extent of the ESA should be clearly shown on all Figures. For example, Figure 1 in both EIS seems to suggest the limit of the ESA is just west of the Study Area. This is wrong.

**Recommendation 30:** There should be one air photo showing the total extent of the ESA and the PSW's within it, including the unevaluated wetlands to the east. Although this appears on B-1 which is included, it is not apparent to the casual reader.

**Recommendation 31:** The builder/condo corporation advise prospective buyers of the sensitivity of the ESA prior to purchase.

**Recommendation 32:** The UTRCA map should be in the main section with the other Figures rather than in an Appendix as it better shows the extent of the PSW.

**Recommendation 33:** There is a recommendation in the Dec 24, 2015 letter from AECOM to M. Zunti regarding removal of agricultural waste from within the ravine slopes. This should be included as a requirement provided it does not cause additional degradation to the slopes.

VICTORIA ON THE RIVER, BLOCK 153

**Appendix – Nature Conservancy comments on restoration:**

In the first summer, expect a range of non-native, common agricultural weeds, often annuals. In year two, expect to see these give way to the planted, native species. The objectives of restoration are first and foremost to establish as many native plant species as possible, and to not allow the establishment of non-native invasive species. Monitoring should focus on this. For example, look for autumn olive, buckthorn, quack grass and Canada thistle, common reed, and conduct monitoring to deal with them upon sight whenever possible. Looking for these species can be easier later on in the fall, as they remain green for longer than the native plants.

- We simply wander around and write down every species we come across; it might be useful to append some sort of abundance code, but again, a focus on what you need to know is important
- We need to know if we need to come back with a chainsaw or just loppers, and what sort of volume of glyphosate we might need, so we're not going to bother counting lamb's quarters, for example. For native species, we compare our list of observed species with our planting list.
- We are able to "get away with" a fairly low key monitoring approach like this because we do actually have a much more detailed system on one key restored site – we have 170 2 x 2 m plots set up, and have been collecting % cover for each species for 10 years now. We collect these data in the 3<sup>rd</sup> week of July (Norfolk County). We miss flowering season for asters and goldenrods, and similarly miss really early season stuff, but we do our best. This is fine, but does take a lot of time and our ongoing objectives with this work are something we are constantly trying to clarify. I don't necessarily recommend that every site needs such a detailed system – again, thinking hard about what you need to know is paramount.
- Some species do take a while to establish in an easily identifiable way. One example we have found of this is butterfly weed – it seems to take a few years to really show up. If you really need to know if every species you planted establishes, then you might consider checking in on the site for longer than just 2 years – 3 or even 4 years.
- If you are trying to create habitat for a specific species, via planting native plants, I would still recommend a focus on native vs non-native plants, especially early on, but you would also want to add in a check for your species of interest, and perhaps other components of its habitat e.g. structure, specific species composition, etc. This sort of data collecting might need to happen over several months – i.e. breeding bird season, fall, even winter.
- Photos are always good! Collect some actual data too, but take some pics from a few standardised angles each year.
- On a somewhat related note, I would also recommend that restoration sites are maintained with regards to invasives many years down the line. I appreciate how unrealistic this may be or seem, but restored areas are prone to invasive species for a long time, and I have seen several which had a lot of restoration money poured into them for 1 – 2 years, but then have been ignored and have turned into an autumn olive or buckthorn mess, which is of very limited value to anything.

## Appendix C – Policy Context

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

### **Provincial Policy Statement, 2014**

The proposal must be consistent with the Provincial Policy Statement (PPS) policies and objectives aimed at:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and,
3. Protecting Public Health and Safety.

These lands are located within the City's Urban Growth Boundary where adequate servicing capacity exists. A comprehensive land use plan to guide future development in this area was previously prepared and adopted by Municipal Council, referred to as the "Old Victoria Area Plan". The proposed revision to draft plan of subdivision and zoning amendment is in keeping with the Area Plan and meets the objectives of Section 1.1.1 of the PPS by creating healthy, liveable, safe, and sustainable communities by promoting efficient and resilient development patterns; accommodating an appropriate range and mix of housing; and is in close proximity to employment areas, recreational and public open space uses. The proposed development of low density residential cluster housing in the form of a vacant land condominium will make efficient use of land and municipal services, including water, sanitary sewers, and stormwater management facilities (Section 1.1.3.6).

The PPS recognizes the importance of the Province's natural heritage resources, and the long term protection of natural features and areas (Section 2.1.1). Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified as significant wetland and significant wildlife habitat, 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 (Section 2.1.8).

Block 153 and the surrounding lands have been the subject of numerous environmental studies prepared as part of the subdivision planning process. Separate environmental impact studies have been prepared as part of the zoning by-law amendment and site plan process. The EIS recommendations for protecting natural heritage features will be incorporated in the detailed site planning for the development of Block 153, including measures to enhance significant natural heritage resources through re-naturalization and restoration/compensation plans for lands within the Thames River Valley corridor and associated ravine and wetland features. There are no identified concerns for protection of agricultural, mineral aggregates, or cultural heritage and archaeological resources.

Therefore, the proposed revised draft plan, zoning amendments, and vacant land condominium are found to maintain consistency with the Provincial Policy Statement.

### **The London Plan**

The Our Strategy, Our City, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Zoning By-law Amendment, revised draft plan of subdivision, and proposed draft plan of vacant land condominium, contributes to achieving those policy objectives, including the following specific policies:



## **Our Strategy**

### **Key Direction #4 – Become one of the greenest cities in Canada**

- 3. Protect and enhance our Thames Valley corridor and its ecosystem.*
- 4. Protect and enhance the health of our Natural Heritage System.*

### **Key Direction #5 - Build a Mixed-Use Compact City**

- 4. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.*
- 7. Build quality public spaces and pedestrian environments that support walking.*

### **Key Direction #6 Place a new emphasis on creating attractive mobility choices**

- 1. Create active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities.*

### **Key Direction #7 Building strong, healthy and attractive neighbourhoods for everyone**

- 3. Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.*

## **Our City - The Thames Valley Corridor**

*123\_ Recognizing the important role of the Thames Valley Corridor, the following actions will be taken:*

- 4. Protect, enhance, and restore the natural and cultural heritage of the Thames Valley Corridor in all the planning we do.*
- 5. Protect and, where appropriate, enhance the aesthetic beauty of the Thames Valley Corridor.*
- 8. Develop a continuous multi-use pathway network connecting parks and natural areas along the Thames Valley Corridor as the outdoor recreational spine of the city.*

Lands adjacent the Thames Valley Corridor, which were formerly in agricultural use, are being restored and renaturalized as part of this development proposal. The actions being taken will contribute to protecting the ecological function and natural beauty of the corridor. The subdivision plan also incorporates a portion of the Thames Valley Parkway (TVP) multi-use pathway system.

## **City Building and Design Policies**

*243\_ Public facilities, parks, trails, seating areas, play equipment, open spaces and recreational facilities should be integrated into neighbourhoods to allow for healthy and active lifestyles.*

*253\_ Site layout should be designed to minimize and mitigate impacts on adjacent properties.*

*254\_ Site layout, and the corresponding building design, should respond to the topography of a site.*

The subject lands have access to the TVP multi-use pathway at the entrance to the site. The multi-use pathway was specifically planned to integrate the neighbourhood with parks and recreational facilities and the larger open space system. The subject site is a relatively isolated parcel surrounding by open space. The design and layout of cluster single detached homes in the form of a vacant land condominium will be compatible with and should not impact adjacent properties on Sheffield Place.

During the pre-consultation, City staff expressed a preference for a lotting pattern that would result in back-to-back units, rather than the currently proposed loop road system which encircles the central tier of lots. While acknowledging that would typically be a preferable layout, the applicant indicated that they reviewed the city's suggested alternative concept and believe it is impractical due to the grading constraints associated with the natural elevation change across the site. The implications of pushing the internal condo road toward the south boundary result in doubling the retaining wall height requirements to 4+ meters that would run immediately adjacent to the road. The elevation of the road at the south property limit is limited by the maximum road slope on the north-south internal roads. The impact of revising the location of the road would be: greater retaining wall height, increased road slopes, increased road construction and servicing costs, reduced density and less efficient land use.

## Neighbourhood Place Type

### *Vision for the Neighbourhoods Place Type*

916\_ \* *In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:*

1. *A strong neighbourhood character, sense of place and identity.*
2. *Attractive streetscapes, buildings, and public spaces.*
3. *A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*
4. *Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*
5. *Lots of safe, comfortable, convenient, and attractive alternatives for mobility.*
6. *Easy access to daily goods and services within walking distance.*
7. *Employment opportunities close to where we live.*
8. *Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.*

The subject lands are within the "Neighbourhoods" Place Type permitting such uses as single detached, semi-detached, duplex, townhouses, secondary suites, home occupations, and group homes. Development in the form of cluster single detached dwellings as proposed falls within this Place Type, and represents an appropriate development form and intensity in this location. The proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identify, diversity of housing choices and opportunities for aging in place, safe and convenient alternatives for mobility, and close proximity to employment, parks, pathways, and recreational opportunities. \* *Policy subject to LPAT Appeal PL170100 - August 27, 2018*

## Environmental Policies

1308\_

4. *Enhance, protect and conserve the Natural Heritage System through well planned built form and community design.*
5. *Maintain, restore, monitor and improve the diversity and connectivity of natural heritage features and areas and the long-term ecological function and biodiversity of Natural Heritage Systems.*
6. *Encourage, through education and incentive programs, the cooperation of property owners in the maintenance of, or enhancement to, the naturalization of lands and the sustainable use of our Natural Heritage System.*

1378\_ *Potential naturalization areas are defined as areas where the opportunity exists to enhance, restore, or where appropriate, expand the Natural Heritage System. These areas may include lands suitable to create natural habitats such as wetland habitat,*

*pollinator habitat, wildlife habitat, or to compensate for trees lost to development. Locations identified as being suitable for the application of a naturalization strategy are identified as potential naturalization areas on Map 5. Not all potential naturalization areas have been identified on Map 5.*

As noted previously, environmental impact studies have been prepared to assist in addressing the Environmental Policies of The London Plan. The following excerpts taken from the Victoria on the River Block 153 Zoning By-law Amendment Environmental Impact Study (AECOM) summarizes the EIS findings and conclusions:

***“The potential impacts resulting from the Zoning By-law Amendment are restricted to two areas. The lands proposed for inclusion as Residential Zoning (0.169 ha) exist presently as cultural thicket vegetation (CUT1 – Mineral Cultural Thicket Ecosite) and the lands proposed for inclusion as Open Space exist presently as abandoned agricultural lands (0.169 ha).***

***With respect to the proposed Zoning By-law Amendment (Rezoning of OS5(3) & h OS4 to h.h-100.h.159 R6-2(11)), the removal of an additional 0.169 hectares of Cultural Thicket vegetation is not considered to result in a significant impact on the vegetation community, or wildlife habitat. This is based on the following:***

- 1. The small additional area to be removed and the non-native and invasive nature of the vegetation in the thicket community. The vegetation cover within the Mineral Cultural Thicket (CUT) community is > 80% shrubs of which the species composition is dominated by common buckthorn (an invasive shrub).***
- 2. The subject area does not provide habitat for, nor do there exist, Species at Risk within the subject area.***
- 3. The subject area does not provide Significant Wildlife Habitat or related functions.***

***The proposed Zoning By-law Amendment provides an opportunity for compensation for the loss of the vegetation community noted above in an equivalent area of presently abandoned agricultural land.***

***The area to be Rezoned from h.h-100.h-159 R6-2(11) to OS5(3) is recommended and proposed for ecological restoration in the form equivalent to that previously completed for lands immediately to the north, along the Thames River.”***

***“Based on the information presented in this EIS and nature of the proposed ZBA, we conclude that there will be no net negative impact to the features and functions of the Meadowlily Environmentally Significant Area (ESA).***

***Furthermore, with the implementation of the recommendations provided in this report, we anticipate a net environmental benefit.***

***The conclusion of net environmental benefit is based on the following:***

- 1. The small additional area to be removed and the non-native and invasive nature of the vegetation in the thicket community. The vegetation cover within the Mineral Cultural Thicket (CUT) community is > 80% shrubs of which the species composition is dominated by common buckthorn (an invasive shrub).***
- 2. The subject area does not provide habitat for, nor do there exist, Species at Risk within the subject area.***

**3. The subject area does not provide Significant Wildlife Habitat or related functions.**

**4. The area proposed for compensation, presently abandoned agricultural land, provides an equivalent area of restoration to address vegetation loss.**

**5. With the restoration of the compensation area situated immediately adjacent to the previously implemented compensation area, the riparian corridor of the Thames River in this area will be significantly enhanced.”**

The subject lands are shown as a potential naturalization area on Map 5 – Natural Heritage of The London Plan.

## Our Tools

### *Evaluation Criteria for Planning and Development Applications*

1578\_ 6.\* *Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:*

- a. *Traffic and access management.*
- b. *Noise.*
- c. *Parking on streets or adjacent properties.*
- d. *Emissions generated by the use such as odour, dust, or other airborne emissions.*
- e. *Lighting.*
- f. *Garbage generated by the use.*
- g. *Loss of privacy.*
- h. *Shadowing.*
- i. *Visual impact.*
- j. *Loss of views.*
- k. *Loss of trees and canopy cover.*
- l. *Impact on cultural heritage resources.*
- m. *Impact on natural heritage features and areas.*
- n. *Impact on natural resources.*

*The above list is not exhaustive.*

- Sheffield Place is classified as a Neighbourhood Street and is designed to carry local traffic volumes. There are currently 20 homes served by this cul-de-sac street. The proposed 30 unit development is not expected to contribute significantly to traffic volumes. The site plan approval process will ensure safe vehicular access is achieved. Response received from the City's Transportation Planning & Design Division indicated no concerns regarding the revision to the draft plan for Block 153.

- All required parking will be provided on-site.

- The proposed development is not expected to generate excessive noise and emissions.

- On-site exterior lighting can be managed and mitigated so as not to overcast on adjacent properties. The EIS recommends shielded rear yard lighting for residential units to prevent light impact on adjacent ESA lands.

- Individual dwelling units will have 2-car garages which should be large enough for storage of domestic garbage.

- The building area of Block 153 is setback approximately 75 metres in from Sheffield Place, and the intervening pond and wooded ravine lands provide additional buffering. There is expected to be minimal loss of privacy or visual impact for existing residents.

- The topography is moderately sloping down towards the Thames River to the north, and to the pond and ravine to the east. There will be minimal loss of natural view corridors or vistas. There is currently a narrow vista looking west from Sheffield Place across the former farm lane crossing. However, the lane was identified as a future access for residential development within the gap area as part of the Old Victoria Area Plan and subdivision approval process.

- A Tree Preservation Plan was prepared by AECOM and submitted with the application.

A total of 222 trees were surveyed and assessed by a Certified Arborist. 142 trees were rated in good condition, 54 in fair condition, 16 in poor/very poor condition, and 10 dead trees were found. Out of 222 trees, 157 are required to be removed as a result of the proposed grading. No Species at Risk (SAR) or species of local/regional rarity were observed. Trees to be preserved within 6.0 metres of the development block were identified as protection zones and will require installation of protective fencing prior to grading/excavation activities. Vegetation removal shall not commence until all required permits and approvals are obtained, and should take place outside of the breeding bird timing window (April 1<sup>st</sup> to August 30<sup>th</sup>). All recommendations within the plan are to be implemented as part of the Site Plan Approval.

- Environmental impact studies have been completed with respect to impacts of development on surrounding natural heritage features. There are no concerns for cultural heritage or natural resources. \* Policy subject to LPAT Appeal PL170100 - August 27, 2018

### **Old Victoria Area Plan**

The Old Victoria Area plan had identified a “gap” or pocket of cultivated land surrounded by ESA lands as having development potential in the northwest portion of the area plan. The area plan also identified an opportunity to expand this development area to the west if restorative/re-vegetation work was undertaken to the cultivated lands below the regulatory floodplain. This trade-off was intended to provide a net environmental benefit by restoring the ecological functions of the Meadowlily Corridor ESA that had been lost to farming and cultivation along the south side of the Thames River corridor while, at the same time, providing development opportunity in a cultivated area outside of the floodplain. The policy that was adopted by Council as part of the Old Victoria Area Plan and reflected in The London Plan, as well as the 1989 Official Plan, is as follows:

#### *ESA Restoration*

*1003\_ In the northwest area of the Old Victoria community along the east Meadowlily Environmentally Significant Area and the Thames Valley Corridor, re-vegetation and ESA enhancement opportunities on the active agricultural fields below the flood plain and stable slope should be actively pursued. The intent is to restore ecological functions and provide a net benefit for the east Meadowlily ESA and the Thames Valley Corridor. In exchange, developable lands may be added to the adjacent Neighbourhoods Place Type, with access provided along the existing farm lane crossing at the north end of the existing farm pond. An environmental impact study shall determine the precise location and extent of the developable lands to be added and will be the basis for the design of street crossing of the watercourse.*

The Block 153 lands and surrounding lands have been the subject of numerous planning and environmental studies, including the Victoria Ridge Plan of Subdivision Environmental Impact Study (AECOM 2009) and the Victoria Ridge Plan of Subdivision Environmental Impact Study Addendum (AECOM 2013). Those previous EIS reports provided the basis for environmental protection measures and compensation measures for the Block 153 subject lands, and the adjacent Victoria on the River subdivision. Since then, Sifton Properties Limited has successfully implemented compensation measures in the form of restoration seeding and plantings of native species, creation of pits and mounds, and installation of snake hibernacula.

The following EIS Reports were also prepared and submitted in conjunction with the applications for Zoning By-law Amendment and Site Plan Approval for Block 153:

- AECOM. May 24, 2017. Victoria by the River Block 153 Zoning By-law Amendment Environmental Impact Study. Prepared for Sifton Properties Limited
- AECOM. June 29, 2017. Victoria by the River Block 153 Site Plan Environmental Impact Study. Prepared for Sifton Properties Limited

A Compensation and Restoration Plan has also been prepared which summarizes the previous restoration activities completed to date, additional restoration recommendations, and restoration recommendations for the access lane to Block 153 in the following report:

- AECOM. November 9, 2018. Compensation and Restoration Plan  
Victoria by the River Block 153 Site Plan. Prepared for Sifton Properties Limited

The objective of the Compensation and Restoration Plan is to: i) compensate for habitat lost as part of the development gap expansion within Meadowlily Woods ESA, ii) to increase and provide contiguous riparian habitat along the Thames River, and iii) to compensate for and enhance vegetation and habitat lost as part of the pond-ravine crossing required to access Block 153. The main components of the recommended compensation and restoration measures are highlighted as follows:

#### **Area 1 – Compensation & Restoration Completed To-Date**

Cultivated areas within the ESA boundary along the Thames River were identified for restoration of a riparian and river corridor. In addition to the compensation for expansion of the agricultural gap in the ESA, the restoration provides a strengthened corridor along the river and provides surface water quality protection. The area of expanded development envelope within the ESA gap, not including the Zoning By-law Amendment area (Area 2), is 0.653 hectares and the restoration opportunity area is 0.9 hectares, not including any areas associated with the storm water management pond. This equates to slightly greater than 1:1 compensation on an aerial basis. As we included some net benefit of naturalizing the storm water pond, the compensation ratio is greater than 1:1.5.

#### **Area 2 – Compensation for the Zoning By-law Amendment Area**

In addition to the Area 1 compensation and restoration that has already been completed, an additional area, Area 2, is proposed for similar measures in order to compensate for the vegetation and habitat loss associated with the Zoning By-law Amendment for Block 153. The intent of the Zoning By-law Amendment is to provide a more functional block for development purposes, but also to increase the restoration of the corridor along the Thames River. This will provide increased wildlife habitat and corridor width through plantings of native species and provide cover for wildlife. Specific measures are recommended for managing invasive species and removal of non-native and invasive species, including removal of invasive plants within Area 2, and removal of buckthorn shrubs within an area that extends 30 metres from the Block 153 development limits.

#### **Area 3 – Compensation for the Pond-Ravine Crossing**

This is intended to compensate and restore areas disturbed by the pond-ravine crossing required to access Block 153. In addition to the compensation and restoration, enhancement of habitat within the pond south of the pond-ravine crossing and in the stream north of the pond leading to the Thames River is proposed. Restoration measures are illustrated on the Figure 3 excerpt from the AECOM report and include seeding, native vegetation and tree planting, installation of erosion control blanket on the newly created slopes at the pond-ravine crossing, pond-wetland enhancements, and naturalization/restoration opportunities in tributary between the pond-ravine crossing and the Thames River.

#### **Area 4 – Live Wall**

A live wall is recommended along portions of the north and south border of the proposed development between the condominium units and the buffer zone. A live vegetated wall is a natural alternative to a traditional retaining wall that can provide natural habitat with minimal impact to install (Envirolok 2012).

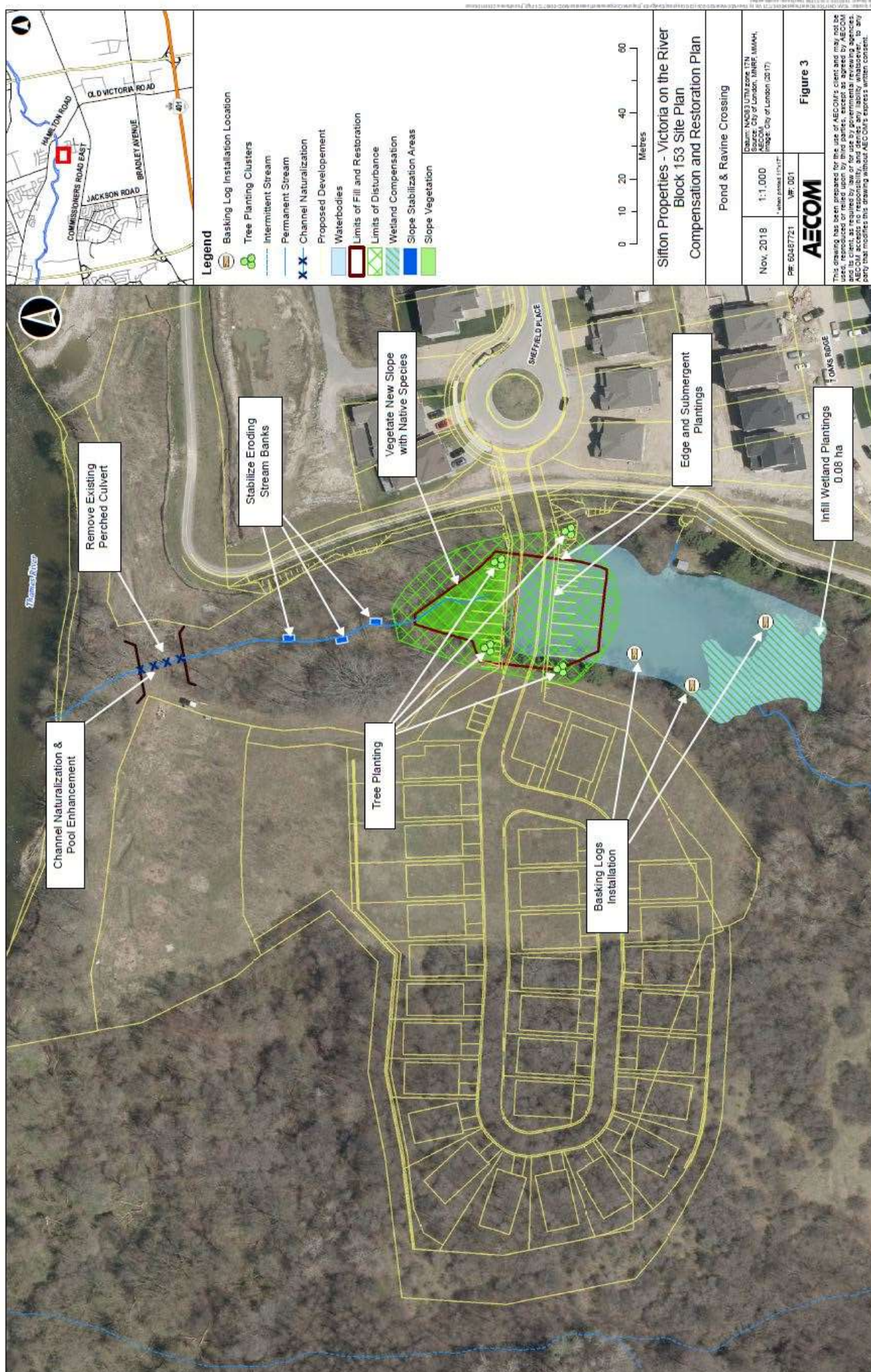
#### **Area 5 – Buffers and Adjacent Lands**

Recommendations for the ecological buffers identified for areas between the proposed development block and the surrounding Environmentally Significant Area (ESA) were provided in the AECOM. 2017 Victoria by the River Block 153 Site Plan EIS.

Figure 2. - Excerpt from Victoria on the River Block 153 Site Plan Compensation and Restoration Plan - Prepared for Sifton Properties Limited, AECOM November 9, 2018



Figure 3. - Excerpt from Victoria on the River Block 153 Site Plan Compensation and Restoration Plan - Prepared for Sifton Properties Limited, AECOM November 9, 2018





### **1989 Official Plan**

These lands are designated “Low Density Residential” and “Open Space” on Schedule ‘A’ of the 1989 Official Plan. The residential land use designation permits single detached, semi-detached, and duplex dwellings as the primary permitted uses up to a maximum density of 30 units per hectare. The proposal to develop Block 153 with 30 cluster single detached dwelling units will result in an overall density of 19 units per hectare which is within the density limits prescribed in the Low Density Residential policies.

### **Z.-1 Zoning By-law**

Block 153 is currently zoned Holding Residential R6 Special Provision (h•h-100•h-159•R6-2(11)) which permits cluster housing in the form of single detached dwellings with a maximum density of 20 units per hectare. The proposal to reconfigure the block will not change the total developable area and so on a yield basis the 30 dwelling units would remain the same. There is already a special provision in place for minimum lot frontage of 12 metres that was applied when the zoning for the subdivision draft plan was approved. The applicant has requested additional special provisions for rear yard depth of 4.5 metres minimum and interior side yard depth of 3.0 metres minimum (in place of 6.0 metres when the wall of a unit contains windows to habitable rooms). The yard setbacks are considered appropriate in this situation as the block is intended for development of low density cluster housing surrounded by open space, and will not create any issues with respect to privacy. The interior side yard depth of 3.0 metres is only required for Unit 1 in the condominium plan where a pinch-point was identified between the block limit and the northeast corner of the future building foot print. The 4.5 metre building setback would apply to the remainder of the units around the inside perimeter of the block.

The EIS submitted with the rezoning application did address the potential impacts of a reduced rear yard setback and concluded that given the nature of vegetation in the area immediately adjacent to the reconfigured Block 153, and the provision of ecological buffers ranging between 5 and 15 metres, it is considered to have minimal to negligible impact on the features and function of the adjacent ecological communities. The EIS also recommended additional mitigation measures, including rear yard fencing without gates to prevent residents from entering ESA lands from their private rear yard amenity areas, and shielded or other forms of lighting that reduces light impacts on adjacent ESA lands. These measures will be implemented through the approved site plan and landscape plan.

The request for a special provision to increase the maximum lot coverage regulation from 30% to 35% is considered appropriate and will not have the effect of reducing the amount of required landscaped open space (LOS). The site plan data indicates 50% LOS which is above the minimum zone requirement of 45%.

It is recommended that the holding provisions which currently apply to the zoning of Block 153 continue to remain in place until such time as a subdivision agreement or development agreement has been entered into; that provision has been made for adequate water service and appropriate access; and, that an Environmental Impact Study to address the potential impacts of the access laneway is completed to the satisfaction of the City and the UTRCA, prior to removal of the holding symbols.

### **Vacant Land Condominium Application**

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan, the 1989 Official Plan, and the Old Victoria Area Plan.
- Sewer and water services are available to service this site. Storm flows will outlet to Old Victoria SWM Facility #2.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, open space, and the TVP multi-use trail.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster single detached housing. Building elevation plans will be reviewed

as part of site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.

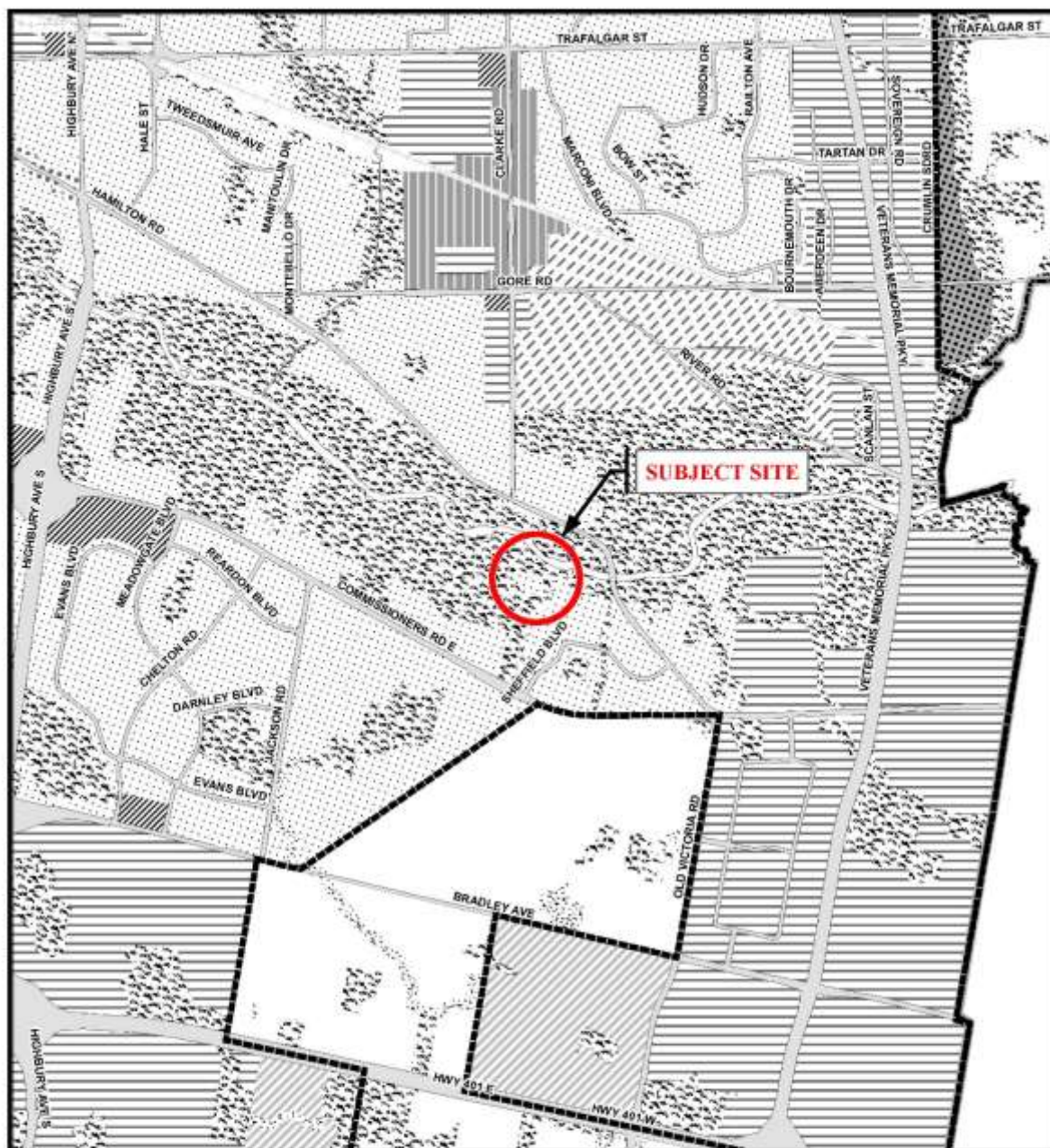
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage issues will be addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings to be included in an approved Site Plan and Development Agreement.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- Condominium Declaration includes provision that purchasers of units are to be provided with an education package prepared to the satisfaction of the City which explains the stewardship of natural areas, value of existing tree cover, impact of domestic pets on birds/wildlife, use of native plant species in landscaping, and minimal use of salt for de-icing driveways.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

**Appendix D – Relevant Background**

**London Plan Map Excerpt**



**Legend**

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

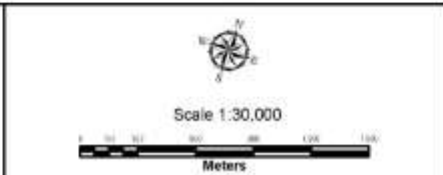
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations:*

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

**CITY OF LONDON**  
 Planning Services /  
 Development Services

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

PREPARED BY: Planning Services



**File Number:** 39T-09502 / Z-8793

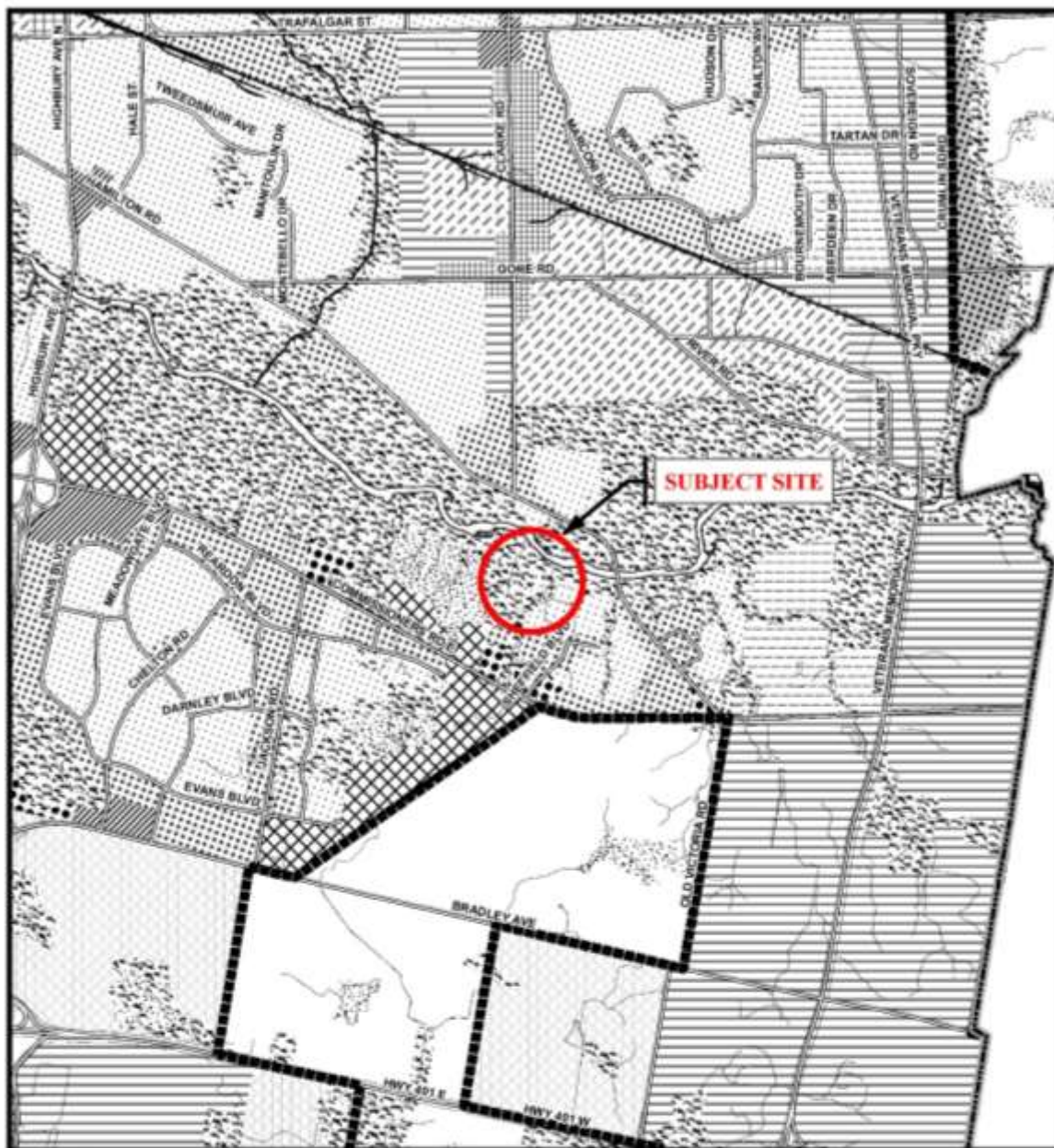
**Planner:** LM

**Technician:** RC

**Date:** September 04, 2018

Project Location: E:\Planning\Projects\p\_official\plan\work\conso\00\excerpts\_LondonPlan\10.3.1 Versions\mxd\Z-8793-EXCERPT\_Map1\_PlaceTypes\_b&w\_8x14\_Arc10.3.1.mxd

**Official Plan Map Excerpt**



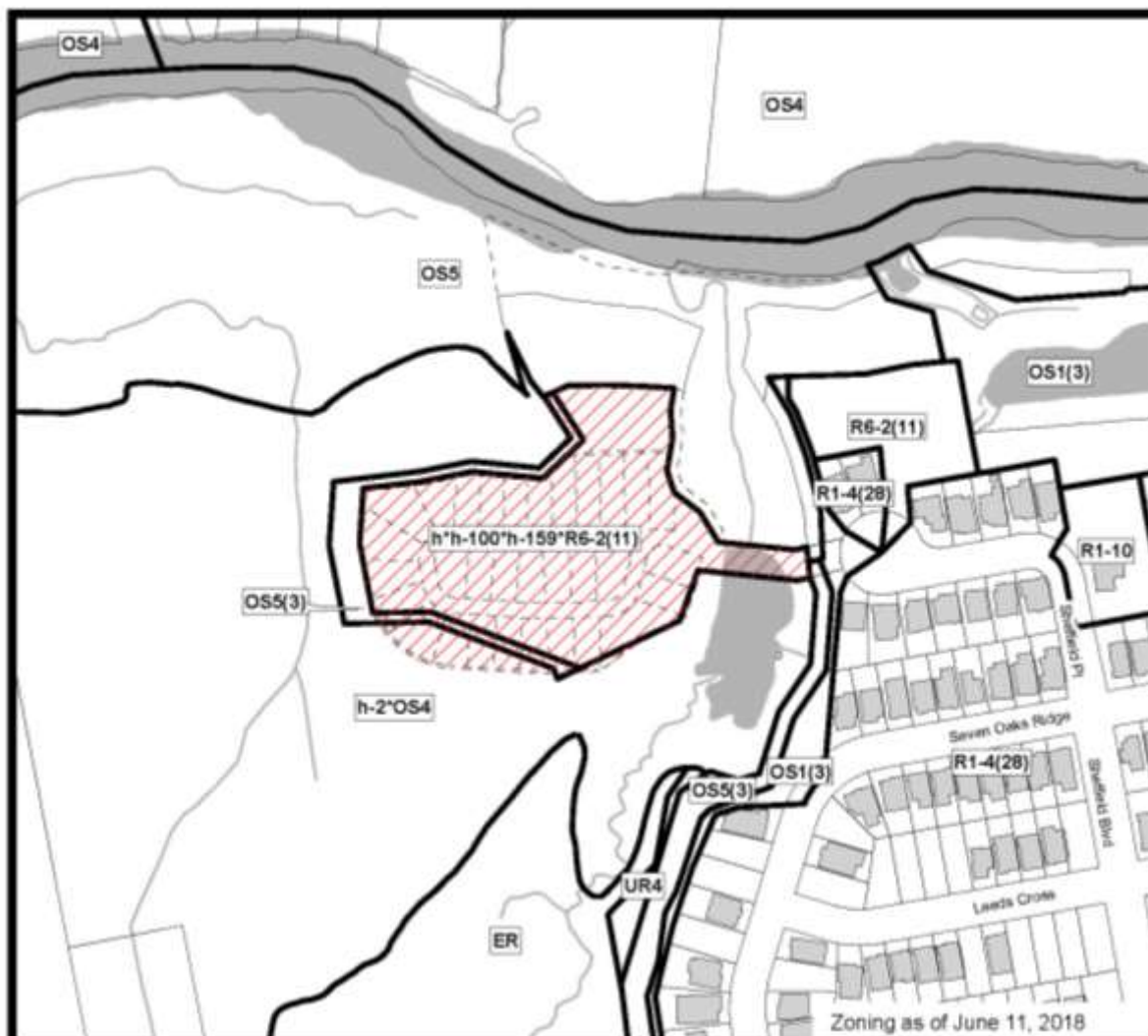
Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000 Meters</p>	<p>FILE NUMBER: 39T-09502 / Z-8793                  PLANNER: LM                  TECHNICIAN: RC                  DATE: 2015/09/04</p>
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PROJECT LOCATION: s:\planning\project\p\_officialplan\work\con\00\excerpt\mxd\_template\attached\66A\_66e\_8x14\_with\_SWAP.mxd

Zoning By-law Map Excerpt



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
39T-09502 / Z-8793 LM

MAP PREPARED:  
2018/09/04 RC

1:3,000  
0 15 30 60 90 120 Meters

**File: 39T-09502 / Z-8793 / 39CD-18502**

**Planner: L. Mottram**

**Additional Reports**

**September 10, 2013** – Planning and Environment Committee Public Participation Meeting – Application by Sifton Properties Limited for Revisions to Draft Plan of Subdivision and Zoning By-law Amendments for lands located at 1603 Hamilton Road, File No. 39T-09502 (also referred to as Sifton’s “Victoria Ridge” draft plan of subdivision) (Agenda Item #11).

**From:** Anne McEwan  
**Sent:** Wednesday, January 02, 2019 8:34 AM  
**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>  
**Subject:** Sifton Victoria on the River. - Block 153

Attn: H.Lysyncki

I hereby submit my concerns over the proposed Block 153 (Application File No. SPA17-062 - Sifton Properties Limited) File: 39T-09502 / Z-8793 Planner: L. Mottram (City Hall) 2835

Sheffield Place, Victoria on the River new subdivision.

If I understand from the plans, the vehicular entry from the present circle at the North end of Sheffield would be over a public present footpath and into Block 153. I would like a more detailed plan of this ingress/egress be made public - preferably before the meeting on 7th January 2019. I cannot fathom how a 2 lane road crossing a public pathway would not be a danger concern to residents and their children. The plans for this area (Block 153) include an asterisk alongside the area to the west, referencing a potential development area.

My concern for this proposed location for Block 153 ( 30 houses ) is the estimated amount of automobiles that would be accessing this area. 30 houses could have 30-60 cars total. Sheffield Place from Commissioners is the only access into Victoria to EVERY street in the subdivision. One more street (Kettering) is still to be accessed. It is a 2 lane Boulevard, the mail boxes are on the same street and school bus stops are also on the same street. Homes on Sheffield would therefore have that extra amount of traffic every day passing their front yards. This area has a young family population.

With the area built on 'terraces' ( original planning term ) we already have a problem with speeding on Sheffield - even with the one round-a-bout

Another of my concerns with this planned entry to the new homes would be the nature upset in regards to the present wild life, ecosystem and wetland habitat in and around the pond and also the area with the cluster of tiered bird houses. I can think of no other place with this beautiful nature reserve with such a close proximity to the residents of London to be enjoyed.

I can only imagine how long construction of these homes would take plus the heavy vehicles dominating the area for the same period of time. Is it feasible to suggest concentrating on new builds in another part of Victoria and holding off on the Sifton

condominium homes until that 'potential development area' is ready for implementing because that would include new street planning and could incorporate an entry from the west side rather than the east side. In that solution, one of the detached condominiums could be moved from the West side of Block 153 to the East side

I do hope all submissions will be heard at the upcoming meeting on Monday 7th January.

Thank you for your time  
Anne McEwan



## Report to Planning and Environment Committee

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

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

**Subject:** Application By: Forest Park (Sherwood Glen)  
7 Annadale Drive  
Public Participation Meeting on: January 7<sup>th</sup>, 2019

## Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions **BE TAKEN** with respect to the application of Forest Park (Sherwood Glen) relating to the property located at 7 Annadale Drive:

- (a) The Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 7 Annadale Drive; and,
- (b) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of 15 single detached vacant land condo units; and
- (c) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

## Executive Summary

### Summary of Request

The application for Draft Plan of Vacant Land Condominium for 7 Annadale Drive proposes the construction of fifteen (15) single detached cluster vacant land condo units on a portion of the former Sherwood Forest Elementary School property. The Site Plan Control application (SPA18-060) is for site matters including site layout and design, landscape treatment and services.

Eight (8) freehold single detached dwellings on the former Elementary School property are to be constructed on freehold lots, with four dwellings on each street, fronting onto Wychwood Park and Finsbury Crescent. These dwellings are not subject to public consultation.

The remainder of the former Elementary School property is to be developed as a park and is not part of the site plan application.

### Purpose and the Effect of Recommended Action

The purpose and effect of this recommendation is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium and Site Plan Approval.

## Rationale of Recommended Action

1. The proposed Vacant Land Condominium and Site Plan is consistent with the Provincial Policy Statement, which directs development to designated growth areas and that development be adjacent to existing development.
2. The proposed Vacant Land Condominium and Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.
3. The proposed Vacant Land Condominium and Site Plan is in conformity with the policies of the Low Density Residential designation of the Official Plan (1989) and will implement an appropriate form of residential intensification for the site.
4. Appropriate conditions of Draft Plan of Condominium have been applied to address provincial policy and matters of municipal interest.
4. The proposed Site Plan complies with the regulations of the Z.-1 Zoning By-law.
5. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located between Wychwood Park and Finsbury Crescent, with the portion of the site subject to public site plan review at the core of the property. The vacant land condo units have 14.4m of frontage on Wychwood Park to provide for a private road access to the interior of the site where 15 single detached units are proposed. Eight single detached dwelling are proposed, through this site plan application, which front, four each, onto Finsbury Crescent and Wychwood Park and are outside the area requiring public site plan review. The remainder of the former Sherwood Forest Elementary School property is to be developed as a park and is not part of this site plan application.

#### 1.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- Official Plan, 1989 Designation – Low Density Residential
- Existing Zoning – h-5\*R6-3(8)

#### 1.3 Site Characteristics

- Current Land Use – Vacant former elementary school site.
- Frontage – 14.4m
- Depth – 124m
- Area – 10,566.8 m<sup>2</sup>
- Shape – Irregular

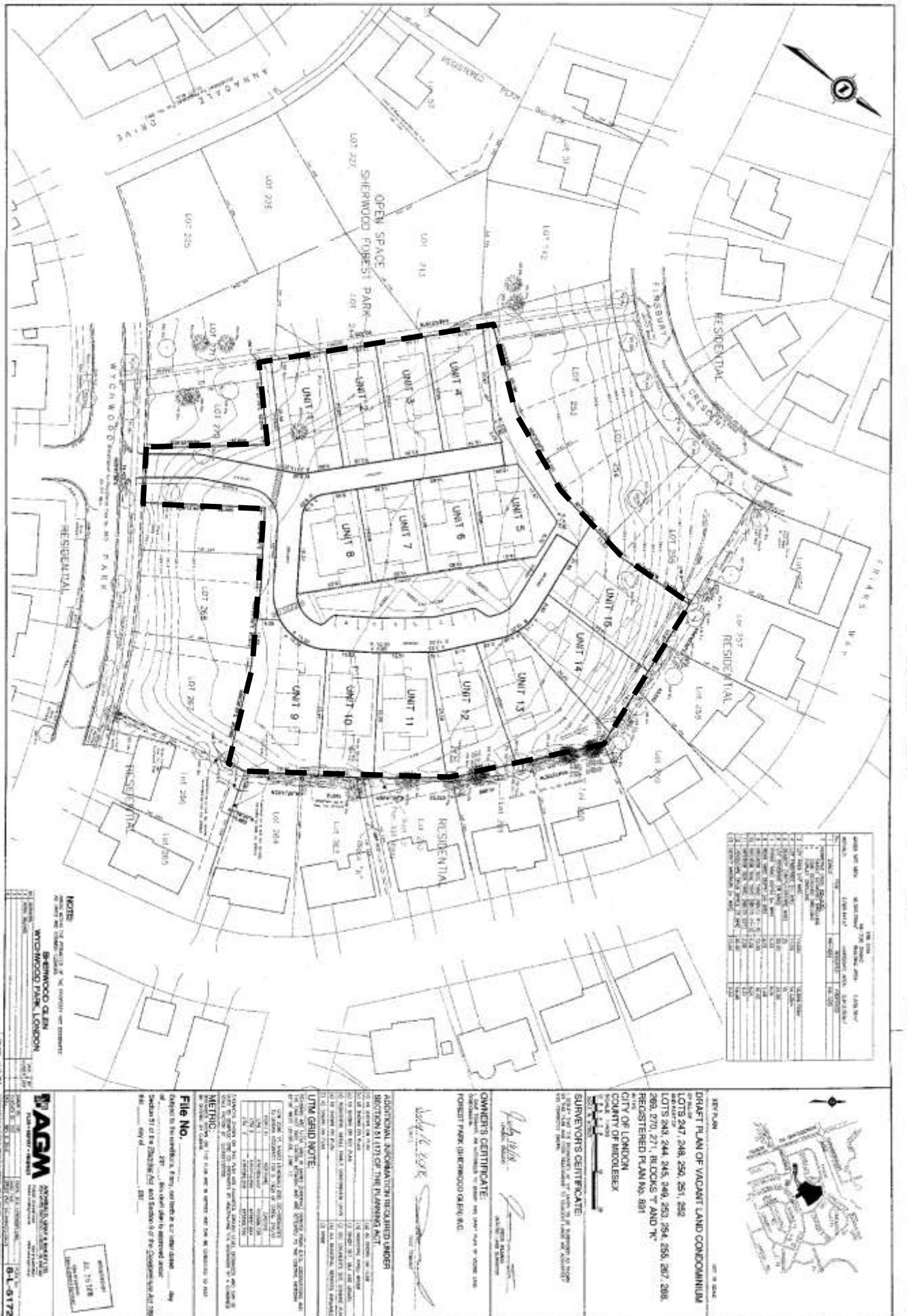
#### 1.4 Surrounding Land Uses

- North – Single Detached Dwellings
- East – Single Detached Dwellings
- South – Single Detached Dwellings
- West – Proposed park and Single Detached Dwellings

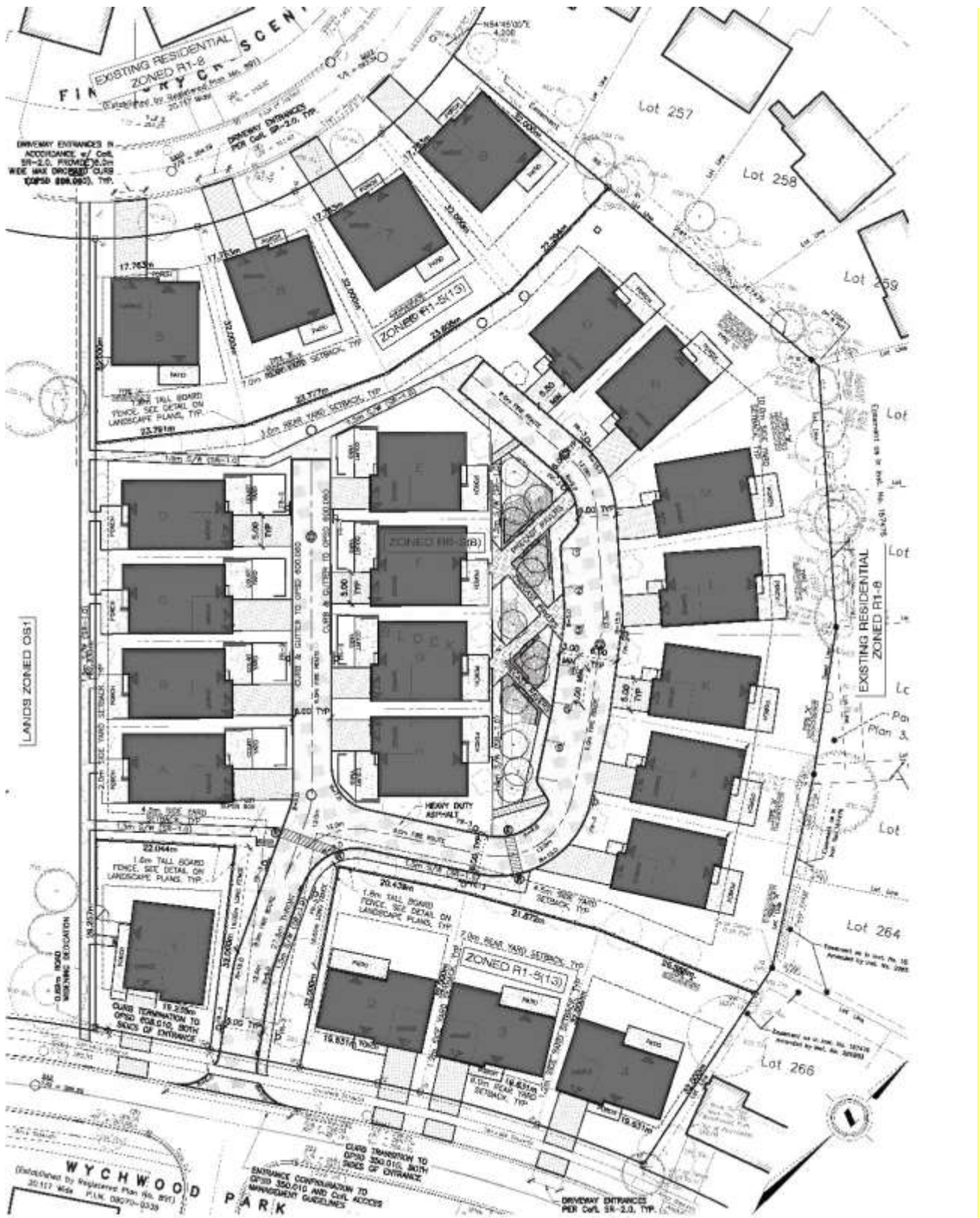
1.5 Location Map



1.6 Draft Plan of Vacant Land Condominium



1.7 Site Plan

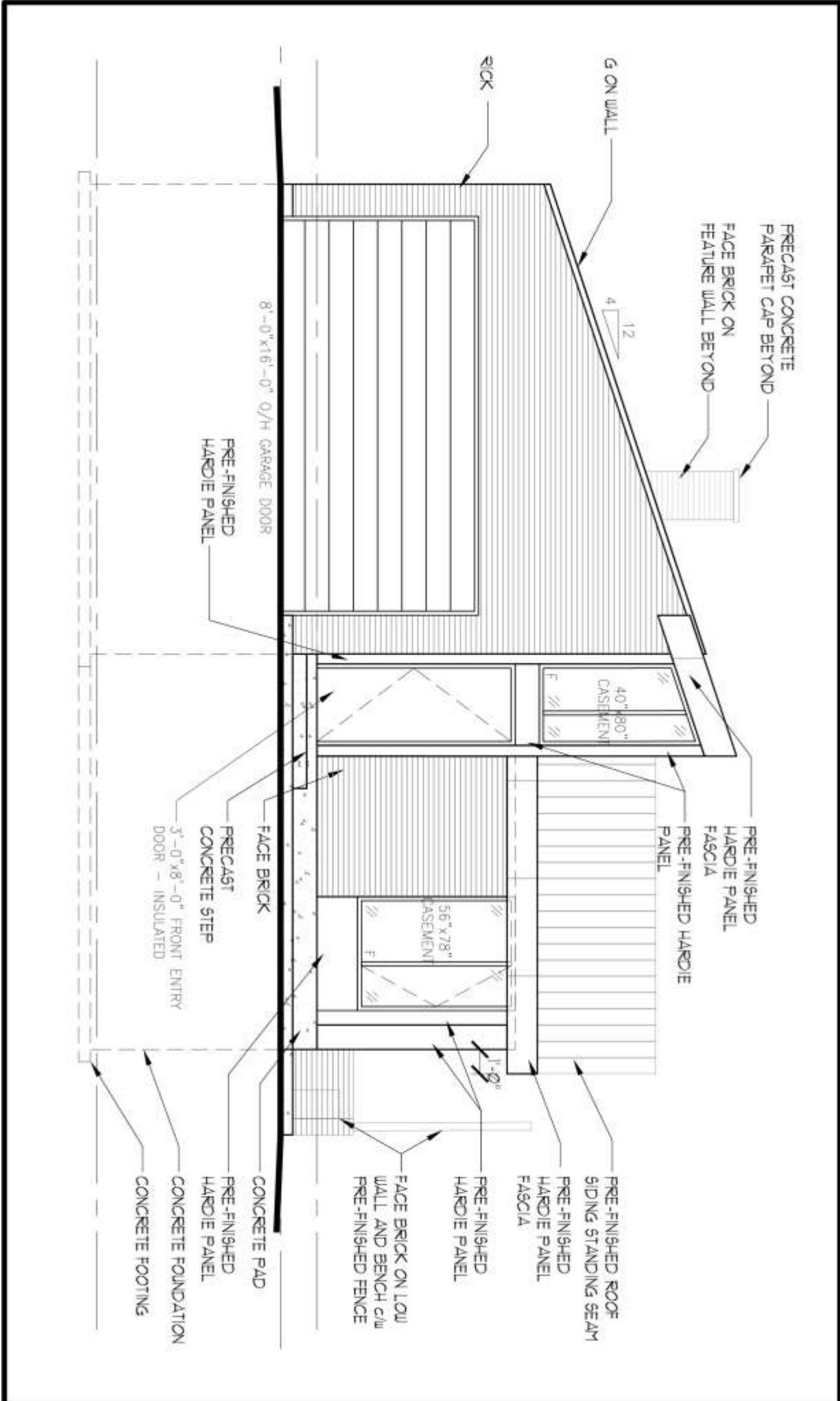


# 1.8 Landscape Plan



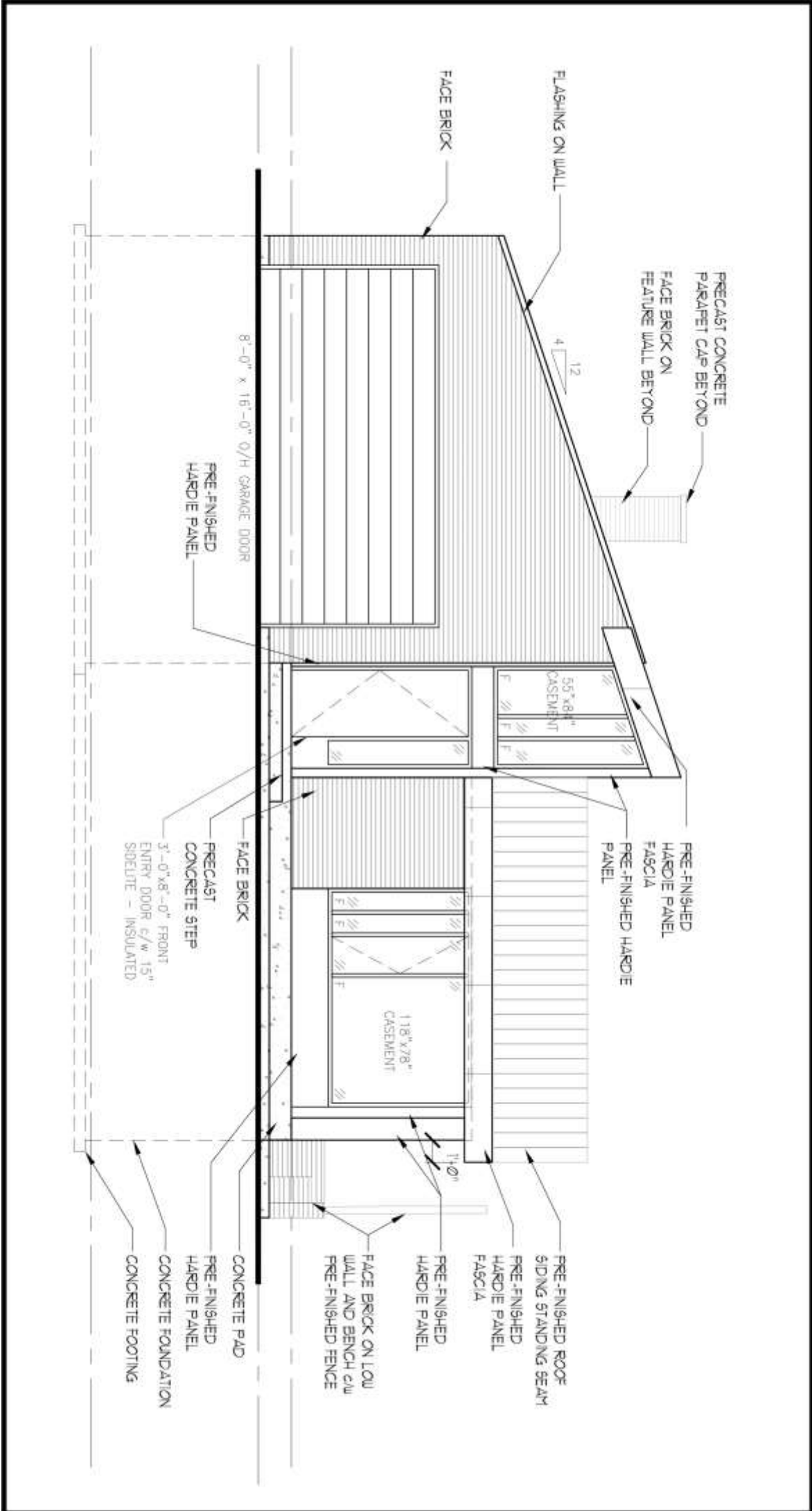


Elevation Unit Type One

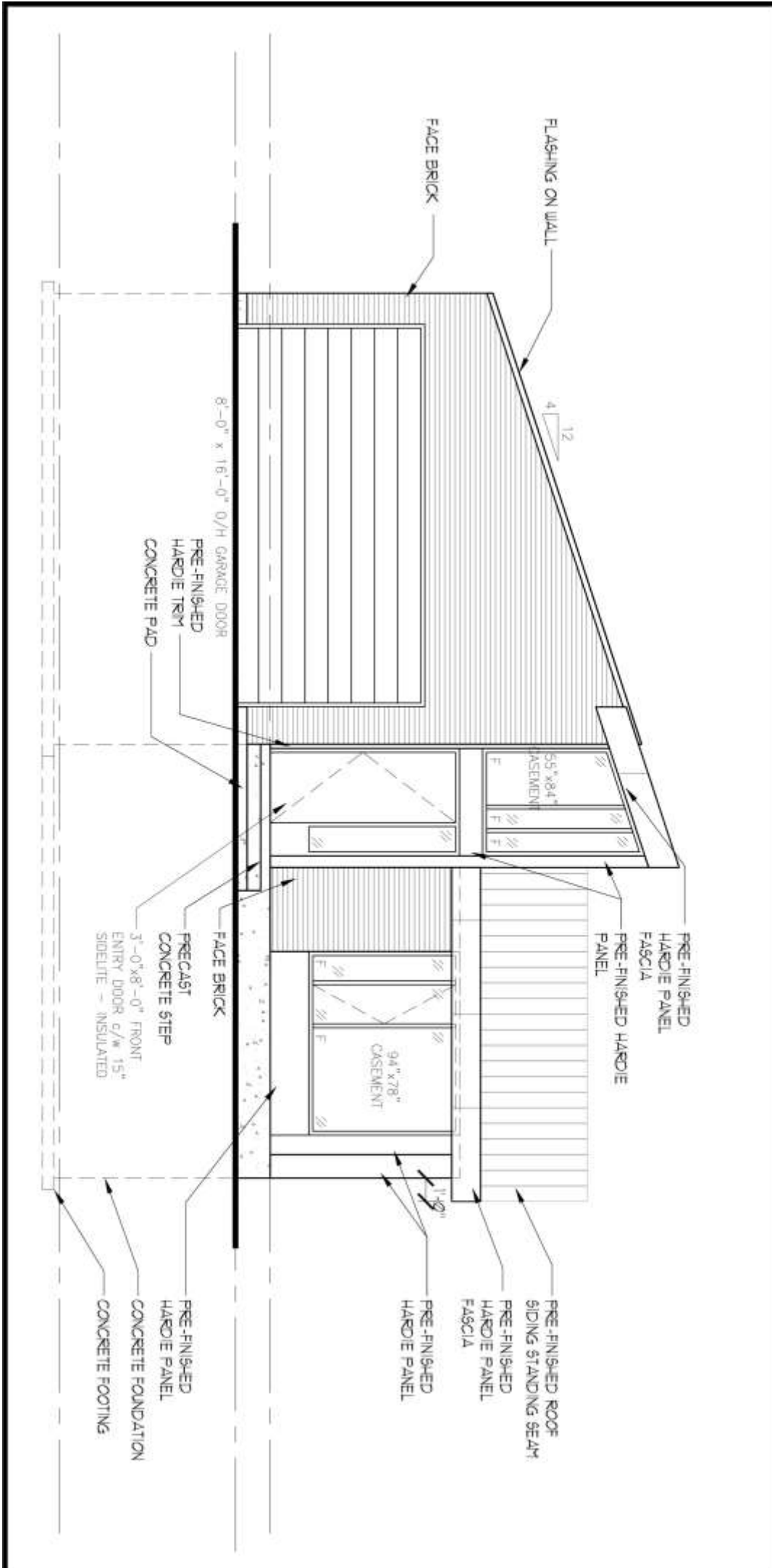




# Elevation Unit Type Two



### Elevation Unit Type Three



## 2.0 Description of Proposal

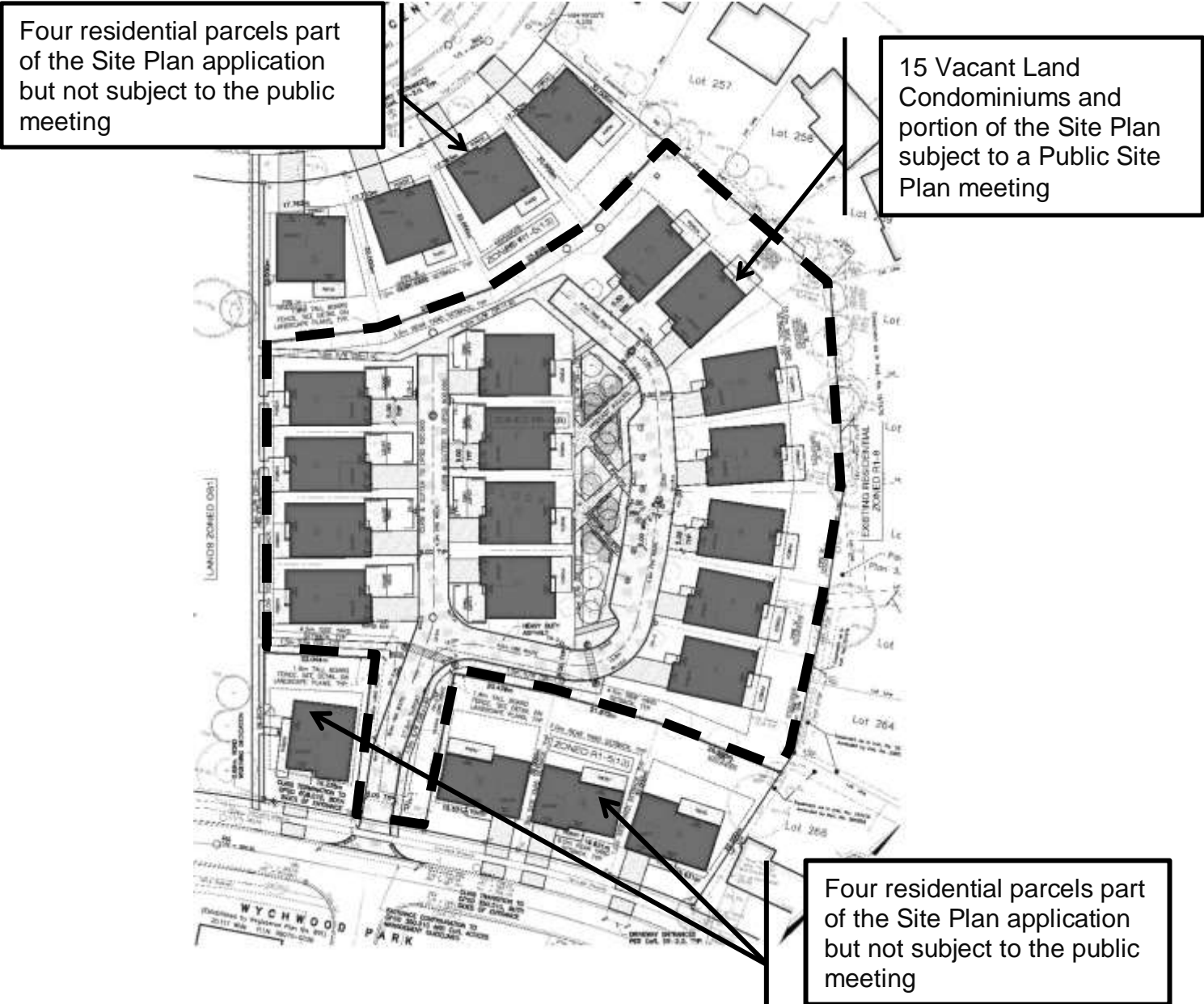
### 2.1 Development Proposal

On June 1, 2018, staff received a Site Plan Control application for 7 Annadale Drive proposing the construction of fifteen (15) single detached cluster dwelling condo units and eight (8) freehold single detached dwellings.

As shown below, the portion of the site proposed for the fifteen (15) vacant land condo units is subject to a holding provision (h-5) for public site plan review, which is to be heard at this public meeting of the Planning and Environment Committee. The remainder of the lands, with the proposed eight (8) single detached dwellings, are not subject to the holding provision (h-5) but are part of the site plan application under review.

On July 24, 2018, staff subsequently received an application for Draft Plan of Vacant Land Condominium for the fifteen single detached cluster dwelling units. In addition to the dwelling units the condominium and site plan consist of landscaped areas, sidewalks, internal driveways, services, and visitor parking spaces within a common element to be maintained and managed by the Condominium Corporation.

With the exception of the housing form, the proposed development is generally in keeping with the nature of what was contemplated as part of the October 2014 Zoning By-law amendment application (Z-8334) to rezone the site for residential uses. The original conceptual site plan submitted as part of the zoning application proposed residential townhouse dwellings. Conversely, the application being considered as part of this Plan of Condominium and Site Plan application are proposed as single detached dwellings. Notwithstanding the change in housing form, the revised proposal conforms to the Zoning By-law amendment that was passed in October 2014, and consistent with Council's intent for a low intensity form of residential development.



## **3.0 Relevant Background**

### **3.1 Planning History**

In June of 2013, the Thames Valley District School Board (TVDSB) closed the Sherwood Forest Public School. The TVDSB subsequently initiated a School Board Disposition Process (as required under the Education Act, Ontario Regulation 444/98). Municipal Council, at its session on March 18, 2014 resolved to purchase the property following the rezoning of the property for residential and park uses. The City's conditional offer was accepted by the TVDSB on May 6, 2014.

On March 21, 2014 the City of London initiated a zoning by-law amendment for the former Sherwood Forest Public school site at 7 Annadale Drive from a Neighbourhood Facility (NF) Zone, which allowed for the school previously located on the site, to a combination of a Residential (R1 and R6) Zone variations to permit residential uses, and an Open Space (OS1) Zone to permit a neighbourhood park.

Prior to the statutory public meeting at the Planning and Environment Committee (PEC) for the zoning by-law amendment, three public meetings were held with the community to evaluate potential development approaches for the site. Meetings were held on April 10, 2014 for visioning; May 7, 2014 to evaluate potential concepts arising from the April 10 meeting; and, September 3, 2014 where a preferred land use concept was presented for final revisions. An additional meeting was held with the London Homebuilders Association where local builders outlined the minimum densities they would require to ensure any redevelopment project would be viable for the site.

The Zoning By-law (Z-8334) application was addressed at the October 7, 2014 meeting of the Planning and Environment Committee. On October 14, 2014 Council approved the rezoning of the lands. At that time an h-18 holding provision was applied to a portion of the lands requiring an archaeological assessment.

The application for the removal of the Holding Provision (H-8855) addressed the archaeological assessment requirements. The necessary archaeological assessments were completed and reviewed by the Ministry of Tourism, Culture, and Sport for compliance with the appropriate standards and guidelines and approved by the City. On January 16, 2018 council endorsed the removal of the holding provision and enacted the current zoning.

A consent application was received April 16, 2018 and assigned file number B.020/18. The request was to sever eight (8) lots for the purpose of future single detached dwellings, sever one (1) lot for the purpose of a future vacant land condominium development and to retain one (1) lot for the purpose of open space lands. On July 27, 2018 the consent was granted with conditions. The site plan application under review maintains the property lines established through the April of 2018 consent.

### **3.2 Community Engagement (see more detail in Appendix A)**

#### *Draft Plan of Vacant Land Condominium*

##### Notice of Application

On September 19, 2018, Notice of Application was sent to property owners within 120m of the site area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of the Londoner on September 20, 2018.

##### Notice of Public Meeting

On December 12, 2018, Notice of Public Meeting was sent to property owners within 120m of the site area. Notice was also published in the Public Notices and Bidding Opportunities section of the Londoner on Thursday December 20, 2018.

At the time of the preparation of this report, there was a total of:

- 1 written response

### **Summary of Comments:**

The e-mail was provided to advise staff of a number of trees and existing vegetation growing along the fence line which are causing impact to abutting vegetation, fencing, and structures on private property. The letter advised that vines/shrubbery are invasive and need to be removed from behind their property and also from adjacent properties. They should be permanently eradicated so as to stop existing and future spread and damage which will increase over time.

#### Response to Public Concern

Through the Site Plan Control Approval process the applicant is required to provide a landscape plan and tree protection plan. Staff will review the plan to ensure that any invasive or un-safe vegetation is removed and replaced with appropriate species in accordance with the Site Plan Control By-law.

#### *Site Plan Control*

#### Notice of Application

On June 13, 2018, Notice of Application was sent to property owners within 120m of the site area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of the Londoner on June 21, 2018.

#### Notice of Public Meeting

On December 12, 2018, Notice of Public Meeting was sent to property owners within 120m of the site area. Notice was also published in the Public Notices and Bidding Opportunities section of the Londoner on Thursday December 20, 2018.

At the time of the preparation of this report, there was a total of:

- 1 written response

### **Summary of Comments:**

The e-mail sought clarification for what development was proposed, if there was the request to increase the number of units and to increase the number of storeys, and expressed that they were indifferent to the architectural style however they seemed modern.

#### Response to Public Concern

The notice of site plan application was to inform of a site plan application received in Development Services. The proposal is for fifteen (15) units of single family detached dwellings on the internal area of the site in the form of a Vacant Land Condominium. The site plan application is currently under review. The total number of units should not increase or decrease, and each unit is proposed to be 1- 2 storeys in height (2 storeys in the maximum permitted in the zone).

### **3.3 Policy and Regulatory Context**

#### Provincial Policy Statement, 2014 (PPS)

The PPS encourages intensification and redevelopment where it can be accommodated, which takes into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3 PPS). The proposal will develop an under-utilized site that has full access to municipal services within an existing residential neighbourhood. Land use within settlement areas shall be based on densities which efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation (1.1.3.2.a) & 1.4.3.d)). The proposal

efficiently utilizes public services within an existing residential neighbourhood. Further, the proposed development will assist in achieving an established intensification target for built up areas, consistent with the goals of Municipal Council and in accordance with the PPS (1.1.3.5).

### The London Plan

The London Plan encourages “inward and upward” growth in existing built-up areas. Residential intensification is supported by infill development of vacant and underutilized lots through redevelopment at a higher density than currently exists on developed lands (Policy 80.4\_ & 6\_ - in force). A target minimum of 45% for all new residential development will occur within the Built-Area Boundary (Policy 81\_ - under appeal). Intensification, such as that provided by the proposed development, assists the City in meeting its intensification targets.

City Design policies on site layout are supportive of the proposed development. The units which abut the abutting park space have direct frontage and access to promote connectivity and enhanced open spaces. This further has the effect of providing a development with an attractive and defined edge along the park (Policy 288\_- under appeal). Further, the design is able to provide surveillance of the park. The proposed development promotes connectivity and safe movement in the neighbourhood (Policy 255\_- under appeal). The new development maintains the street line of the existing streets on which the development is located (Policy 256\_ - in force). The proposed development is in line with the design policies of The London Plan.

Single detached dwellings up to 2.5 storeys in height are permitted on all Neighbourhood Streets under the Neighbourhoods Place Type policies of The London Plan. The Neighbourhoods Place Type policies provide further guidance for residential intensification through lot creation as exemplified by the proposed development. The additional requirements for evaluation needed to ensure quality design and fit within the neighbourhood specified in these policies have been met through the 2014 Zoning By-law amendment, and, where applicable, are implemented through this site plan approval application.

The proposed development conforms to the policies of The London Plan.

### Official Plan (1989)

As an area designated Low Density Residential, under the policies of the Official Plan (1989), the proposed development is located within an area where single-detached dwellings are supported. The proposed development, is comprised exclusively of single-detached dwellings and supports the Low Density designation form of development at a proposed density of 15 units per hectare. The proposed development is in conformity with the City of London Official Plan (1989).

Staff is of the opinion that the draft plan of condominium and site plan is consistent with the PPS, The London Plan, and the 1989 Official Plan.

### Z.-1 Zoning By-law

Through the Zoning By-law Amendment (Z-8334) the Special Provision Residential R1 (R1-5(13)), holding Special Provision Residential R6 (h-5\*R6-3(8)), and Open Space (OS1) zones were applied to the site. The zoning on the lands permits cluster single detached dwellings and cluster townhouse dwellings within the portion zoned R6-3(8);

The proposed vacant land condominium and site plan complies with the regulations of the Z.-1 Zoning By-law.

The holding provision (h-5) specifically requires a public site plan review process for the portion of the lands zoned R6-3(8), be undertaken prior to the removal of the holding provision. The purpose of this report is to address the requirement of the h-5 holding provision.

## **4.0 Key Issues and Considerations**

### **4.1 Use**

The Neighbourhoods Place Type strives for attractive streetscapes, buildings and public spaces, creates strong neighbourhood character with a sense of identity, diversity in housing choices allowing for affordability and giving people opportunity to remain in neighbourhoods as they age, safe, comfortable convenient and attractive alternatives for mobility, and parks, pathways, and recreational opportunities that strengthen the community and serve as connectors and gathering spaces (Policy 916\_ - under appeal). The Vacant Land Condominium is bound by freehold residential parcels for the purpose of single detached dwellings to the north and south of the identified lands subject to Site Plan Approval. The Site Plan Control application proposes fifteen (15) single detached cluster condo dwellings that will create variation in housing type within the community. The aforementioned rezoning and consent application established the parcels to ensure the diverse range of housing choices as part of this process, in keeping with the policy noted above.

### **4.2 Intensity**

The zoning established as part of the rezoning of the lands allows for a maximum density of twenty-five (25) units per hectare; the Site Plan Control application proposes a density of fifteen (15) units per hectare which is less than the thirty 30 units per hectare maximum that is permitted under the current Zone. The intensity will not conflict with what was previously established through consultation and engagement with the surrounding community.

### **4.3 Form**

Under the Neighbourhoods Place Type within The London Plan, new residential development should provide for frontage onto streets, and create both vibrant and recreational spaces (Policy 919\_ and 920\_ - under appeal). The units abutting the future park are oriented in a way which provides direct frontage onto the open space feature. Direct pedestrian walkways are also proposed to the open space to address the policies of The London Plan. Additionally, walkways are proposed conveniently throughout the site with direct connections to the future park. Internal walkway connections and enhanced landscaped spaces create usable and attractive gathering spaces within the site. The freehold parcels which are not subject to this meeting, will also feature dwellings with frontage on both the park and their respective streets. The development has regard to the policies of The London with respect to form.

### **4.4 Traffic and Transportation**

The site is located with frontage on Wychwood Park and Finsbury Crescent. One access is proposed from Wychwood Park. The site is within proximity to single family residential, and further west a Secondary School, an aquatics center, and mixed retail uses. Through the site plan approval process, a Traffic Management Plan was reviewed and accepted by the Transportation Division.

### **4.5 Enhanced Landscaping**

Fencing along the park is limited to the single family dwellings located outside of the condo block. Condo units abutting the park are oriented towards the park with front doors, direct walkways and tree plantings. Enhanced landscaping elements are incorporated into the development providing additional buffering between the new condo units and rear yard of the properties fronting Friars Way. Existing vegetation along the northeast property line is to be preserved to maintain the existing natural vegetative buffer. Additional landscape treatment is proposed at the access to the site, along the internal walkways, and along the communal area noted as the "the garden" on the Landscape Plan.

Privacy fencing is proposed along boundaries of the site which have adjacency to private amenity spaces of abutting uses. All perimeter fencing will be within the Common Element, and the Condominium Corporation will be responsible for maintenance of the fencing,

subject to provisions in the Condominium Declaration and By-laws.

#### **4.6 Response to Council Resolution**

The Council resolution of October 14, 2014, which established the zoning regulations for the site, provided the following additional direction with regards to Site Plan Approval:

*“The Site Plan, Subdivision, and Consent Approval Authorities, BE REQUESTED to consider implementing the following design matters through the Site Plan Approval process:*

- i) Development of the site which, with variations at the discretion of the Managing Director, Planning and City Planner, is generally in keeping with the conceptual site plan and conceptual entrance plan attached hereto as Appendix “B” and “C”;*
- ii) Cluster dwellings adjacent to the public open space shall be oriented toward the public open space and have their primary entrances front onto the park and a high level of detail on these facades and the secondary entrances oriented toward the interior of the site;*
- iii) Residential R1 dwellings adjacent to the public open space shall be oriented toward the public open space and have their primary entrances front onto the park and the secondary entrances front onto the public street. Both the park-facing and the street facing facades of these dwellings shall have a high level of architectural detail;*
- iv) Single detached dwellings and townhouses adjacent to the public open space shall have a consistent setback from this property line in order to create a continuous building line along the park;*
- v) Any new fencing provided along the park boundary shall be minimized, made of decorative material and integrated with landscaping to present a positive interface to the park. Enhanced landscaping elements shall be incorporated into the development to provide for additional buffering between the new townhouses and rear yards of properties fronting Friars Way; and,*
- vi) The design and orientation of lighting standards shall be addressed through the public site plan process to ensure safety while minimizing impacts on adjacent existing properties.*

The Site Plan Control Application is generally in keeping with the conceptual site plan approved through the rezoning process; however, the townhouses are no longer proposed and instead shown as single detached dwellings. The dwelling units abutting the park block have a consistent setback and are oriented with front doors, direct walkways, and landscaping. The single family dwellings zoned R1 are located outside of both the condominium application and holding h-5 area; however, these elevations will be reviewed as part of the Site Plan Control Application to ensure there is appropriate orientation and high level or architectural style. Fencing along the park block has been minimized and is proposed only along the single family dwellings outside of this condominium application. Finally, as part of the Site Plan Control Application, light standard locations are reviewed through a photometric plan endorsed by a certified engineer to ensure that there are no impacts on adjacent land uses.



#### **4.7 Outstanding Site Plan Comments**

On July 4<sup>th</sup>, 2018 and August 29<sup>th</sup>, 2018 staff provided comments to the applicant with respect to their first submission and second submission for Site Plan Control Approval. A full submission is anticipated to address the remaining comments. Below is a summary of the outstanding matters:

##### *Transportation*

- A draft reference plan is to be submitted for the road widening of Wychwood Park.
- Revise pavement marking and signage plan.

For detailed Transportation comments refer to Appendix B.

##### *Servicing and Grading*

- Water servicing may not be connected through the building to the water meters;
- Sewer designs will have to be revised to comply with Building Code;
- Maximum ground water is above the perforated pipes; and
- Grading, show all ponding on the grading plans and confirm value.

For detailed Servicing and Grading comments refer to Appendix B.

##### *Form*

Provide full sets of elevations for the single family homes (for the single family homes located outside of the condo block, not subject to the h-5).

##### *Zoning*

The proposal complies with the current zoning.

#### **4.8 Site Plan Control**

A Development Agreement is required to address the identified outstanding matters, and any additional issues as directed by Council for the site plan, landscape plan, site engineering plans, and building elevations design, necessary for Site Plan Approval. Special provisions in the development agreement for the Site Plan will address any other outstanding issues pertaining to the site.

The Owner must provide the necessary security at the time of executing the agreement to ensure all surface works are completed in accordance with the approved plans.

Once the development agreement has been entered into, in accordance with the Site Plan Control Area By-law, a separate application to remove the h-5 holding provision will be brought forward to Council to recommend the removal of the holding provision.

## 5.0 Conclusion

The proposed Vacant Land Condominium and Site Plan is consistent with the Provincial Policy Statement, has regard to The London Plan, is in conformity with the City of London Official Plan 1989, and complies with the Z.-1 Zoning By-law.

The proposed Site Plan and elevations will result in development that will maintain the character of the area and is in compliance with the Site Plan Control By-law.

<b>Prepared By:</b>	<b>Vanessa Santos Site Development Planner, Development Services</b>
<b>Recommended by:</b>	<b>Michael Pease, MCIP RPP Manager, Development Planning</b>
<b>Reviewed by:</b>	<b>Heather McNeely, MCIP RPP Manager, Development Services (Site Plan)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

December 17, 2018

VS/vs

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## Appendix A – Public Engagement

### Community Engagement

#### *Draft Plan of Vacant Land Condominium*

#### Notice of Application

On September 19, 2018, Notice of Application was sent to property owners within 120m of the site area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of the Londoner on September 20, 2018.

#### Notice of Public Meeting

On December 12<sup>th</sup>, 2018, Notice of Public Meeting was sent to property owners within 120m of the site area. Notice was also published in the Public Notices and Bidding Opportunities section of the Londoner on Thursday December 20<sup>th</sup>, 2018.

At the time of the preparation of this report, there was a total of:

- 1 written response

#### **Summary of Comments:**

The e-mail was provided to advise staff of a number of trees and existing vegetation growing along the fence line which are causing impact to abutting vegetation, fencing, and structures on private property. The letter advised that vines/shrubbery are invasive and need to be removed from behind my property and also from adjacent properties and permanently eradicated so as to stop existing and future spread and damage which will increase over time.

#### Response to Public Concern

Through the Site Plan Control Approval process the applicant is required to provide a landscape plan and tree protection plan. Staff will review the plan to ensure that any invasive or un-safe vegetation is removed and replaced with appropriate species in accordance with the Site Plan Control By-law.

Telephone & Written	Written
	Ivan Lister (email)

#### **Agency/Departmental Comments:**

UTRCA - The UTRCA has no objections to this application.

Bell Canada – No Concerns

Hello Sean. Hope you are doing well.

As per the notice dated September 19, 2018, please accept this message as my formal comments to the draft plan of vacant land condominium, registered plan No. 891 located at 7 Annandale Drive. I may have additional comments as this project progresses.

The existing tree growing on the vacant property behind 26 Friars Way (my home) is encroaching on my property and causing damage to existing trees and structures. This damage will continue to increase with time if it is not removed.

The existing vines/shrubbery growing along the fence line continue to cause damage to the boundary fence and structures on my property. They are also affecting the health and survival of existing trees and vegetation on my property. These vines/shrubbery are invasive and need to be removed from behind my property and also from adjacent properties and permanently eradicated so as to stop existing and future spread and damage which will increase over time.

There is a large Norway maple tree along the fence line of the vacant property at the corner of 26 and 22 Friars Way that is damaging the fence and will encroach onto my property and also damage the private fence between our two homes. This tree is currently overtopping and affecting the growth of existing plants on my property and damaging my neighbour's property line fence. This tree should be removed.

I can provide you pictures if you wish.

Please let me know if you have any questions or if you require additional information or pictures of existing conditions/damage.

Cheers,  
Ivan

### *Site Plan Control*

#### Notice of Application

On June 13<sup>th</sup>, 2018, Notice of Application was sent to property owners within 120m of the site area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of the Londoner on June 21<sup>st</sup>, 2018.

#### Notice of Public Meeting

On December 12<sup>th</sup>, 2018, Notice of Public Meeting was sent to property owners within 120m of the site area. Notice was also published in the Public Notices and Bidding Opportunities section of the Londoner on Thursday December 20<sup>th</sup>, 2018.

At the time of the preparation of this report, there was a total of:

- 1 written response

#### **Summary of Comments:**

The e-mail sought clarification for what development was proposed, if there was the request to increase the number of units and to increase the number of storeys, and expressed that they were indifferent to the architectural style however they seemed modern.

#### Response to Public Concern

The notice of site plan application was to inform of a site plan application received in Development Services. The proposal is for fifteen (15) units of single family detached

dwelling on the internal area of the site in the form of a Vacant Land Condominium. The site plan application is currently under review. The total number of units should not increase or decrease, and each unit is proposed to be 1- 2 storeys in height (2 storeys in the maximum permitted in the zone).

Telephone & Written	Written
	Jason Eddy (email)

Good day Vanessa,

I'm writing in relation to the notice of application for approval of a site plan control application. I understand this specific request is in relation to the 15 units within the inner perimeter of the development at 7 Annadale Dr. which are the "condo" units. Can you please tell me in plain terminology what change is specifically being sought by the developer? Or, is this simply a notice that the developer intends to build those 15 units in the style as attached to the notice?

I was under the impression that the building style would match the existing residential/architectural design, whereas this design, as it appears on the black and white sketches, seems modern and contrary to the existing neighbourhood. Ultimately, I don't have the strongest opinion about this design one way or another. My primary concern would be if the developer was seeking to increase the number of units, increasing how many stories they can be etc.

Thank you for your time,

Jason Eddy

## **Appendix B – Policy Context**

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

### **Provincial Policy Statement, 2014**

The proposed development achieves the objectives for efficient development and land use patterns. It represents new development taking place within the City's urban growth area, and within an area of the City that is currently building out. It also achieves objectives for compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and maintains appropriate levels of public health and safety. The subject lands are within an established residential area which was contemplated for intensification through previous public engagement. There are no natural heritage features present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the site plan process. The proposed Draft Plan of Vacant Land Condominium and Site Plan Application are found to be consistent with the Provincial Policy Statement.

### **The London Plan**

The subject lands are within the "Neighbourhoods" Place Type in The London Plan, which includes policies that are presently under appeal. The range of uses permitted include single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities. The proposed Draft Plan of Vacant Land Condominium in the form of cluster dwelling units conforms with the in force policies of The London Plan.

The City Building and Our Tools Policies in The London Plan have been applied where in force, and consideration given to the how the proposed Draft Plan of Vacant Land Condominium and Site Plan Control Application contributes to achieving those policy objectives, including the following specific policies:

### **Official Plan**

The subject lands are designated "Low Density Residential" on Schedule 'A' of the City's Official Plan. The primary permitted uses allow low rise forms of development. The proposal to develop this parcel with 15 residential cluster dwellings units will result in an overall density which is within the density limits in the designation.

The proposed Draft Plan of Vacant Land Condominium represents a cluster housing form of development consisting of single detached dwellings which are in compliance with the use, density and height regulations in the Zoning by-law. The existing homes abutting the subject lands consist of single family homes. The proposed dwellings are consistent and will not interfere with the pattern of development in the area. The freehold lots along Finsbury Crescent and Wychwood Park (not subject to this application) surround the proposed development, further enforcing that development will not interfere with the surrounding pattern of development.

Based on Staff's review, the proposed use, form and intensity of low form of housing proposed within the draft plan of subdivision conformed to the City's Official Plan policies.

### **Vacant Land Condominium Application**

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan and the Official Plan.
- Sewer and water services will be provided in accordance a Development Agreement in order to service this site.

- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster housing. Building elevation plans have been reviewed as part of site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage issues will be addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, Subdivision Agreement and Site Plan Approval process.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues, at a minimum, will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

### **Z.-1 Zoning By-law**

The on the subject lands is holding Special Provision Residential R6 (h-5\*R6-3(8)). The existing zoning permits cluster single detached dwellings and cluster townhouse dwellings within the portion zoned R6-3(8); single detached dwellings in the portion zoned R1-5(13); and, open space uses in the portion zoned OS1.

Regulations for the R6-3(8) zone variation included

- i) Lot Area (Minimum): 1 ha. (2.47 ac)
- ii) Lot Frontage (Minimum): 14 metres (45.9 feet)
- iv) Interior side and rear yard depth (abutting a Residential R1-8 Zone) Variation (Minimum): 10 metres (32.8 feet)
- v) Interior side and rear yard depth (abutting a Residential R1-5 Zone Variation (Minimum): 4.5 metres (14.8 feet)
- vi) Interior side and rear yard depth (abutting a Open Space (OS1) Zone

Variation (Maximum): 2.0 metres (6.6 feet)

- i) Landscaped Open Space (Minimum): 50%
- viii) Lot Coverage (%) (Maximum): 25%
- ix) Height (m) (Maximum): 2 storeys, or 9 metres whichever is less with no half storeys being permitted for basements
- x) Density (Maximum): 25 units per hectare
- xi) The front face and primary entrance of dwellings abutting an Open Space (OS1) zone shall be oriented towards the Open Space (OS1) Zone
- xii) No part of any required interior side yard or rear yard shall be used for any purpose other than landscaped open space

The proposed site plan and vacant land condominium conforms with the regulations of the Z.-1 Zoning By-law.

The holding provision (h-5) specifically requires a public site plan review process for the portion of the lands zoned R6-3(8), be undertaken prior to the removal of the holding provision. The purpose of this report is to address the requirement of the h-5 holding provision.



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Masonville Transit Village Secondary Plan Terms of Reference  
**Public Participation Meeting on:** January 7, 2019

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the Terms of Reference for the Masonville Transit Village Secondary Plan, attached hereto as Appendix A, **BE APPROVED**.

## Executive Summary

The London Plan identifies four transit villages which are intended to be exceptionally designed, high density, mixed-use urban neighbourhoods, connected by rapid transit to downtown and each other. The lands in the Transit Village Place Type in the Masonville neighbourhood, are one of these Transit Villages (“Masonville Transit Village”).

The development of a Secondary Plan for the Masonville Transit Village is recommended, in order to provide a greater level of detail and more specific guidance for this area than the general Transit Village Place Type policies in The London Plan.

This is recommended in light of recent development pressures in this area and the desire expressed by the community for a greater level of clarity and certainty for future development. The development of this Secondary Plan will be subject to a robust community engagement process.

The purpose of the Secondary Plan will be to create a policy framework to facilitate and inform the future development of the Masonville Transit Village. This report brings forward the Terms of Reference that will be used to retain a consultant to aid in the development of this Secondary Plan.

## Analysis

### 1.0 Purpose of a Secondary Plan for the Masonville Transit Village

The London Plan identifies four Transit Villages, which are intended to be exceptionally designed, high density, mixed-use urban neighbourhoods connected by rapid transit to the Downtown and to each other. These Transit Villages are intended to support intense forms of mixed-use development. While these Transit Villages are located in existing built-up areas, these locations have opportunities for significant infill, redevelopment, and overall more efficient use of land to support transit. The terminal transit station that is to be located in each of these Transit Villages is to be the focal point of the Transit Village.

The lands around the intersection of Richmond Street and Fanshawe Park Road, including lands fronting on portions of North Centre Road and Sunnyside Drive, in the Masonville neighbourhood are identified as one of the Transit Villages in The London Plan, referred to as the “Masonville Transit Village”. The Transit Village Place Type permits a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses, with a range of permitted heights between two to 15 storeys, up to 22 storeys with Type 2 Bonus Zoning. Mixed-use buildings are also encouraged.

Currently, the area within the Masonville Transit Village is primarily occupied by low-rise retail, attached residential uses and large expanses of surface parking. It is anticipated that the area will undergo redevelopment through infill and intensification over time to realize the vision of the Transit Village Place Type. The development of a Secondary Plan is intended to provide a greater level of detail and more specific guidance for the Masonville Transit Village than the general Transit Village Place Type policies, to create a plan for the future development of a Transit Village that is unique to the Masonville community. The Secondary Plan will also address issues of compatibility and transition to existing uses within the Transit Village and the surrounding neighbourhood.

It is anticipated that a secondary plan will be developed for all four Transit Villages to provide greater detail to guide their future development as complete communities that are compatible with surrounding neighbourhoods. The Masonville Transit Village, given the recent development pressure in that area, is recommended to be the first of these four Transit Villages to undergo the development of a Secondary Plan.

## **2.0 Terms of Reference**

The following provides a brief overview of what is included in the Terms of Reference for the Masonville Transit Secondary Plan, as attached in Appendix A. Further details on each of these sections can be found in Appendix A.

### **2.1 Purpose of a Secondary Plan for the Masonville Transit Village**

The Terms of Reference include an overview of the purpose of a Secondary Plan for the Masonville Transit Village, as identified in the above Section 1.0.

#### **2.1 Overarching Goal, Objectives and Desired Outcomes**

The overarching goal of the project is to create a vibrant, exceptionally designed, connected, high-density, mixed-use urban neighbourhood in the Masonville Transit Village that supports transit, provides a complete community, and is compatible with the surrounding neighbourhood.

The Terms of Reference outlines that the objective is to develop a Secondary Plan to guide the future development of the lands in the Transit Village Place Type in the Masonville Transit Village for buildings, parks and open spaces, connectivity, and other supportive infrastructure. The Terms of Reference further outlines the objectives to be accomplished by this Secondary Plan and through the Secondary Plan process.

The desired outcome of the Secondary Plan is to create a complete community in the Masonville Transit Village. This outcome is further detailed in the Terms of Reference.

### **2.2 Study Scope**

The Terms of Reference provides a preliminary list of the matters that are to be considered through the development of the Secondary Plan.

The Terms of Reference also identifies the study area, which includes all lands within the Transit Village Place Type in the Masonville Transit Village. A map detailing the study area is included in the Terms of Reference but is also provided in Figure 1 below.

Select properties have been subject to recent Official Plan and/or Zoning By-law Amendments that have involved significant public consultation. The intention of these permissions will not be reconsidered through the Secondary Plan study but will be incorporated into the Secondary Plan. These properties are further detailed in the Terms of Reference and are also shown on Figure 1 below.

Amendments to the Zoning By-law are also outside of the scope of the Secondary Plan process. The policies of the Secondary Plan will inform the future zoning of these lands which will be reviewed through the City of London's Rethink Zoning process which will comprehensively consider zoning in the City of London.

The study scope may change through the learnings of the study process.

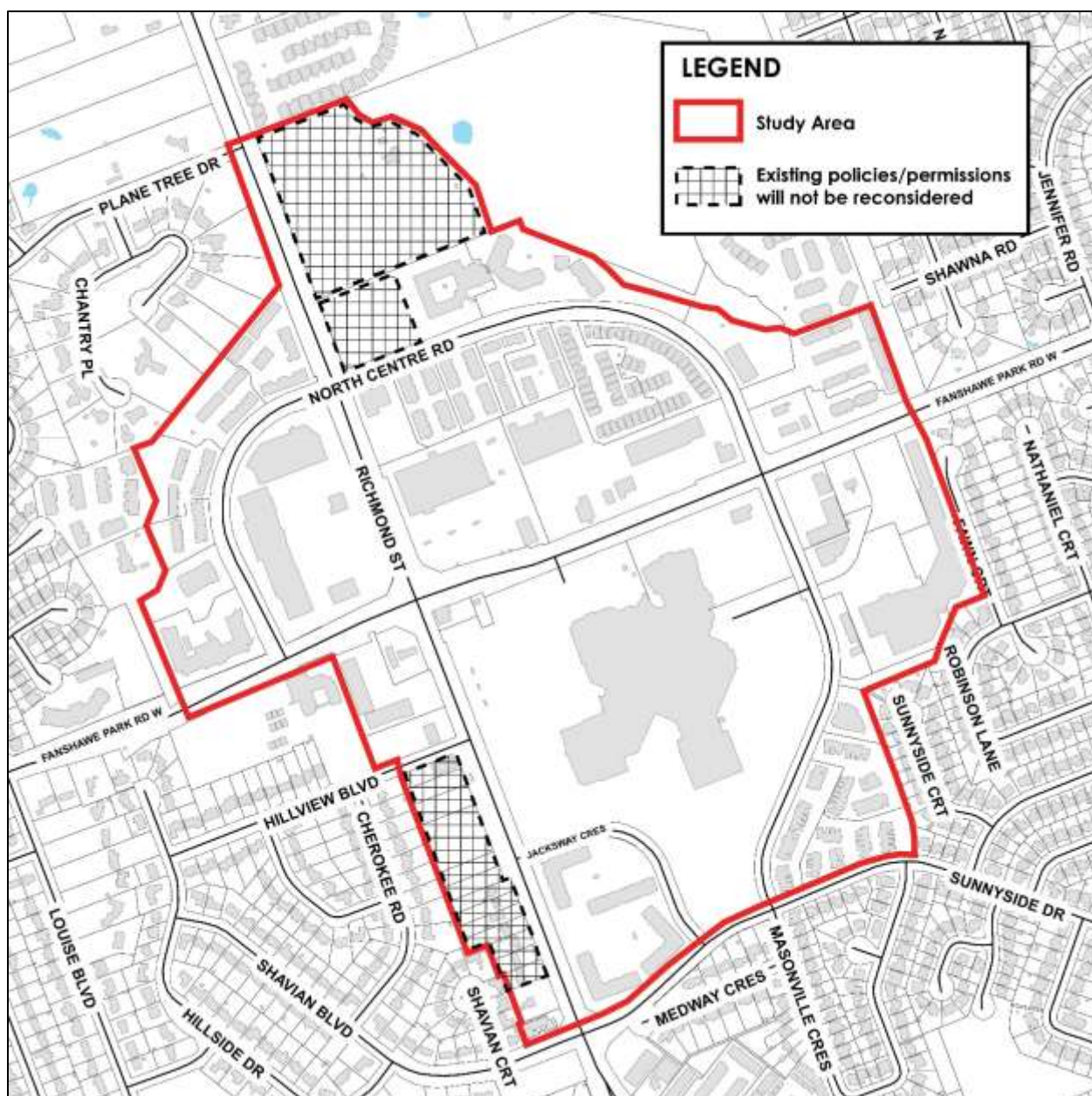


Figure 1 – Map of Study Area

### 2.3 Project Team

The project team includes both a consulting team and City Staff from various departments.

The project would be led by staff in Urban Regeneration, City Planning. The core project team also includes staff from Parks Planning and Design, Development Services, and other staff from City Planning. Various other divisions/service areas will be consulted throughout the process including Neighbourhood, Children and Fire Services, Environmental and Engineering Services, and the SHIFT Rapid Transit Office.

The role of the consultant would be to support staff in completing the work plan and providing specialized expertise.

The breakdown of the project team is further detailed in the Terms of Reference.

### 2.3 Community Engagement and Information Sharing

The consultation and outreach anticipated for this study includes community information meetings, a project webpage, and meetings with various stakeholders. Less formal methods of engagement will also be employed, including informal public engagement sessions, a walking meeting, and engagement activities targeted at a variety of demographics. Other forms of engagement, including social media, will also be considered as the study evolves and other opportunities for engagement are identified.

Further details on community engagement and information sharing is provided in the Terms of Reference.

### **2.3 Advisory Committees**

It is anticipated that the Secondary Plan will need to be considered by advisory committees, including the Transportation Advisory Committee, Environment and Ecological Planning Advisory Committee and the London Advisory Committee on Heritage, prior to the report being considered by the Planning and Environment Committee. In addition, the Urban Design Peer Review Panel will be consulted.

### **2.3 Timeline**

The Terms of Reference outlines in detail the anticipated timeline for the Secondary Plan study. The study process will begin immediately following Municipal Council's approval of the Terms of Reference. Completion of this study is targeted for the fourth quarter of 2019.

## **3.0 Recent Official Plan and Zoning By-law Amendment Applications in the Study Area**

### **3.1 230 North Centre Road (OZ-8874)**

At its meeting of November 20, 2018, Municipal Council adopted Official Plan and Zoning By-law Amendments to permit the development of a 15-storey apartment building with 222 residential units. As of the date of this report, these Official Plan and Zoning By-law Amendments are subject to the statutory appeal period.

### **3.2 1836 Richmond Street (Z-8229)**

At its meeting of April 15, 2014, Municipal Council adopted a Zoning By-law Amendment to permit the development of apartments and townhouses, with a maximum density 75 units per hectare and maximum heights of 12 to 13 metres. Gibbons Lodge and the associated garage would be retained and used for commercial recreation, day care, dwellings, offices, places of worship, studios, and/or university-related functions. A portion of the site was also rezoned to open space.

### **3.3 Richmond Street-Old Masonville Master Plan and Urban Design Guidelines (OZ-7965)**

At its meeting of January 10, 2012, Municipal Council adopted the Richmond Street-Old Masonville Master Plan and Urban Design Guidelines which provided a framework for the development of the lands at 1607, 1609, 1611, 1615, 1619, 1627, 1631, 1635, 1639, 1643, 1649 and 1653 Richmond Street following extensive consultation with the landowner and the community. Official Plan and Zoning By-law Amendments have been approved on several properties within this area to implement the Master Plan and Urban Design Guidelines.

This Richmond Street-Old Masonville Master Plan and Urban Design Guidelines have been incorporated into The London Plan as a Specific Policy Area.

## **4.0 Conclusion and Next Steps**

Following Municipal Council's approval of the Terms of Reference, Staff will begin the Secondary Plan process including hiring a consultant.

It is anticipated that the study will be completed by the third quarter of 2019.

Staff will be returning to Municipal Council with a progress update prior to presenting the final Secondary Plan.

<b>Prepared by:</b>	<b>Michelle Knieriem, MCIP, RPP Planner II, Urban Regeneration, City Planning</b>
<b>Submitted by:</b>	<b>Britt O'Hagan, MCIP, RPP Manager, Urban Regeneration, City Planning</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services</p>	

December 17, 2018  
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## Appendix A – Terms of Reference

### **Purpose of a Secondary Plan for the Masonville Transit Village**

The London Plan identifies four Transit Villages, which are intended to be exceptionally designed, high density, mixed-use urban neighbourhoods connected by rapid transit to the Downtown and to each other. These Transit Villages are intended to support intense forms of mixed-use development. While these Transit Villages are located in existing built-up areas, these locations have opportunities for significant infill, redevelopment, and overall more efficient use of land to support transit. The terminal transit station that is to be located in each of these Transit Villages is to be the focal point of the Transit Village.

The lands around the intersection of Richmond Street and Fanshawe Park Road, including lands fronting on portions of North Centre Road and Sunnyside Drive, in the Masonville neighbourhood are identified as one of the Transit Villages in The London Plan, referred to as the “Masonville Transit Village”. The Transit Village Place Type permits a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses, with a range of permitted heights between two to 15 storeys, up to 22 storeys with Type 2 Bonus Zoning. Mixed-use buildings are also encouraged.

Currently, the area within the Masonville Transit Village is primarily occupied by low-rise retail, attached residential uses and large expanses of surface parking. It is anticipated that the area will undergo redevelopment through infill and intensification over time to realize the vision of the Transit Village Place Type. The development of a Secondary Plan is intended to provide a greater level of detail and more specific guidance for the Masonville Transit Village than the general Transit Village Place Type policies, to create a plan for the future development of a Transit Village that is unique to the Masonville community. The Secondary Plan will also address issues of compatibility and transition to existing uses within the Transit Village and the surrounding neighbourhood.

It is anticipated that a secondary plan will be developed for all four Transit Villages to provide greater detail to guide their future development as complete communities that are compatible with surrounding neighbourhoods. The Masonville Transit Village, given the recent development pressure in that area, is recommended to be the first of these four Transit Villages to undergo the development of a Secondary Plan.

### **Overarching Goal, Objectives and Desired Outcomes**

**Goal:** The overarching goal of the project is to create a vibrant, exceptionally designed, high-density, mixed-use urban neighbourhood, connected to a central Transit Station that supports transit, provides a complete community, and is compatible with the surrounding neighbourhood.

**Objectives:** The objective of the study is to establish a Secondary Plan to guide the future development of the lands in the Transit Village Place Type in the Masonville Transit Village for buildings, parks and open spaces, connectivity, and other supportive infrastructure. This Secondary Plan and process will:

- Provide policies to guide the future development of the lands in the Transit Village Place Type in the Masonville Transit Village in a coordinated way that facilitates the development of a vibrant, exceptionally designed, high-density, mixed-use urban neighbourhood that supports transit, provides a complete community, and is compatible with the surrounding neighbourhood
- Include consultation with all users involved in the planning process – including community groups, developers, land owners, and the general public
- Establish a Secondary Plan that is implementable and can be easily understood by all user groups
- Plan for high-quality parks and open spaces and other supportive infrastructure
- Provide a framework for connectivity throughout the Transit Village for walking, cycling, transit, movement with mobility devices, and motorized vehicle movement, and consider safety, access management, and traffic concerns.

- Plan for development that is conducive to the efficient operation and increased usage of public transit, walking and cycling
- Consider developing a public needs assessment and bonusing considerations
- Capitalize on the location as a transit node
- Plan for a high quality pedestrian environment and public realm
- Coordinate with other development initiatives in the area (i.e. SHIFT Rapid Transit)

**Desired Outcomes:**

- Create a complete community in the Masonville Transit Village that:
  - Provides for a range and mix of uses
  - Introduces intense forms of development that are compatible with the surrounding neighbourhood
  - Provides transit-oriented development forms
  - Creates accessible, urban streetscapes with quality pedestrian environments and strong connections to transit
  - Breaks down large blocks into a grid pattern of smaller blocks
  - Creates usable parks and other publically-accessible spaces
  - Establishes a pedestrian friendly, public realm
  - Conserves heritage resources
  - Provide a range and mix of housing types
  - Considers the use of existing and planned municipal services and infrastructure
  - Protects the natural environment
  - Provides greater clarity to the development community and members of the public about future development expectations

**Study Scope**

The study area will encompass all lands within the Transit Village Place Type in the Masonville Transit Village. The study area is shown in Figure 1 below.

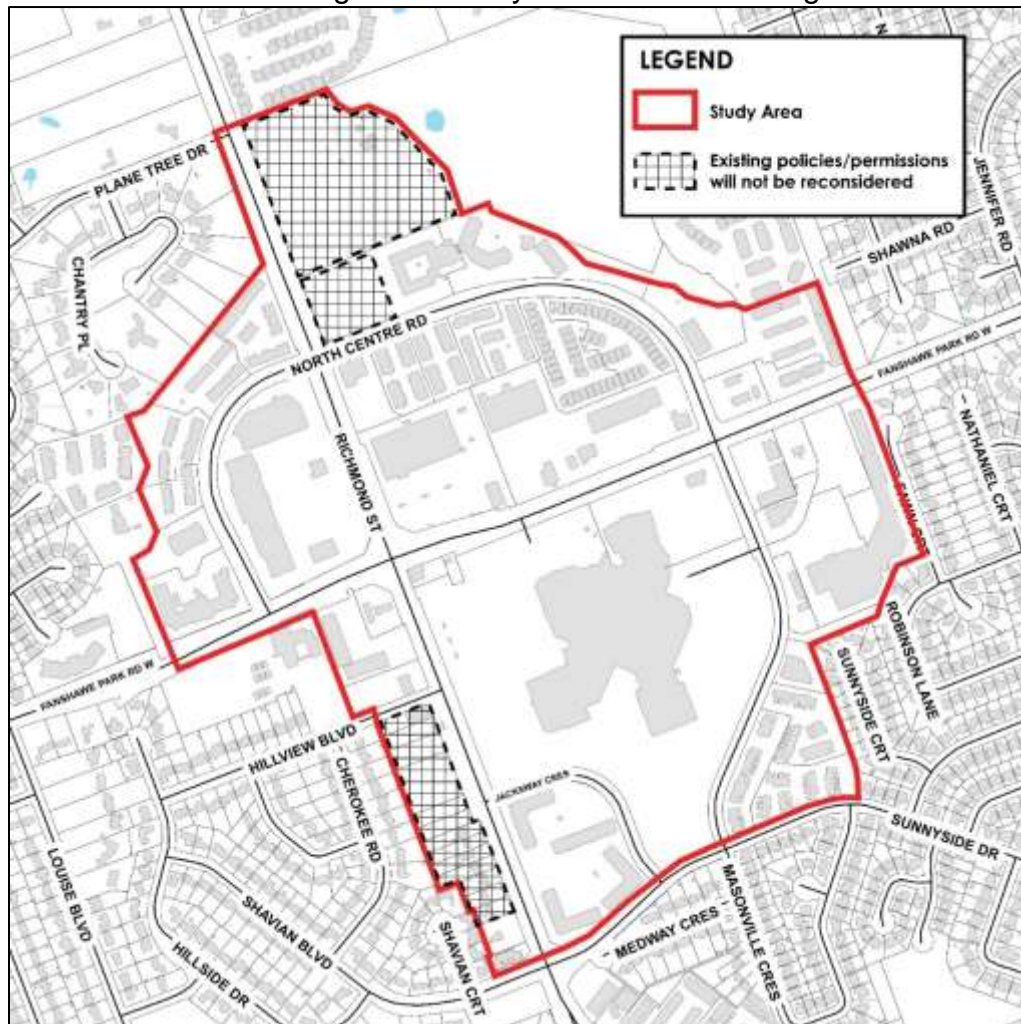


Figure 1 – Map of Study Area

The following provides a preliminary list of matters to be considered through the Secondary Plan development process:

- Gateways
- Access management
- Guidance for public realm improvements and financial implications
- Land use
- Intensity
- Built form, including consideration of the potential impacts of built form (i.e. shadow, wind)
- Urban design
- Transition to surrounding neighbourhoods
- Block layout
- Connectivity, both within the Transit Village Place Type and to the broader community, including public and private roads, sidewalks, bike lanes, and other connections
- Integration with rapid transit and local bus routes
- Transportation study
- Evaluation of road classifications
- Parking study
- Strategy regarding future land acquisition for public transit
- Impact on natural heritage
- Community services and facilities
- Public needs assessment and bonusing considerations
- The future location of parks and other forms of publically accessible open spaces
- Servicing capacity analysis
- Financial plan for any necessary extensions to civic infrastructure
- Provision of a range and mix of housing types
- Stage 1 Archaeological Assessment
- Preservation of heritage resources
- Identification of important view sheds
- Sustainable design

The above list is subject to change through the learnings of the study process.

The Study is intended for the development of a Secondary Plan, which will provide policies to guide development. The Study is not intended to make amendments to the Zoning By-law. However, the policies of the Secondary Plan will inform the future zoning of these lands which will be through the City of London's Rethink Zoning process which will comprehensively consider zoning in the City of London.

The direction of the Specific Area Policy for 1611, 1615, 1619, 1623, 1627, 1631, 1635, 1639, 1643, 1649, and 1653 Richmond Street (Richmond Street-Old Masonville Area) and the associated Richmond Street-Old Masonville Master Plan and Urban Design Guidelines will not be reconsidered as part of this study but will be incorporated into the Secondary Plan. The policies and guidelines specific to these lands were recently developed through an extensive public participation process, with considerable work from both the community and landowners to collaboratively develop the policies and guidelines that apply to these lands.

The intention of the permissions for lands at 1856 Richmond Street (Z-8229) will not be reconsidered as part of this study, as this property has recently undergone a Zoning By-law Amendment to permit multi-family residential development and non-residential uses in the existing building. The Official Plan and Zoning By-law Amendment application that was recently approved by City Council for 230 North Centre Road (OZ-8874) to permit multi-family residential development is undergoing its statutory appeal period as of the date of this report, however if these policies and permissions come into force and effect they will also not be reconsidered as part of this study.

## **Project Team**



The project team will be comprised of City Staff from various departments within the Corporation and a consulting team. This section describes the role of staff and the consultant to be retained on the project.

### **City Staff**

This project is part of the City Planning work plan and will be completed at the direction of the Managing Director, City Planning and City Planner. The project lead will be the Manager, Urban Regeneration, and the project manager will be a Planner from Urban Regeneration. The project team will include other staff from City Planning and from Parks Planning and Design.

The makeup of the core project team will include the following:

- Manager, Urban Regeneration, City Planning (Project Lead)
- Planner, Urban Regeneration, City Planning (Project Manager)
- Heritage Planner, Urban Regeneration, City Planning
- City Planning Urban Design Staff
- Parks and Open Space Design Staff
- Development Services Staff
- Manager, Development Finance, Development Services

It is anticipated that other individuals from various divisions/service areas, such as Neighbourhood, Children, Fire Services and Environmental and Engineering Services, will provide input on the project as required. The SHIFT Rapid Transit Office and the London Transit Commission will be involved throughout the process.

Other City Agencies, such as the Housing Development Corporation and London Hydro, will have the opportunity to comment on the study.

### **Consultant**

Consultants will be retained to support staff in completing the work plan and providing specialized expertise throughout the project. A consultant will be hired to conduct the study following approval of these Terms of Reference.

The selected consultants will have a strong background in the development of planning studies, particularly those involving transit-oriented development. The consultants will require specialized skills including but not limited to, land use planning, urban design, community engagement, and planning implementation. It will be expected that the consultants will also have expertise or hire a sub-consultant with expertise in transportation, servicing, archaeology, and heritage preservation.

### **Community Engagement and Information Sharing**

This study requires input from a variety of stakeholders if it is to be successful, including community groups, developers, land owners, and the general public. All members of the public are invited to participate in the process.

The following outlines the proposed engagement process:

- Community Information Meetings:
  - o It is anticipated that two Community Information Meetings will be held in association with this project – one to discuss the visioning and preferences for the study and the second to present and gather feedback on the draft Secondary Plan
  - o Notice for the Community Information Meetings will be sent to all landowners in the Transit Village Place Type, within a 120 metre radius of properties designated in the Transit Village Place Type, the Ward Councillors, and sent to neighbourhood associations for distribution to their members. Other individuals who identify themselves as interested parties will also receive notice. Notice will also be posted on the City calendar and on the project website.

- Project webpage:
  - o The project webpage will include updates on the project and any background documents, and will include opportunities to provide feedback. This will be developed through Get Involved London.
- Meetings with stakeholder groups:
  - o It is anticipated that meetings will be held with stakeholders including landowners, community businesses, residents, and neighbourhood associations.
- Walking Meeting:
  - o Staff will hold a walk and imagine my neighbourhood tour with the community to inform the study.
- Ask-a-Planner:
  - o Staff will hold public engagement sessions to allow for informal discussions with residents in convenient public locations in the study area, or in privately-owned commercial establishments (with permission from the landowner)
- Engagement with young people:
  - o Staff will work with schools near the study area and the London Public Library – Masonville Branch to consider opportunities for engaging young people in the development of the secondary plan.

Other forms of engagement, including social media, will also be considered as the study evolves and other opportunities for engagement are identified.

While members of the public will have the continued opportunity throughout the project to provide feedback to the Project Manager, they will also have the opportunity to make deputations when the Secondary Plan is considered by the Planning and Environment Committee.

### **Advisory Committees**

The findings of the Secondary Plan will be considered by the City's Transportation Advisory Committee, Environment and Ecological Planning Advisory Committee and the London Advisory Committee on Heritage, prior to the report being considered by the Planning and Environment Committee. In addition, the Urban Design Peer Review Panel will be consulted.

### **Timeline**

The following is the timeline for the key milestones in the secondary plan process. The study is targeted for completion at the end of the second quarter of 2019. The following are the milestones and schedule targets:

- Q1, 2019: Hire consultants
- Q1, 2019: Community Information Meeting #1– Visioning and Priorities Workshop
- Q1 to Q2, 2019: Background research including site analysis and inventory
- Q1 to Q3, 2019: Stakeholder meetings and engagement
- Q3, 2019: Report to the Planning and Environment Committee providing a progress update
- Q3, 2019: Community Information Meeting #2– Draft Secondary Plan
- Q4, 2019: Report to the Planning and Environment Committee including recommendations for the adoption of the Secondary Plan

## Report to Planning and Environment Committee

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

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

**Subject:** 2492222 Ontario Inc.  
536 and 542 Windermere Road

**Public Participation Meeting on: January 7, 2019**

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2492222 Ontario Inc. relating to the property located at 536 and 542 Windermere Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 15, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone, **TO** a Holding Residential R5 Special Provision (h-5•h-•R5-5(\_)) Zone
- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1(R1-6) Zone, **TO** a Residential R5 Special Provision (R5-7(\_)) Zone, **BE REFUSED** for the following reasons.
  - i) The requested amendment does not conform the residential intensification policies in the *1989 Official Plan* or *The London Plan*.
  - ii) The requested amendment did not provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.
  - iii) The Zoning By-law does not contemplate this level of residential intensity in a cluster townhouse form outside of Central London.

## Executive Summary

### Summary of Request

The applicant requested a Zoning By-law Amendment ("ZBA") to *Zoning By-law Z.-1* to change the zoning of the subject lands from a Residential R1 (R1-6) Zone which permits the use of the subject lands for single-detached dwellings (one (1) dwelling unit per lot) to a Residential R5 Special Provision (R5-7(\_)) Zone to permit the use of the subject lands for cluster housing (more than one (1) dwelling unit per lot) in the form of sixteen (16) "back-to-back" townhouse dwellings; the equivalent of 58 units per hectare ("uph"). Special provisions are requested to recognize and permit site-specific exceptions to the standard Residential R5 (R5-7) Zone regulations. The applicant requested a reduced minimum front yard depth, a reduced (westerly) minimum interior side yard depth and an increased maximum yard encroachment for the proposed below-grade private outdoor amenity spaces.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended ZBA to *Zoning By-law Z.-1* is to permit the use of the subject lands for cluster housing in the form of twelve (12) "back-to-back" townhouse dwellings; the equivalent of 45 uph. The recommended ZBA would change

the zoning of the subject lands from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-•R5-5(\_)) Zone.

Holding provisions are recommended to ensure that development takes a form compatible with adjacent land uses following public site plan review; and to ensure the subject lands are assessed for the presence of archaeological resources prior to development or site alternations that would involve soil disturbance.

Special provisions are proposed to recognize and permit site-specific exceptions to the standard Residential R5 (R5-5) Zone regulations. The recommended special provisions include a reduced minimum front yard depth of 2.1 metres; a reduced (westerly) minimum interior side yard depth of 3.0 metres, a reduced maximum height of 10.5 metres and an increased maximum yard encroachment for the proposed below-grade private outdoor amenity spaces of 0.2 metres from the front lot line. The magnitude of the recommended reduction in the (westerly) minimum interior side yard depth is less than the applicant's request; and the recommended reduction in the maximum height is proposed by Staff.

### **Rationale of Recommended Action**

1. The recommended amendment is consistent with the *2014 Provincial Policy Statement* (“PPS”) which encourages the regeneration of settlement areas and land use patterns within settlement area that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.
2. The recommended amendment conforms to *The London Plan* which contemplates townhouses as a primary permitted use, and a minimum height of 2-storeys and maximum height of 4-storeys within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the periphery of an existing neighbourhood, and the recommended amendment would permit development at an intensity that is appropriate for the site and the receiving neighbourhood. The recommended amendment would help to achieve the vision of neighbourhoods providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.
3. The recommended amendment conforms to the *1989 Official Plan* and would implement the residential intensification policies of the Low Density Residential (“LDR”) designation that contemplate residential intensification in the form of cluster townhouse dwellings and a density up to 75 uph. The recommended amendment would permit development at an intensity that is less than the upper range of the maximum density for residential intensification within the LDR designation to ensure the form of development is appropriate for the site and the receiving neighbourhood. The recommended amendment would help to achieve the goal of providing housing options and opportunities for all people.
4. Conforming to the *1989 Official Plan* and *The London Plan* which require a public site plan approval process for residential intensification proposals, a holding provision is recommended for public site plan review to allow the public a continued opportunity to comment on the form of development through the subsequent Site Plan Approval (“SPA”) process and to ensure that the ultimate form of development is compatible with adjacent lands uses.
5. Consistent with the PPS and conforming to the *1989 Official Plan* and *The London Plan*, a holding provision is provided to ensure the subject lands area assessed for the presence of archaeological resources prior to site alteration or soil disturbance occurring.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject lands are located on the north side of Windermere Road between Richmond Street and Adelaide Street. The subject lands consist of two (2) rectangular shaped lots known municipally as 536 and 542 Windermere Road. The development proposal will require the consolidation of the subject lands into one (1) lot resulting in a combined lot area of approximately 0.27 hectares (0.68 acres) prior to a road widening dedication along 536 Windermere Road.

536 Windermere Road is currently occupied by a 2-storey, red brick, single detached dwelling and detached garage (Figure 1). The existing dwelling and garage are dated c. 1939. 542 Windermere Road is currently occupied by a 1-storey, buff brick, single detached dwelling and detached garage (Figure 2). The dwelling and garage are dated c. 1920. Building dates are based on property information from the Municipal Property Assessment Corporation ("MPAC"). There are a number of mature coniferous and deciduous trees located on the subject lands. The existing trees help to screen the subject lands from adjacent properties. There is an elevation change of approximately 2.0 metres from a highpoint in the northwest (Orkney Crescent) to a low point in the southeast (Windermere Road). The subject lands are generally lower in elevation than the adjacent properties at street level. Stormwater flows are carried overland via a swale running along the westerly (interior) property line, the northerly (rear) property line, and into an inlet/catchbasin located in the north-easterly corner of 542 Windermere Road (Figure 3).

A road widening dedication will be required along 536 Windermere Road to provide for the ultimate road allowance requirement specified in the City's Zoning By-law. A road widening has previously been provided along 542 Windermere Road. Windermere Road is a higher-order street within the City's mobility network (an Arterial road – *1989 Official Plan* and a Civic Boulevard – *The London Plan*); and is intended to move medium to high volumes of vehicular traffic at moderate speeds. *The London Plan* prioritizes pedestrian, cycling and transit movements along Windermere Road, and as such, a high quality pedestrian realm and high standard of urban design is to be provided along Windermere Road. Dedicated cycling lanes are provided on the north and south side of Windermere Road. A bus route, operated by the London Transit Commission, runs along portions of Windermere Road and along Doon Drive interior to the residential neighbourhood that surrounds the subject lands to the south. The routing of the bus interior to the surrounding residential neighbourhood means that the bus route does not run immediately in front the subject lands

The surrounding land uses on the north side of Windermere Road consist of low-rise, low density, single detached residential land uses that developed as part of a phased residential plan of subdivision dating from the late 1980's. Unlike the subject lands that front onto Windermere Road, other residential properties in the vicinity of the subject lands are rear-lotted onto the north side of Windermere Road. Immediately adjacent the subject lands are 1- and 2-storey single detached dwellings that front onto Orkney Crescent or Angus Court. Cluster housing in the form of single-detached dwellings and townhouse dwellings are located in the broader surrounding neighbourhood.

Doon Drive is a "U"-shaped street that intersects with Windermere Road approximately 230 metres west of the subject lands, and 340 metres east of the subject lands, and provides the nearest street connection to the residential neighbourhood that surrounds the subject lands. Pedestrian walkway connections are provided from Orkney Crescent to Windermere Road and from Angus Court to Windermere Road approximately 78 metres west of the subject lands and approximately 10 metres east of the subject lands respectively.

The surrounding land uses on the south side of Windermere Road consist of institutional uses on large lots, including Spencer Lodge, the Ivey Spencer Leadership Centre, and Sisters of St. Joseph. Valley lands associated with the north branch of the

Thames River also extend as far north as the south side of Windermere Road opposite subject lands.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods (frontage Civic Boulevard)
- Existing Zoning – Residential R1 (R1-6) Zone

**1.3 Site Characteristics**

- Current Land Use – Single Detached Dwelling
- Frontage – 58 metres (189 feet)
- Depth – 46 metres to 49 metres (150 feet to 160 feet)
- Area – 2, 771 square metres (0.68 acres)
- Shape – Irregular

**1.4 Surrounding Land Uses**

- North – Single Detached Dwelling
- East – Single Detached Dwelling
- South – Institutional Uses
- West – Single Detached Dwelling

**1.5 Intensification (identify proposed number of units)**

- Sixteen (16) units within the Built-area Boundary
- Sixteen (16) units within the Primary Transit Area

1.6 Location Map

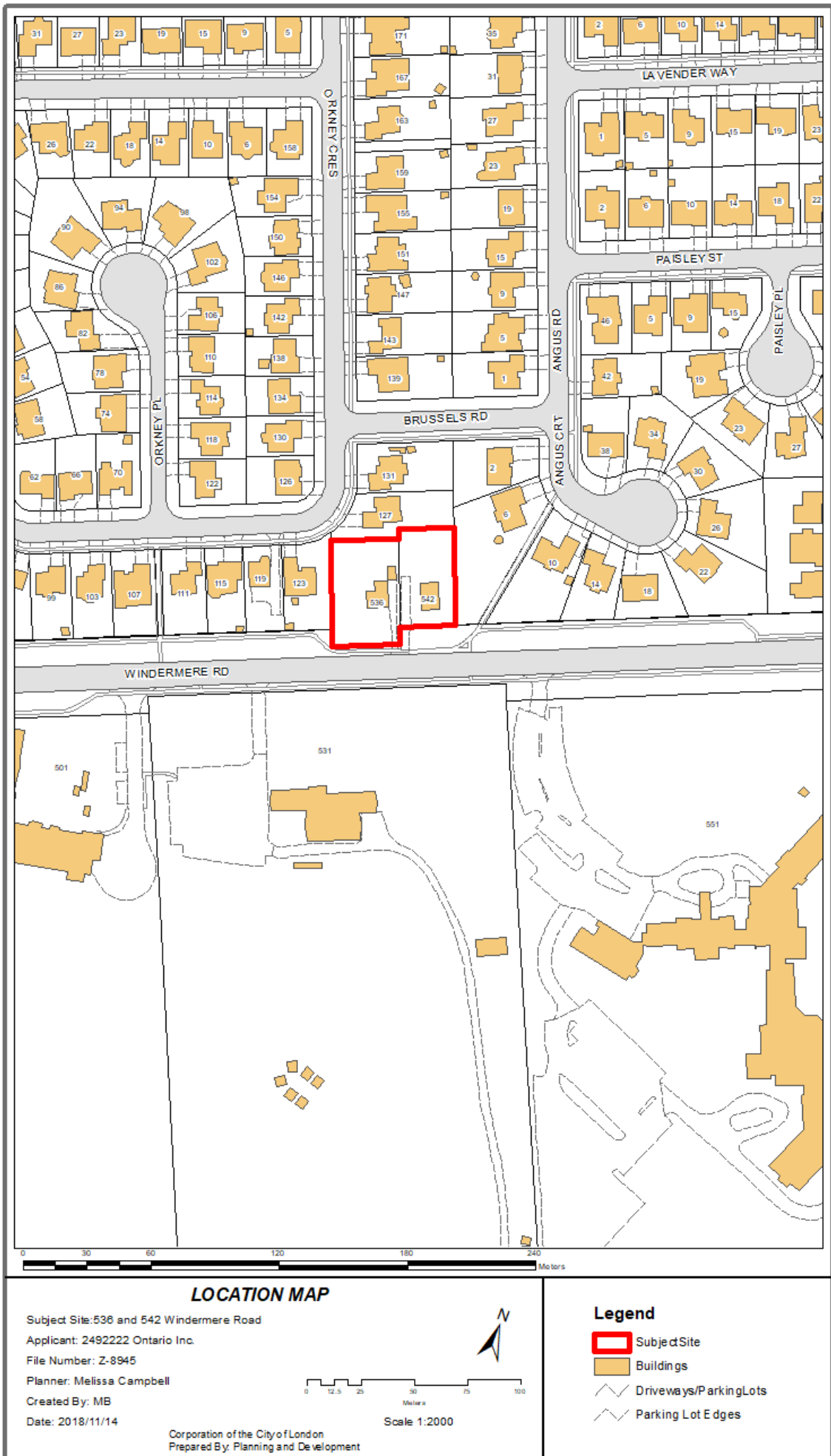


Figure 1: 536 Windermere Road



Figure 2: 542 Windermere Road





Figure 3: Stormwater inlet/catchbasin on 542 Windermere Road



## 2.0 Description of Proposal

### 2.1 Development Proposal

The requested amendment is intended to permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings on the subject lands (Figure 4). Once the two (2) lots that comprise the subject lands are consolidated the density of the proposed development would be equivalent to 58 units per hectare.

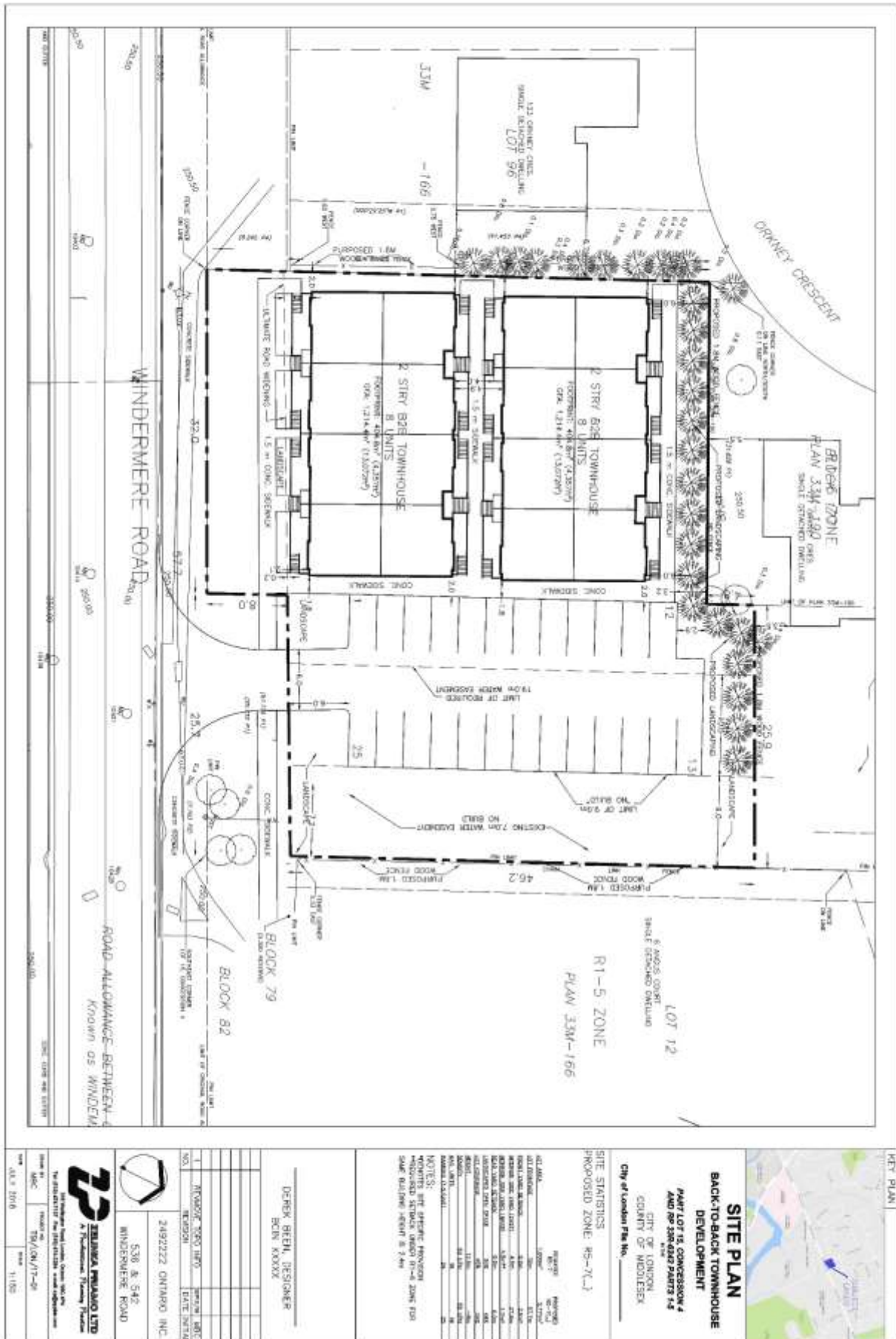
The conceptual site plan submitted in support of the requested amendment shows the proposed townhouse dwelling units arranged into two (2) separate blocks. The townhouse blocks are proposed to be positioned on the westerly-most portion of the subject lands, with one townhouse block located in front of the other, and each townhouse block consisting of eight (8) “back-to-back” dwelling units. The townhouse blocks are proposed to be approximately 2 ½ storeys, or 8.0 metres in height, and a separation distance of approximately 4.9 metres is proposed between the blocks. The “front” or southerly-most townhouse block is proposed to be situated close to the street-edge, and a reduced minimum front yard depth of approximately 2.1 metres is requested. A reduced (westerly) minimum interior side yard depth of approximately 1.7 metres is also requested.

Walkways, approximately 1.5 to 2.0 metres in width, connecting the dwelling unit entrances to the public sidewalk and to the on-site surface parking area are proposed to be located between the two (2) townhouse blocks; in the rear yard; along the easterly side of the townhouse blocks and in the front yard and encroaching into the City-owned boulevard. The on-site surface parking area is proposed to be located to the east of the townhouse blocks. The proposed on-site surface parking area would provide twenty-five (25) parking spaces. Private outdoor amenity space for residents is proposed in the form of below-grade patios located immediately adjacent to the dwelling unit entrances, and in the form of the landscaped open space located on the easterly-most portion of the subject lands. The private outdoor amenity space proposed to be located on the easterly-most portion of the subject lands would be separated from the dwelling units by the proposed on-site surface parking area. The proposed below-grade patios would encroach into the required front yard and would require a special provision for an increased maximum yard encroachment of 0.2 metres from the front lot line.

There is an existing 7.0 meter wide easement that applies to the easterly-most portion of the subject lands which contains a major city-wide watermain. There is an identified need to expand the existing easement to a 19.0 metre wide easement to accommodate the watermain as well as a maintenance area to stage and complete periodic repairs to the watermain in compliance with current health and safety standards. The existing and

expanded easement present a constraint to development on the easterly-most portion of the subject lands. No buildings or permanent structures would be permitted on the easterly-most 9.0 metres of the expanded easement, with the balance of the expanded easement available for a surface parking area.

Figure 4: Conceptual Site Plan



## 3.0 Relevant Background

### 3.1 Requested Amendment

The applicant requested an amendment to change the zoning of the subject lands from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(\_)) Zone. The requested Residential R5 Special Provision (R5-7(\_)) Zone would permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings on the subject lands; equivalent to 58 uph. The proposed development would require special provisions from the standard R5-7 Zone regulations. The requested special provisions are as follows:

- a reduced minimum front yard depth of 2.1 metres (after the required road widening dedication); whereas, a minimum front yard depth of 8.0 metres is required;
- a reduced (westerly), minimum, interior side yard depth of 1.7 metres; whereas, a minimum interior side yard depth of 4.5 metres is required when the end wall of a unit contains no widows to habitable rooms; and
- an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line; whereas, the below-grade patios would be permitted no closer than 1.2 metres to a lot line.

### 3.2 Community Engagement (see more detail in Appendix B)

Notice of Application was sent to property owners in the surrounding area on August 30, 2018 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 31, 2018. The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(\_)) Zone to permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings on the subject lands. The notice advised of special provisions to the standard Residential R5 (R5-7) Zone regulations to permit a reduced minimum front yard depth of 2.1 metres and a reduced westerly minimum interior side yard depth of 1.7 metres.

Notice of Revised Application was sent to property owners in the surrounding area on September 26, 2018, and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 27, 2018. The revised notice advised of an additional special provision to permit an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line notwithstanding the yard encroachments permitted in Section 4.27 – General Provisions in the City’s *Zoning By-law Z.-1*. The below-grade patios were shown on the conceptual site plan circulated with the original Notice of Application, but a special provision to permit an increased maximum yard encroachment for the proposed below-grade patios was not initially requested.

Approximately, 40 replies were received from the public as part of the community engagement process.

### 3.3 Policy Context (see more detail in Appendix C)

#### 3.3.1 Provincial Policy Statement, 2014 (PPS)

The *2014 Provincial Policy Statement* (“PPS”) provides broad policy direction on matters of Provincial interest related to land use planning and development. The *PPS* provides policies on key issues such as intensification and redevelopment and efficient use of land and infrastructure, including support for a range and mix of housing types and densities.

#### 3.3.2 The London Plan

*The London Plan* is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report and include many of the Neighbourhoods Place Type policies pertinent to this

planning application. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject lands are located within the Neighbourhoods Place Type on \*Map 1 – Place Types in *The London Plan*, with frontage on a Civic Boulevard (Windermere Road). *The London Plan* contemplates a broad range of residential land uses for the subject lands including, but not limited to, single-detached, semi-detached, duplex and converted dwellings, triplexes, fourplexes, townhouses, stacked townhouses and low-rise apartments. *The London Plan* utilizes height as a measure of intensity in the Neighbourhoods Place Type. Within the Neighbourhoods Place Type, fronting onto a Civic Boulevard, the range of building heights contemplated include a minimum height of 2-storeys and a maximum height of 4-storeys, and up to 6-storeys through Bonus Zoning. *The London Plan* provides opportunities for residential intensification and redevelopment within the Neighbourhoods Place Type where appropriately located and a good fit with the receiving neighbourhoods.

*The London Plan* also provides policies related to specific sites or areas within the Neighbourhoods Place Type which includes the policies for Near Campus Neighbourhoods carried over from the *1989 Official Plan*. As noted below, the subject lands are outside of the Near Campus Neighbourhoods and are therefore not subject to those policies or associated regulations.

### 3.3.3 1989 Official Plan

The *1989 Official Plan* contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the *PPS*. The *1989 Official Plan* assigns land use designations to properties, and the policies associated with those land use designations provide for a general range of land uses, form and intensity of development that may be permitted.

The subject lands are designated Low Density Residential (“LDR”) on Schedule “A” – Land Use to the *1989 Official Plan*. The LDR designation is intended for low-rise, low-density, housing forms including single-detached, semi-detached and duplex dwellings. Where appropriate, some multiple attached dwellings at densities similar to, but not necessarily the same as neighbouring detached units, may be permitted. Development should enhance the character of the residential area. Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law. The residential intensification policies for the LDR designation contemplate infill housing in the form of multiple-attached dwellings such as rowhouses or cluster housing.

The *1989 Official Plan* provides *Policies for Specific Residential Areas* where it is appropriate to address development opportunities and constraints through specific policies, and these specific policies serve to augment the standard land use policies. Among the *Policies for Specific Residential Areas* are policies for Near Campus Neighbourhoods located near Western University (and its affiliated colleges) and Fanshawe College, which are affected by near-campus neighbourhood impacts. It is important to note that the subject lands are outside of the Near Campus Neighbourhoods area and are not subject to those policies or associated regulations.

## 4.0 Key Issues and Considerations

### 4.1 Land Use Compatibility

Through an analysis of the use, intensity and form, Staff have considered the compatibility and appropriateness of the requested amendment and proposed development, and the recommended amendment revised by Staff, with the subject lands and within the receiving neighbourhood.

#### 4.1.1 Use

##### *Provincial Policy Statement, 2014 (PPS)*

The *PPS* directs growth and development to settlement areas and encourages their regeneration (Policy 1.1.3.1). Land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy

1.1.3.2 b)). The *PPS* directs that planning authorities consider the housing needs of all residents (Policy 1.4.3 a) and b)).

#### ***The London Plan***

*The London Plan* promotes a choice of housing types so that a broad range of housing requirements can be satisfied in a wide range of locations (497\_ 7.). The subject lands are located within the Neighbourhoods Place Type with frontage on a Civic Boulevard in *The London Plan*. The range of uses permitted within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (\*Table 10- Range of Permitted Uses in Neighbourhoods Place Type). *The London Plan* contemplates a broader range of uses along higher-order streets within the Neighbourhoods Place Type (\*919\_ 2. & 3.). Townhouses, such as the proposed cluster townhouse use, are contemplated within the Neighbourhoods Place Type on all street classifications in *The London Plan*. The planning approach of connecting the range of land uses to street classifications for the Neighbourhoods Place Type was intended to balance neighbourhood stability and predictability with providing a range and mix of housing types (\*919\_6.).

#### ***1989 Official Plan***

The *1989 Official Plan* supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (Section 3.1.1 ii)). The subject lands are designated LDR in the *1989 Official Plan*. The LDR designation is applied to lands that are primarily developed or planned for low-rise, low-density housing forms (Preamble Section 3.2 – Low Density Residential). The primary permitted uses for the LDR designation include detached, semi-detached and duplex dwellings (Section 3.2.1). Multiple-attached dwellings, such as the proposed cluster townhouse use, are contemplated in the LDR designation in the *1989 Official Plan* as a permitted form of residential intensification (Section 3.2.3.2).

#### **Analysis:**

Consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*, the recommended cluster townhouse use will add to the range and mix of housing types and provide for an alternative housing option within the receiving neighbourhood that predominately consists of single detached dwellings. As an alternative housing option, the recommended cluster townhouse use has the potential to assist in providing a diverse range of housing needs within the community consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*. The recommended cluster townhouse use is contemplated in the LDR designation in the *1989 Official Plan* as a permitted form of residential intensification, and is included in the range of primary permitted uses contemplated within the Neighbourhoods Place Type on all street classifications. Although, the proposed cluster townhouse dwellings are a different housing type than single detached dwellings that are predominant in the area, through an analysis of intensity and form below, it is believed that cluster townhouse dwellings can be developed on the subject lands in a way that is appropriate for the site and the receiving neighbourhood.

#### **4.1.2 Intensity**

##### ***Provincial Policy Statement, 2014 (PPS)***

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

##### ***The London Plan***

*The London Plan* contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (\*Policy 83\_, \*Policy 937\_, \*Policy 939\_ 6. and \*Policy 953\_ 1.). The *London Plan* directs that intensification may occur in all Place Types that allow for residential uses (Policy 84\_).

The Primary Transit Area will be the focus of residential intensification and transit investment within the City of London (\*Policy 90\_).

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

### **1989 Official Plan**

The scale of development in the LDR designation shall have a low-rise, low-coverage form, and shall typically be considered in a range up to 30 uph. (Section 3.2.2). Residential intensification in the LDR designation may be permitted up to a maximum density of 75 uph (Section 3.2.3.2). Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law and subject to a Planning Impact Analysis (“PIA”) to demonstrate compatibility with the character of the receiving neighbourhood (Section 3.2.3, Section 3.7.2 and Section 3.7.3).

### Analysis:

The subject lands have frontage on a Civic Boulevard (Windermere Road) which is a higher-order street. The subject lands also have access to full municipal services, are within walking distance of public transit, and are located at the periphery of an existing residential neighbourhood within the Primary Transit Area. The subject lands are sized and situated within the City’s mobility network appropriately to accommodate additional development, and in terms of the policy framework in *The London Plan*, are underutilized by the existing single detached dwellings. Consistent with the *PPS*, the subject lands are located where the City’s Official Plans directs and supports residential intensification and redevelopment.

The proposed development of 16-townhouse dwellings on the subject lands equates to 55 uph and would conform to the maximum density of 75 uph contemplated in the LDR designation through the residential intensification policies of the *1989 Official Plan*. The height of the proposed townhouse dwellings (2 ½ –storeys, approximately 8 metres) also conforms to the minimum height of 2-storeys and maximum height of 4-storeys contemplated in the Neighbourhoods Place Type on a Civic Boulevard (Windermere Road) in *The London Plan*. Although, the requested amendment and proposed development would conform to the maximum intensity of development contemplated in the *1989 Official Plan* and *The London Plan*, the intensity of development contemplated is not recommended on the subject lands given certain site constraints and the compatibility concerns with the receiving neighbourhood.

The watermain and associated easement located on the easterly-most portion of the subject lands is a constraint to the location of buildings and permanent structures on the subject lands. Having reviewed and circulated the conceptual site plan that was submitted in support of the planning application for the subject lands, Staff are concerned about the ability of the westerly-most portion of the subject lands to accommodate the number of townhouse dwelling units proposed and whether the proposed development is an over intensification of the subject lands. It is important to note that the requested Residential R5 (R5-7) Zone variation and associated maximum density of 60 uph is intended for inner-city areas and locations near major activity centres, and has been designed to accommodate stacked townhouses. The requested Residential R5 (R5-7) Zone variation is not intended for the suburban context of subject lands, nor designed to accommodate the (non-stacked townhouse) housing type proposed. As such, Staff have recommended the Residential R5 (R5-5) Zone variation, with the intent of reducing the number of dwelling units that would be permitted to a maximum density of 45 uph, which is the equivalent of twelve (12)-townhouse dwelling units on the subject lands. The reduction from 16-townhouse dwelling units to 12-townhouse dwelling units would provide more space on the site for other site functions and improve the ability to minimize or mitigate any adverse impacts on adjacent properties as discussed in subsection 4.1.3 of this report. The recommended amendment would alternatively provide for a less intense form of development than the requested amendment.

The applicant through correspondence received from their agent dated November 23, 2018, has expressed a preference for 16-townhouse dwelling units with a mix of 3- and 4- bedroom units, resulting in a total of 60 bedrooms; rather than the Staff recommended 12-townhouse dwelling units, with the potential for up to 5 bedrooms in each dwelling unit in accordance with the definition of “Dwelling Unit” in Zoning By-law Z.-1, also resulting in a total of 60 bedrooms. Staff note that the intent of the applicant to manage intensity through number of bedrooms is not consistent with the standard conventions in the *1989 Official Plan* or *Zoning By-law Z.-1*, which measures intensity by the number of units per hectare. Only in the Near Campus Neighbourhoods has a policy basis been established to manage intensity by regulating the number of bedrooms; and the subject lands are not located within the Near Campus Neighbourhoods. The number of bedrooms may be regulated to supplement the prescribed maximum density (as expressed in “units per hectare”), but it is not intended to rationalize an increase in the density that can be accommodated on the subject lands and fit with the receiving neighbourhood. Staff note that the requested amendment did not include a special provision to formally limit the number of bedrooms per dwelling unit to 4-bedrooms.

With regards to intensity, the public expressed concern about the number of parking spaces proposed relative to the number of dwelling units proposed. The minimum parking space requirement for cluster townhouse dwellings in Parking Area 3 is 1.5 spaces per unit. The section of the City’s Zoning By-law that regulates minimum parking space requirements, divides the City into three “Parking Areas”; and the minimum parking space requirements can vary for individual uses based on the Parking Area in which the site is located. The proposed development of 16-cluster townhouse dwelling units would require a minimum of twenty-four (24) parking spaces based on the applicable minimum parking space requirements. The conceptual site plan submitted in support of the planning application shows a total of twenty-five (25) parking spaces, and complies with the minimum parking space requirements of the Zoning By-law. The minimum parking space regulations are inclusive of resident, visitor and accessible parking space requirements. For planning purposes, policies and regulations, including minimum parking space requirements, generally do not distinguish or vary based on the make-up or composition of households (i.e. no “people zoning”).

Transportation Planning and Design Division were circulated on the planning application and did not comment on the minimum parking requirement or proposed parking supply. With regards to off-site parking impacts there is no on-street parking permitted on Windermere Road in the vicinity of the subject lands. On-street parking is permitted on neighbourhood streets in the vicinity of the subject lands, and pedestrian walkways located to the east and west of the subject lands would facilitate ease of access to those neighbourhood streets. The right to access on-street parking is not controlled through zoning, on-street parking is controlled through the City’s Parking By-laws.

#### **4.1.3 Form**

##### ***Provincial Policy Statement, 2014 (PPS)***

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

##### ***The London Plan***

*The London Plan* encourages compact forms of development as a means of planning and managing for growth (Policy 7\_, Policy 66\_). *The London Plan* encourages growing “inward and upward” to achieve compact forms of development (Policy 59\_ 2., Policy 79\_). *The London Plan* plans for infill and intensification of various types and forms (Policy 59\_ 4.). To manage outward growth, *The London Plan* encourages supporting infill and intensification in meaningful ways (Policy 59\_ 8.). The urban regeneration policies of *The London Plan* provide for intensification within urban neighbourhoods, where it is deemed to be appropriate and in a form that fits well with the receiving neighbourhood (Policy 154\_8.).

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

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

### **1989 Official Plan**

The scale of development in the LDR designation shall have a low-rise, low-coverage form (Section 3.2.2). The *1989 Official Plan* recognizes residential intensification as a means of providing for the efficient use of land and achieving a compact urban form (Section 3.2.3). In the *1989 Official Plan* the redevelopment of underutilized sites constitutes infill; and infill may be in the form of cluster housing. Zoning By-law provisions are to ensure that infill housing proposals recognize the scale of the adjacent land uses and reflect the character of the area (Section 3.2.3.2). Residential intensification must be sensitive to, and a good fit with the receiving neighbourhood based on a review of built form, massing and architectural treatment (Section 3.2.3.4). The Planning Impact Analysis (“PIA”) criteria in the *1989 Official Plan*, are to be used to evaluate the appropriateness of a proposed change in land use and identify ways to reduce any adverse impacts on surrounding land uses (Section 3.7). See Appendix C of this report for complete PIA.

### Analysis:

Consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*, the recommended intensification of the subject lands would optimize the use of land and public investment in infrastructure and public service facilities in the area. Located within the built-up area of the City and within the Primary Transit Area, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth that are transit supportive. The proposed cluster townhouse dwellings would be a more compact form of development than the single-detached dwellings that currently exist on the subject lands.

With regard to whether the recommended amendment would result in a form of development that is compatible and a good fit with the receiving neighbourhood, concerns regarding scale and height; yard depths/setbacks and separation distances; shadow impacts/access to daylight; privacy and overlook; and tree protection are analyzed below:

### *Scale and Height*

The scale or height of the proposed townhouse dwellings (2 ½ –storeys, approximately 8.0 metres), would conform to the minimum height of 2-storeys and maximum height of 4-storeys contemplated in the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard; as well as conform to the low-rise form of development contemplated in the LDR designation and would be compatible with the scale of the adjacent land uses in the surrounding residential neighbourhood that are 1- and 2-storey(s) in height.

To ensure that the ultimate form of development would maintain a 2 ½-storey height that is compatible with the scale of the adjacent land uses, the recommended amendment includes among the special provisions a maximum height of 10.5 metres, which was not explicitly requested by the applicant. A maximum height of 10.5 metres is the standard condition permitted in the Residential R1 Zone variations that surround the subject lands, and represents a reduction from the maximum height of 12 metres that is the standard condition permitted in the Residential R5 Zone variations.

### *Yard Depth/Setbacks and Separation Distance*

The requested amendment includes a reduced (westerly) minimum interior side yard depth of 1.7 metres. Staff are concerned about the impact of the requested reduction, since it is less than the minimum interior side yard depth of 2.4 metres required of a similar height building in the Residential R1 Zone variations that surround the subject



lands. To demonstrate compatibility and fit, the yard depths/setbacks should generally maintain the character of the surrounding residential neighbourhood. Moreover, a reduced minimum interior side yard depth of 1.7 metres would not provide sufficient space for a landscape screen to buffer the proposed development from the adjacent property to the west.

The recommended amendment increases the (westerly) minimum interior side yard depth to 3.0 metres in order to maintain a feasible minimum width between building and property line to provide for landscaping. The ability to provide enhanced landscaping within the (westerly) interior side yard would also be useful to discourage informal pedestrian circulation along the westerly interior side yard where it is not planned, as well as discourage “cut-through” ingress/egress to the site from Windermere Road to Orkney Crescent.

There is support in *The London Plan* for the requested reduction in the minimum front yard depth to maintain and reinforce the prevailing street wall or street line (policy 256) and position buildings with minimal setbacks from public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (\*Policy 259\_). Since the adjacent residential properties are rear-lotted onto Windermere Road, it is the fence line along the rear lot lines that establish the street wall/edge on the north side of Windermere Road. The requested reduction in the minimum front yard depth would allow for the proposed buildings to be positioned closer to the existing fence line to maintain and reinforce the street wall/edge. The requested reduction in the minimum front yard depth, and requested increase in permitted yard encroachments to accommodate the proposed below-grade outdoor amenity spaces 0.2 metres from the front line is not expected to negatively affect the future expansions of Windermere Road. The ultimate right-of-way width recognized in *Zoning By-law Z.-1* has been taken into account as part of this planning application with the understanding that a road widening dedication will be taken along 536 Windermere Road through the subsequent SPA process.

The separation distances between the two (2) proposed townhouse blocks is regarded as an indicator of the over-intensification of the subject lands. The separation distance between buildings on the same lot is not regulated by the Zoning By-law, but the City’s Site Plan Control By-law does provide guidance on separation distances for multi-family residential development, with the objective of providing adequate penetration of direct daylight into habitable spaces, natural ventilation, visual privacy as well as separation and/or screening from noise. Within built-up areas under redevelopment, the City’s Site Plan Control By-law contemplates a separation distance of 8.0 meters for row houses or similarly attached dwellings with habitable room windows. The proposed separation distance of approximately 4.9 metres would not be consistent with the City’s Site Plan Control By-law. While an appropriate separation distance will ultimately be determined through the SPA process, the recommended amendment would permit fewer townhouse dwellings on the subject lands than requested by the applicant, which would provide more space for a greater separation distance and ultimately improve the form of development.

Adequate separation distance is also required for fire protection under the Ontario Building Code (“OBC”). The Planning Justification Report prepared by Zelinka Priamo Ltd. and submitted in support of the requested amendment identified that the separation distance between the proposed townhouse blocks, relative to the area of unprotected openings, would require fire protection mitigation measures in the form of fire shutters. As part of the review of the planning application for the subject lands, Building Staff were engaged in a preliminary discussion regarding fire protection. Building Staff advised that there are other fire protection measures that could be considered as alternative to fire shutters. Compliance with the OBC will be reviewed through the subsequent SPA process to ensure the ultimate form of development would be consistent with the OBC.

#### *Shadow Impacts/Access to Daylight*

Within the built-up area of the City it should be understood that there will be shadow impacts from adjacent development; but adjacent development should not significantly obstruct access to daylight. Shadow impacts will be reviewed in detail through the subsequent SPA process. The low-rise form of the proposed townhouse dwellings,

together with the provision of appropriate yard depths revised by Staff and which correspond to building height, are expected to result in modest, intermittent shadow impacts for adjacent properties and do not exceed the potential shadow impacts that may be cast by a dwelling constructed under the existing Residential R1 Zone.

#### *Privacy/Overlook*

Loss of privacy and overlook is important to achieving residential intensification that is sensitive to, and compatible with the receiving neighbourhood. It is recognized that the yard depths alone required to achieve absolute visual privacy and prevent overlook are much greater than those that can be feasibly provided in the built-up area of the City while providing for meaningful intensification. By exceeding the minimum interior side yard depth that would be required for a similar height building in the existing Residential R1 Zone, the recommended amendment does not exacerbate the potential for overlook that could occur with the existing as-of-right zoning on the subject lands.

With regard to the “back-to-back” configuration of the proposed townhouse dwellings that would result in principle dwelling entrances and the below grade outdoor amenity spaces facing adjacent properties, the provision of board-on-board boundary fencing, at least 1.8 metres in height, together with a landscaped screen can readily limit views from those grade-related active spaces as well as mitigate noise and artificial light impacts.

#### *Tree Protection*

The subject lands contain several mature trees that contribute to the character of the streetscape along Windermere Road as well provide an established landscape screen between the subject lands and adjacent properties. The Tree Preservation Plan prepared by Ron Koudys Landscape Architects and submitted in support of the planning application for the subject lands, showed the removal of the majority of the trees on site, with only a few trees in the south-easterly corner of the site being preserved and protected. This does not demonstrate a sensitivity to the character of the receiving neighbourhood.

It is a goal of *The London Plan* to manage the tree canopy proactively and increase the tree canopy over time (\*Policy 389\_). It is a target of *The London Plan* to achieve a tree canopy cover of 28% within the Urban Growth Boundary by 2035, and 34% by 2065 (Policy 393\_ and Policy 394\_). To achieve tree canopy targets *The London Plan* directs that action shall be taken to protect more, maintain and monitor the tree canopy better, and plant more (Policy 398\_). *The London Plan* directs that large, or rare, culturally significant, or heritage trees deemed healthy or structurally sound should be retained (\*Policy 399\_ 3.) *The London Plan* provides direction to the Site Plan Approval Authority that the removal of existing trees will require replacement at a ratio of one replacement tree for every ten centimetres of tree diameter that is removed (\*Policy 399\_ 4. b.). The recommended amendment provides yard depths that are of a sufficient size to retain and supplement landscaped screening along the shared boundary with adjacent residential properties. The recommended reduction in the number of units that can be achieved on site should also assist with the goal of maximizing tree preservation and protection on the subject lands.

Design issues to be considered through the SPA process include the following:

- an appropriate building separation distance be implemented between buildings on the subject lands to provide for the provision of daylight, natural ventilation and privacy;
- the type, location, height, intensity and direction of outdoor artificial lighting be identified to minimize light trespass onto adjacent properties;
- the preservation and protection of existing trees wherever possible;
- a board-on-board fence at least 1.8 metres high, together with enhanced landscaping wherever possible, to visually screen the subject lands from adjacent properties and assist with the reduction of noise and outdoor artificial light transfer to adjacent properties;
- enhanced landscaping along the westerly interior side yard to discourage informal pedestrian circulation in that space and/or “cut-through” from Windermere Road to Orkney Crescent;

- existing stormwater drainage routes should not be negatively impacted by development.
- a review of the development application by the Urban Design Peer Review Panel to provide advice to the applicant, Staff and City Council on design issues.

#### **4.2 Holding Provision for Public Site Plan Review**

In response to a considerable amount of public input and comment on this planning application and common concerns which relate to the form of development as well as matters to be addressed by site plan control (e.g. location and design of exterior artificial lighting, landscaping, buffering, fencing, outdoor storage and garbage disposal facilities; measures to minimize loss of daylight and privacy to adjacent properties; location and design of outdoor recreational areas; and the location and type of trees to be planted), Staff considered the need for an (h-5) holding provision for public site plan review.

##### ***The London Plan***

*The London Plan* requires a public site plan process for residential intensification proposals with certain exceptions similar to the *1989 Official Plan* (\*Policy 952\_, Policy 1682\_ and \*Policy 1683\_) The requirement for a public site plan process may also be Council directed according to *The London Plan* (\*Policy 952\_). The public site plan process is to assist in encouraging the integration of new development with adjacent land uses. *The London Plan* explicitly identifies that holding provisions may be used to address requirements relating to a public site plan process (Policy 1657\_)

##### ***1989 Official Plan***

The *1989 Official Plan* requires a public site plan approval process for residential intensification proposals (Section 3.2.3.5 i)). An exception to the public site plan process can be provided when residential intensification proposals are subject to another planning application that requires public consultation and through that planning application the public is invited to comment on site plan matters (Section 3.2.3.5 i) (b)). There is a policy basis for a holding provision in Section 19.4.3 i) in the *1989 Official Plan* that would ensure that development takes a form compatible with adjacent land uses so that issues identified as a condition of approval can be implemented, among other specified matters.

The recommend (h-5) holding provision for public site plan review would provide the public a continued opportunity to comment on the form of development through the subsequent SPA process. The conceptual site plan that was submitted in support of the requested ZBA is intended to be illustrative of what *could* be developed, but would not preclude other site designs at the time of SPA. The recommended ZBA is not intend to ascertain or secure a particular site design, but rather establishes the permitted use(s) and regulations for a general 'developable envelope'. The layout and organization of buildings and other site functions within the 'developable envelope' will be addressed in detail and finalized through the SPA process.

#### **4.3 Cultural Heritage and Archaeology**

Properties of cultural heritage value or interest, including archeological sites, are to be conserved. The potential that the subject lands may be a cultural heritage resource was reviewed as part of this planning application.

##### ***Provincial Policy Statement, 2014***

The *PPS* supports the wise use and management of resources, including cultural heritage and archaeological resources for economic, environmental and social benefit. The *PPS* directs that significant built heritage resources and significant cultural heritage landscapes shall be conserved (Policy 2.6.1). The *PPS* directs that development and site alteration shall not be permitted on lands having archaeological potential unless significant archaeological resources have been conserved (Policy 2.6.2).

In the *PPS*, the term "built heritage resource" means a building, structure, monument, installation or any manufactured remnant. The term "significant" means to have cultural heritage value or interest contributing to the understanding of the history of a place, event, or people. The term "conserved" means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act ("OHA") (Section 6 – Definitions).

### **The London Plan**

*The London Plan* directs cultural heritage resources will be conserved for future generations, and that new development will be undertaken to enhance and be sensitive to cultural heritage resources (Policy 554\_ 2. and 3.) *The London Plan* directs that in accordance with the OHA, and in consultation with the LACH, City Council will prepare and maintain a Register listing properties of cultural heritage value of interest (Policy 557\_). The Register will be known as *The City of London Inventory of Heritage Resources* (Policy 557\_). *The London Plan* is more explicit than the *1989 Official Plan* in identifying that the Register may include designated properties as well as properties that City Council believe to be of cultural heritage value or interest (Policy 557\_). *The London Plan* recognizes that there may be properties that are not identified in the Register, but the absence of those properties in the Register should not diminish the potential for those properties to be identified as significant cultural heritage resources which may be designated under the OHA (Policy 574\_).

*The London Plan* requires new development, redevelopment and all civic works located on or adjacent to heritage designated properties and properties listed on the Register to be designed to protect the heritage attributes and character of those resources and minimize the visual and physical impact on those resources (Policy 565\_). *The London Plan* allows development adjacent to heritage designated properties and properties listed on the City's Register only where the proposed development has been evaluated and it has been demonstrated that the significant attributes of the cultural heritage resource will be conserved (Policy 586\_).

*The London Plan* directs that the City will identify, designate and conserve archaeological resources in accordance with the OHA (Policy 579\_ and Policy 608\_). Archaeological resources may be included on the Register (Policy 581\_). *The London Plan* identifies the requirement for an *Archaeological Management Plan* that will identify archaeological resources and areas of archaeological potential and provide direction and requirements for the identification, evaluation, conservation and management of archaeological resources in accordance with the OHA (Policy 609\_). *The London Plan* requires an archaeological assessment where development or site alteration is proposed on a property that demonstrates archaeological potential or known archaeological resources as determined through the *Archaeological Management Plan* (Policy 616\_). The archaeological assessment shall be undertaken to the applicable level of assessment as determined by a consultant archaeologist in compliance with provincial requirements and standards (Policy 617\_).

### **1989 Official Plan**

The *1989 Official Plan* directs that Council, through its London Advisory Committee on Heritage ("LACH"), will prepare and maintain a descriptive inventory of properties of cultural heritage value or interest (Section 13.2.1). The *1989 Official Plan* directs that no alternations, removal or demolition of heritage buildings will be undertaken on heritage properties designated under the OHA that would adversely affect the reasons for designation except in accordance with the OHA (Section 13.2.3).

The *1989 Official Plan* directs that Council will facilitate efforts to preserve and excavate archaeological resources (Section 13.4.1). ZBA applications will be reviewed to determine their impact on potential archaeological resources. An archaeological assessment may be required if it is determined through the application of the archaeological potential model that any part of the subject lands have archeological potential or known archaeological resources and some form of soil disturbance is proposed (Section 13.4.3).

Correspondence from the public requesting that 536 Windermere Road be reviewed to determine whether it has cultural heritage value or interest was received by the LACH at their October 10, 2018 meeting and was forwarded on to the LACH Stewardship Sub-committee. The Stewardship Sub-committee also received a Building Assessment Report prepared by M. W. Hall Corporation on behalf of the applicant for the same property. According to the Stewardship Sub-Committee Report to the LACH dated October 24, 2018, based on local knowledge and preliminary research by the Stewardship Sub-committee, it is believed that no further action regarding 536 Windermere Road or 542 Windermere Road should be taken.

The recommendation of the LACH regarding 536 Windermere Road will be received by the Planning and Environment Committee (“PEC”) on December 10, 2018, and was not known at the time of preparing this report. The subject lands are not listed on the Register, meaning that the subject lands are not designated under the OHA nor are they believed to have cultural heritage value or interest by City Council. Based on the Stewardship Sub-Committee Report to the LACH, it is not anticipated that the planning application or proposed development for the subject lands represents a cultural heritage concern outside of the archeological potential discussed below.

The subject lands are identified as having archeological potential in the *2017 Archeological Management Plan*. The *2017 Archeological Management Plan* reflects legislative changes and an evolution of best practices in archaeological resource management. Subsequently the *2017 Archeological Management Plan* identifies more properties within the built-up area of the City as having archeological potential than the *1996 Archeological Master Plan* which it replaced. The subject lands were *not* identified as having archeological potential in the *1996 Archeological Master Plan*. The *1996 Archeological Master Plan* was referenced for the purposes of determining the complete application requirements for this planning application in February 2018. The amendment to the Official Plan and Zoning By-law to recognize the *2017 Archeological Management Plan* as a guiding document came in to force in June 2018, after the mandatory pre-application consultation process had occurred for this planning application and, as a result, an archaeological assessment was not required as part of a “complete application”. To provide general awareness that the subject lands are to be assessed for the presence of archaeological resources prior to development and site alterations occurring, an (h-\_) holding provision is included as part of the recommended amendment.

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

## 5.0 Conclusion

The requested amendment to permit and facilitate the redevelopment of the subject lands for cluster townhouse dwellings is recommended to be refused because the proposed intensity and form of development is an over intensification of the subject lands and does not represent good planning. The requested amendment did not provide the appropriate development standards by which to minimize or mitigate potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

The recommended amendment would alternatively provide for a less intense form of development than the requested amendment. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that encourages a range and mix of land uses to support intensification and achieve compact forms of growth. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment conforms to the *1989 Official Plan* that contemplates residential intensification in the Low Density Residential designation in the form of multiple-attached dwellings, such as the recommended cluster townhouse dwellings. The recommended amendment conforms to *The London Plan* that contemplates residential intensification in the Neighbourhoods Place Type, where townhouses are contemplated as a primary permitted use on all street classifications.

The recommended amendment conforms to the *1989 Official Plan* and the maximum density contemplated in the Low Density Residential designation through residential intensification. The recommended amendment also conforms to the height minimum and height maximums contemplated in the Neighbourhood Place Type on a Civic Boulevard (Windermere Road) in *The London Plan*.

The recommended amendment provides for a form of residential intensification that can

be implemented on subject lands in light of the constraint to development on the easterly-most portion of the property. The recommended amendment would provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

Holding provisions are recommended to ensure that development takes a form compatible with adjacent land uses following public site plan review; and to ensure the subject lands are assessed for the presence of archaeological resources prior to development or site alternations that would involve soil disturbance.

<b>Prepared by:</b>	<b>Melissa Campbell, MCIP, RPP Planner II, City Building and Design</b>
<b>Reviewed by:</b>	<b>Michael Tomazincic, MCIP, RPP Manager, Current Planning</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

December 14, 2018  
MC/mc

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8945Z - 542 and 536 Windermere Rd (MJC)\PEC\Z-8945-536+542-Windermere-Rd-PEC-Report-12-10-18.docx

**Appendix A**

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

By-law No. Z.-1-19 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 536  
and 542 Windermere Road.

WHEREAS 2492222 Ontario Inc. has applied to rezone an area of land  
located at 536 and 542 Windermere Road, as shown on the map attached to this by-law,  
as set out below;

AND WHEREAS this rezoning 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 536 and 542 Windermere Road, as shown on the attached map  
comprising part of Key Map No. A102, from a Residential R1 (R1-6) Zone to a  
Holding Residential R5 Special Provision (h-5•h-•R5-5( )) Zone.
- 2) Section Number 3.8 2) of the Holding "h" Zone is amended by adding the following  
Holding Provision:

- ) h-(\*) *Purpose:* The proponent shall retain an archaeologist,  
licensed by the Ministry of Tourism, Culture and Sport under  
the provisions of the Ontario Heritage Act (R.S.O. 1990 as  
amended) to carry out a Stage 1 (or Stage 1-2)  
archaeological assessment of the entire property and follow  
through on recommendations to mitigate, through  
preservation or resource removal and documentation,  
adverse impacts to any significant archaeological resources  
found (Stages 3-4). The archaeological assessment must be  
completed in accordance with the most current Standards  
and Guidelines for Consulting Archaeologists, Ministry of  
Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy  
format and as a PDF, will be submitted to the City of London  
once the Ministry of Tourism, Culture and Sport has  
accepted them into the Public Registry.

Significant archaeological resources will be incorporated into  
the proposed development through either in situ preservation  
or interpretation where feasible, or may be commemorated  
and interpreted through exhibition development on site  
including, but not limited to, commemorative plaquing.

No soil disturbance arising from demolition, construction,  
grading, or any other activity, shall take place on the subject  
property prior to the City of London receiving the Ministry of  
Tourism, Culture and Sport compliance letter indicating that  
all archaeological licensing and technical review  
requirements have been satisfied.

3) Section Number 9.4 e) of the Residential R5 (R5) Zone is amended by adding the following Special Provision:

- ) R5-5(\*) 536 and 542 Windermere Road
  - a) Regulations
    - i) Front Yard Depth (minimum) 2.1 metres (6.96 feet)
    - ii) West Interior Side Yard Depth (minimum) 3.0 metres (9.84 feet) when the end wall of a unit contains no windows to habitable rooms
    - iii) Height (maximum) 10.5 metres (34.45 feet)
    - iv) Notwithstanding the regulations of Section 4.27 of this By-law to the contrary, on lands zoned R5-5(\*) open or covered but unenclosed decks or porches not exceeding one storey in height may project no closer than 0.2 metres (0.66 feet) from the front lot line.

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

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

PASSED in Open Council on January 15, 2019.

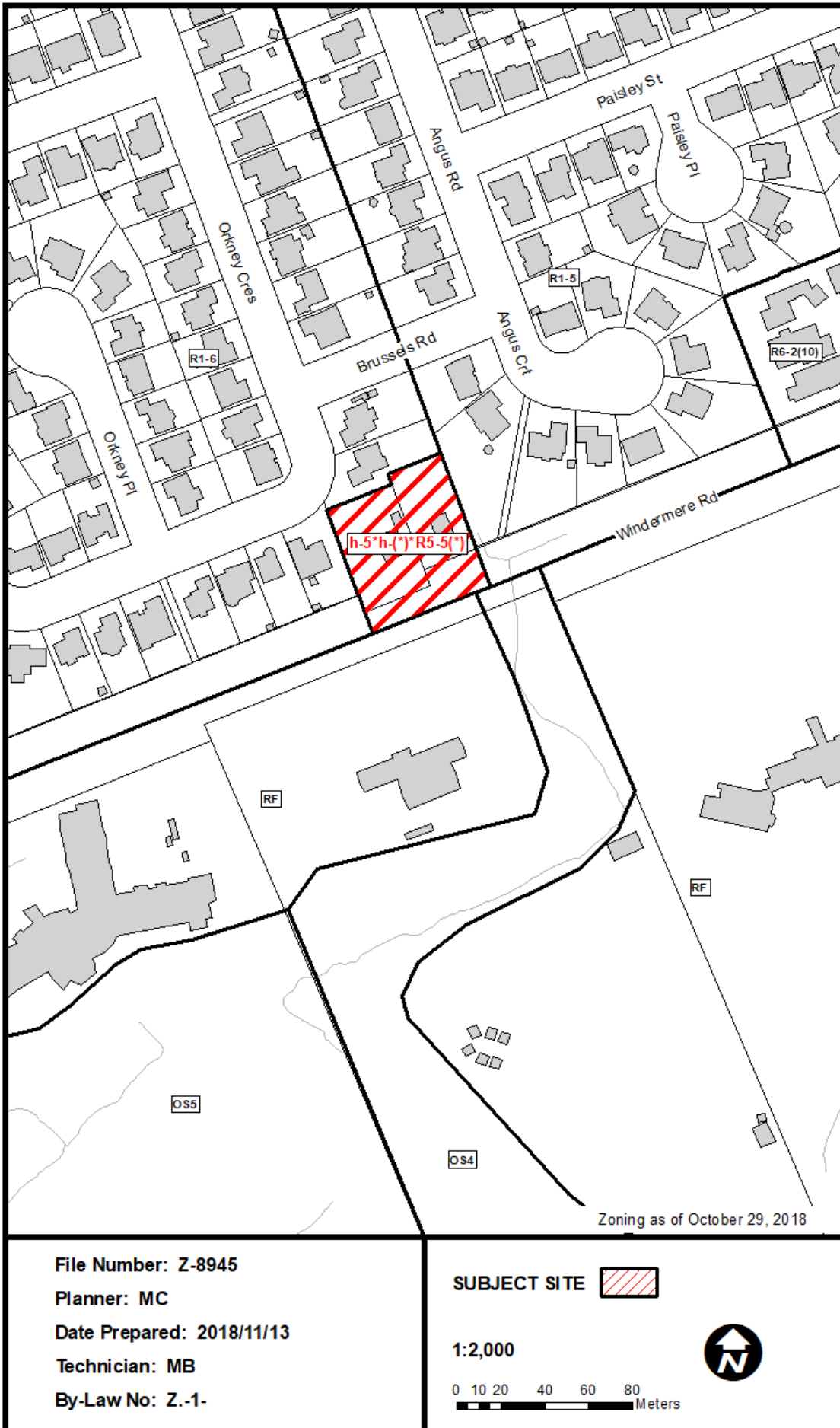
Ed Holder  
Mayor

Catharine Saunders  
City Clerk

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



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



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On August 30, 2019, Notice of Application was sent to 56 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 31, 2019. A “Planning Application” sign was also posted on the site.

On September 26, 2019, Notice of Revised Application was sent to 60 property owners in the surrounding area. Notice of Revised Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 27, 2019.

Approximately 40 replies were received

**Nature of Liaison:** The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(\_)) Zone to permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwelling units on the subject lands. The notice advised of special provisions to the standard R5-7 Zone regulations to permit a reduced minimum front yard depth of 2.1 metres and a reduced westerly minimum interior side yard depth of 1.7 metres. The revised notice advised of an additional special provision to permit an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line notwithstanding the yard encroachments permitted in Section 4.27 – General Provisions in the City’s *Zoning By-law Z.-1*. The below-grade patios were shown on the conceptual site plan circulated with the original Notice of Application, but a special provision to permit an increased maximum yard encroachment for the proposed below-grade patios was not initially requested.

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

#### Concern for:

- the intensity of proposed development too great, and the scale of the proposed buildings too dominate; generally out of character for the neighbourhood;
- townhouse dwellings inconsistent with surrounding properties zoned for single detached dwellings;
- number of variance to standard zone conditions, an indication proposed buildings are too large of site/number of units an over-intensification of the site;
- shadow impact, loss of privacy/overlook, loss of views given scale of the proposed buildings;
- lack of space for proper garage storage and/or snow storage;
- intrusion of boundary fencing and proposed buildings on Orkney Crescent streetscape;
- elevation change will diminish effectiveness of fencing and landscaping to visually screen proposed buildings from adjacent properties;
- diminished quality of life/intrusions of noise, light and traffic, loss of mature trees, garbage (property maintenance);
- insufficient parking for the number of townhouse dwellings and potential off-site parking impacts on adjacent neighbourhood streets;
- insufficient separation distance between proposed buildings on site, and insufficient yard depths/setbacks between proposed buildings and adjacent properties;
- improper classification of Windermere Road as higher-order street/improper location of intensification;

- proposed development exacerbating traffic congestion on Windermere Road
- insufficient front yard depth and encroachment into pedestrian space along Windermere Road effecting safety of pedestrians and cyclists;
- appearance, architectural style of proposed building relative to existing buildings in the area, and the quality and/or durability of materials and/or construction;
- opportunity for crime in confined spaces (Crime Prevention Through Environmental Design);
- reduction in property value; and
- impact of proposed surface parking area/pavement over watermain easement.

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

Telephone	Written
Dennis Kirkconnell 6 Angus Court London, ON N5X 3J4	Dennis and Connie Kirkconnell 6 Angus Court London, ON N5X 3J4
Marleen Suzuki 14 Doon Drive, Unit 17 London, ON N5K 3P2	Tony Mara 127 Orkney Crescent London, ON N5X 3R9
Joy Abbott 14 Doon Drive, Unit 7 London, ON N5K 3P2	William and Randi Fisher 127 Orkney Crescent London, ON N5X 3R9
Harry Tugender 18 Angus Court London, ON N5X 3J4	David A. Leckie 138 Orkney Crescent London, ON N5X 3S1
Loraine Gray 30 Doon Drive, Unit 11 London, ON N5X 3X1	Jain Mahabir 139 Orkney Crescent London, ON N5X 3R9
	Dr. and Mrs. Chagla 66 Orkney Crescent. London ON N5X 3R9
	Karen Weilgosh 106 Orkney Place London, ON N5X 3S1
	Bob Barker 47 Bracebridge Crt. London, ON N5X 3V2
	Fred Rodger 131 Orkney Crescent London ON N5X 3R9
	Lucy Hampton 94 Orkney Place London, ON N5X 3S1
	Allan Brocklebank 58 Orkney Crescent London ON N5X 3R9

	Rocky and Marilyn Cerminara 26 Angus Court London, ON N5X 3J4
	Andrew Fox 22 Angus Court London, ON N5X 3J4
	Donglin Bai 74 Orkney Place London, ON N5X 3S1
	Mario Scopazzi 123 Orkney Crescent London, ON N5X 3R9
	Mathew Trovato 115 Orkney Crescent London, ON N5X 3R9
	Frank and Iva MacNeil 159 Orkney Crescent London, ON N5X 3R5
	Patricia and John Orlebar, 26 Ravine Ridge Way London ON N5X 3S7
	J. Gary Turner 130 Orkney Crescent London, ON N5X 3R9
	Andrea Pollard 107 Orkney Crescent London, ON N5X 3R9
	Don Bodrug 10 Angus Court London, ON N5X 3J4
	Gordon Payne 70 Orkney Crescent London, ON N5X 3R9
	Christine DeVouge 71 Doon Drive London, ON N5X 3V2
	Paul Culliton 163 Orkney Crescent London, ON N5X 3R9
	Joel Faflak and Norm LeNeve 2 Angus Court London, ON N5X 3J4
	Charles Spina 9 Lavender Way London, ON N5X 3J2

**From:** Jain Mahabir  
**Sent:** Tuesday, June 12, 2018 8:16 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** Windermere Re-zoning Concerns

Hi Melissa,

I spoke to you today at the meeting regarding rezoning on Windermere. Here're my concerns. I have also forwarded to MPP. Thank you for information you provided.

I live very close to the proposed multi-unit townhouse development.

I am concerned that this development will negatively impact the lives of me, my family and my neighbours. The residents of this area have chosen to live here because it consists of single family households, in a quiet neighbourhood and away from the hustle and bustle of a crowded space.

If rezoned, the density of people in the area will be much higher and the neighbourhood will be busier and noisier. Parking will likely spill out to surrounding streets which are very quiet now. The landscaping, trees and general feel of the area will be negatively affected. The night lighting will increase and make it brighter for surrounding houses, making it difficult to sleep. I am concerned that the height of the buildings, and related structures will block light, and make nearby homes boxed in.

I cannot make sense of why, when an area is zoned for one type of use, the city will even consider re-zoning a small piece of that area. Makes no sense to me.

I sincerely hope the city does not rezone this area and listen to residents of the area.

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**From:** Dennis Kirkconnell  
**Sent:** Wednesday, June 13, 2018 11:29 AM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Cc:** Cassidy, Maureen <mcassidy@london.ca>;  
**Subject:** Proposed Townhose Project on Windermere Rd

Hi Melissa,

First, I would like to thank you for attending last nights meeting at Maureen's request.

As you can appreciate, there is a lot of resistance to this proposed townhouse project. We bought our homes on the premise this was zoned low density single family homes. Like most of our neighbours, we are opposed to this project for numerous reasons.

Our property (6 Angus Crt) and the other 4 properties that back onto the proposed project are all at higher elevation levels so no fence would help block the view of these buildings and the parking lot. Hopefully, City Planning is aware of this elevation change and will take that into consideration. As mentioned, you are welcome to visit us our home to see what we would be faced with if this project proceeds.

I will send you a separate e-mail on our other concerns.

Regards,

Dennis & Connie Kirkconnell

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**From:** Dennis Kirkconnell  
**Sent:** Wednesday, June 13, 2018 8:28 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Cc:** Cassidy, Maureen <mcassidy@london.ca>;  
**Subject:** Proposed Townhouse Project - Windermere Rd.

Hi Melissa,

Needless to say we have numerous concerns with this proposed townhouse project. Our major concerns are:

- Two 8 unit buildings being built in a low density single home housing zone
- Zoning variances that are likely required to "shoe horn" this project into such a small space
- The 5 existing homes that border this property are at higher elevations, so a fence would not help to block the view or provide any privacy. If existing trees bordering these 5 homes are removed or compromised, it would be devastating!! Personally, we would be overlooking a parking lot.
- The above elevation changes could provide water issues with the new rear building
- Parking is also a major concern. If these units turn into rentals, we anticipate a serious parking problem as the plan does not include adequate space for overflow parking. Our concern is guests will then park in the Scout Hall parking lot, which I assume would be a potential issue the Scout Hall would prefer to avoid.
- Since the plan does not provide adequate space for a buffer zone, I suspect the light generated from these 16 units and the parking lot will impact the 5 existing homes that border this property.

It is imperative that our City Hall planners visit the 5 bordering properties to visualize and fully understand the issues we would face. If at any point you would like to visit these 5 properties, please call or email me and I will arrange a convenient date and time.

Regards,

Dennis & Connie Kirkconnell  
6 Angus Crt

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**From:** Dennis Kirkconnell  
**Sent:** Sunday, June 17, 2018 12:32 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Cc:** Cassidy, Maureen <mcassidy@london.ca>;  
**Subject:** Proposed Townhouse Development - Windermere Road

Hi Melissa,

Another concern I neglected to mention is garbage storage and pick-up for the 16 proposed townhouse units. In most area homes, we store garbage in the garage during the week and take it to the curb for pick-up on our scheduled garbage day.

Since these 16 proposed townhouses don't have a garage to store garbage, would the developer arrange for bins/dumpsters? If so, how many and where would they be located? Hopefully, as close to Windermere Rd as possible since the 5 bordering properties have bedrooms that back onto these proposed units and these homeowners would not want to be subjected to raunchy garbage smells, excessive noise from early morning garbage pick-ups or overflowing bins/dumpsters that would lead to rodent and bird issues.

Would City Planning allow for normal city garbage pick-up for these proposed units or require this service be contracted out? If it's the latter, what assurance would existing homeowners have that this will be properly maintained?

Regards,

Dennis Kirkconnell  
6 Angus Crt

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**From:** Tony Mara  
**Sent:** Monday, August 27, 2018 11:11 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** Re: 542 & 536 Windermere Rd development application

Hi Melissa,

My name is Tony Mara. We met at the neighbourhood meeting related to the 542 & [536 Windermere Rd](#) development proposal. I understand from my neighbour Dennis that the application for this development project has been received by your department.

I live at 127 Orkney Crescent. My property adjoins both of the Windermere properties on the north side. I believe Dennis mentioned that you are planning to visit the site sometime soon. I would like to invite you to review the site and the development plans from the perspective of our property. Please consider this permission for you and your colleagues to access our property during this site visit.

I would also like to ask you to also look at this development plan from the street level perspective of Orkney Crescent in order to assess the potential impact from all sides. Especially when considering the difference in elevation and the planned removal of the existing tree line separating the Windermere properties from our property and the Orkney Crescent neighbourhood.

Thank you Melissa, I appreciate your consideration in this matter.

Best regards

Tony

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**David A. Leckie**  
138 Orkney Cres. London, Ontario N5X 3S1

Planning Services  
206 Dundas St.  
London, ON, N6A 1G7  
**Attention: Melissa Campbell**  
*Submitted by E-mail: mecampbell@london.ca*

Dear Ms. Campbell:

**Re: Zoning By-Law Amendment; File Z-8945; Applicant 2492222 Ontario Inc.  
536 and 542 Windermere Road**

I am writing in opposition to the noted application for rezoning. My reasons for this are as follow.

The two noted properties presently contain single-family dwellings and reflect the corresponding zoning that prevails for the extensive subdivision around them. They are likely two of the original properties that have taken access from Windermere Road in times that preceded such subdivision development. I'm guessing that the owners of the day resisted sale of their properties to the developer (who would have been assembling land for the eventual subdivision). Otherwise, these lots would have been incorporated into the overall subdivision and likely would not have had access to Windermere.

Today's reality is that the present subdivision, containing properties on Orkney Crescent, Orkney Place, and Angus Court (among many other residential roads) is a mature subdivision, populated by a demographic that seeks an area in which to enjoy a quiet quality of life. This demographic has purposely purchased in the area to enjoy that very quality of life. The neighbourhood is indeed very quiet. Traffic is light. Outdoor socialization is subdued and low key, with the few backyard activities winding down by

11:00 pm or so. The proposed development wants to strip two of those idyllic lots from the milieu and intensify them into what is clearly a student housing intrusion – functionally totally out of character with its surroundings.

Stepping back a bit, it would appear that City of London planners have not discouraged the developer from investing its resources to further the pursuit of rezoning. Although “The London Plan” is tied up in the appeal process, I expect that the City supports the rezoning based on the London Plan. The London Plan effectively promotes the elimination of such quiet and popular success stories by advocating intensification and the intrusion of development types incompatible with sustaining such an ambiance. Is it saying that London is a city and thus must have heightened hustle and bustle everywhere? I cannot support the re-characterizing of existing neighbourhood success stories – especially this one.

The design submission alleges attractiveness and physical integration with the existing neighbourhood. It does create a reasonable case for its appearance, although it is hard to understand why a stark, stonefaced façade is more attractive than the existing country lane look (with towering mature trees planned for removal). Notwithstanding, *physical* features are one thing; *functional* considerations are substantially another. The buildings are clearly meant to be student housing, with bedrooms above and below a common area. Our neighbourhood is not part of the student housing industry as seen in the Broughdale and Fleming Drive areas – nor do we want it to be. Student residential areas consistently demonstrate characteristics that, at best, are noisy and unkempt and, not uncommonly, unruly and even unlawful. I do not wish to see our neighbourhood transformed in that manner and I do not wish the corresponding erosion in quality of life and devaluation of property.

Council has shown consideration for the sanctity of our subdivision in a number of instances. I would draw attention to a relatively recent re-development of 570 Windermere Road. That lot, though drawing access from Windermere, was also a single-family, detached dwelling, completely compatible with the newer subdivision that surrounded it. Council supported zoning for that that was compatible to the zoning of the greater neighbourhood by approving a three, single-family detached condominium style of development there.

There are other examples of how past Councils have supported the nature of our subdivisions in the Richmond/Fanshawe/Adelaide/Windermere quadrant. The first phase of development was the Stoneybrook area on the north half of this quadrant. When the southern half of that quadrant was developed, circa 1990, no north-south connections were permitted between the two areas – thus preventing traffic flows between them. Furthermore, development of the southern half endeavoured to manage traffic as well - by eliminating a proposed Angus Road connection to Windermere. Alternatively, traffic was diverted along Doon Drive, past the higher density condominium complexes there.

A key factor for intensification in The London Plan is the nature of adjoining roads. Specifically, arterial roads, such as Windermere, are targeted for intensification. Although the development in question does take access outwardly to Windermere, rather than inwardly to our subdivision, I would argue that this access is irrelevant in this discussion because the development is enveloped by the subdivision. Hence, the effects of the development are felt inwardly. Accordingly, the roadway designation of Windermere Road as an arterial is a moot point and should not form a basis for promoting intensification.

On the subject of Windermere’s classification as an “arterial road” in current Official Plan parlance or “Civic Boulevard” in London Plan parlance, I suggest that this designation could merit downgrading. The London Plan argues that arterial roads are busier roads that often support public transit routes and that there are economies in providing civic services to properties along that route. Indeed, good public transit is supported by greater populations along their routes and vice versa. I would argue that defining Windermere Road as a true arterial, worthy of intensification, is overstated. For



Windermere to be a true arterial, it should be connected at least to Gainsborough Road (across Medway Creek) in the west and desirably to Highbury Avenue in the east. Past Councils have faced considerable opposition to the westerly connection for decades and it is unlikely that that 'hot potato' will ever be mashed. As for connection of Windermere to Highbury, it just won't happen. A substantial area of environmentally sensitive lands would have to be traversed in doing so. Accordingly, it is hard to argue that Windermere is much of an arterial, worthy of justifying intensification. Accepting such realities, Council might consider downgrading Windermere's designation within the Official Plan.

In summary, I oppose the noted development for the following reasons:

- 1) Intensification is inconsistent with the existing zoning milieu around it;
- 2) There is no strong case for intensification, given Windermere's secondary functionality;
- 3) The introduction of the student housing development into an existing single-family detached neighbourhood is incompatible.
- 4) Student housing will degrade the peacefulness of the neighbourhood;
- 5) Council has a history of supporting the current nature of the neighbourhood through historical development of this quadrant and the more recent development at 570 Windermere Road;
- 6) This is entirely a win/lose scenario. The developer makes money; the neighbourhood loses money and quality of life; the City gains nothing of consequence. This is purely a money-making undertaking.

For all of the foregoing reasons, I petition the City to protect the existing nature of the neighbourhood by rejecting this application for re-zoning.

**Respectfully Submitted,**

**David Leckie, P.Eng. (Retired)**

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**From:** William Fisher

**Sent:** Sunday, September 9, 2018 12:31 PM

**To:** Campbell, Melissa <mecampbell@london.ca>; Cassidy, Maureen <mcassidy@london.ca>

**Cc:**

**Subject:** Concerns About Zoning Amendment Requested for 536 and 542 Windermere Road (File Z-8945)

Dear Ms. Campbell and Ms. Cassidy,

I have some concerns about the zoning amendment that has been requested for 536 and 542 Windermere Road (File Z-8945). My family lives at 143 Orkney Crescent, and we walk along our street and along Windermere Road on a daily basis and have contact as neighbours and as community residents with the planned development's intrusions on Orkney Crescent and Windermere Road. My specific concerns are as follows. First, according to the site plan, there will be a highly visible 1.8 meter high wooden fence corner abutting Orkney Crescent that will diminish enjoyment of our street, without the benefit I would add of apparent landscaping on the Orkney Crescent side of the 1.8 meter wooden fence that is proposed. Second, there proposed building would appear to be quite tall, if I read the elevation plan correctly, and it would appear to be visible to us on Orkeny Crescent. Moreover, it would appear that the Orkney Crescent facing back group of apartments—eight of them--will look down directly into neighbours' yards. Finally, it would appear that the portion of the plan facing Windermere Road will leave a very minimal strip of sidewalk for us to walk on and it will be fenced with a wooden fence facing the street, with no apparent landscaping, diminishing our enjoyment of our daily walks. The size of the proposed apartment development is too great for the

neighbourhood and the lot and the plans show no respect for the aesthetics of the neighbourhood. The requested amendments will leave us with a tall dominant building, fenced with unlandscaped wooden fences 1.8 feet tall, intruding on Orkney Crescent and on Windermere Road.

Thank you for taking the time to read about our concerns.

Cordially,

William and Randi Fisher

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From: Karen Weilgosh  
106 Orkney Place  
London, On, N5X 3S1

To : Melissa Campbell  
Planning Services, City of London  
206 Dundas St. London, N6A 1G7

September 11, 2018

RE: File Z-8945, Applicant 2492222 Ontario Inc

Dear Ms. Campbell,

I am the owner of 106 Orkney Place, a property that is located near this proposed development, where I live with my two young daughters. As such, I have some serious concerns in regarding the proposed development and application for a zoning amendment to allow cluster "back-to-back" townhouse dwellings. To begin, our neighbourhood is composed of single family homes which are quiet and safe for young families and older residents. Having "back-to-back" townhouse dwelling would mean student rentals with a significant increase in noise levels due to student parties. This would also create a parking issue as the townhomes have limited parking, and the overflow would fall onto Orkney Crescent and Angus Court as no parking is allowed on Windermere Road. Having student rentals also diminishes the sense of family community that we take pride in. Finally, the value of our homes will likely suffer a decrease due to this development. I sincerely hope that our community voice is heard in regards to opposition to this proposed development. Thank you for your consideration,

Sincerely, Karen M. Weilgosh

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**From:** abdulchagla  
**Sent:** Thursday, September 13, 2018 1:51 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>; Cassidy, Maureen <mcassidy@london.ca>  
**Cc:** 'Yasmine Chagla'  
**Subject:** Zoning By law amendment File Z-8945 -536 & 542 Windermere Rd

Dear Ms. Campbell and Ms. Cassidy,  
Thank you for sending us the note regarding rezoning application of above property. We have been resident in the area for 35 years and selected this area for 2 main reasons:

1. Low density populated area
2. Secure and peaceful area to raise our children.

With zoning changes and eventual building of these properties, it will change the dynamics of this area,

We oppose change of zoning due to following reasons:

1. There will be increase in residential units and population increase in our area, changing the living dynamics of our area.
2. High density will decrease valuation of our current residence.
3. Increase noise, traffic etc. (especially as students rental)
4. Cutting of mature trees, changing habitat of the area
5. Noise pollution due to increase in traffic.
6. Unsafe for children who bike or walk from school.

7. Due to limited parking, "new residents" will use neighbourhood side streets to park, hazardous during winter cleaning.
8. Encroachment of sidewalks due to reduced front yard depth.

We want our Ward Councillor to intervene and stop the rezoning application.

Thanks

Dr. and Mrs. Chagla

Dr. Abdul. H. Chagla. Ph.D., FCCM.,D(ABMM).  
Consultant Microbiologist  
American Society for Microbiology –  
International Capacity Building Program.

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From: Bob Barker  
Sent: Saturday, September 15, 2018 1:04 PM  
To: Campbell, Melissa <mecampbell@london.ca>  
Subject: 536 and 542 Windmere Rd.

Hi. I am astounded that planning would even consider such a maximum density development, that far exceeds the normal density, setbacks, parking that the community surrounding it was planned, and built to. This site should be required to adhere to the normal max. of 16 units per acre , with 2 parking spaces per unit and already established site requirements in the community with conventional side yards and set backs. To say the area already has commercial uses already, and use Masonville Mall as a neighbour to this site that is 2 plus km away by road, is stretching the truth.

I am in favour of using existing planning standards and developing the site, but Do Not Bend the rules, to accommodate an investor, trying to create extra dollars, by cramming the site for their own gain, and ignoring already established and approved requirements.

I have lived in the area with in approx. 1 km. of this site Since 1986 and built a new home on Bracebridge Crt. 1989, and still live there. I appreciate your consideration, and look forward to the city doing the Right thing ...Bob Barker, 47 Bracebridge Crt. London.  
Sent from my iPad

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**From:** Frederick Rodger  
**Sent:** Saturday, September 15, 2018 8:38 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Cc:** Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** Zelinka Priamo Ltd - Re 536/542 Windermere

Hello Melissa,

I was reviewing the Zelinka Priamo website and I noticed that Melissa Campbell is listed as an employee. Are you that employee, I thought you said that you worked for the City of London.

I hoped this is not too personal but are you related to the Mathew Campbell that also works there?

I am not trying to be offensive, I am just trying to get a clear understanding who all the players are. Can I be confident that the correspondence that I send to you is not being shared with Zelinka Priamo Ltd?

Routing around the internet, I also noticed that Richard Zelinka and Greg Priamo are past employees of the London Planning Department.

It appears to me right now is that the deck is stacked against the current neighborhood that includes 536 and 542 Windermere. I have imaginings that phone calls have been made (possibly quiet money tossed around) and that this exercise of neighborhood participation is just a process to go through because the decision to build has already been guaranteed.

All that said, I would like to hear your side.

Kindest Regards,  
Fred Rodger  
131 Orkney Cres.

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**Subject:**

Lots 536 and 542 Windermere Road - Re-zoning application from Zelinka Priamo on behalf of numbered company 2492222  
London Planning file number: Z-8945

**Comments from Lucy Hampton 94 Orkney Place, London, ON N5X 3S1**

- Replacing 2 single family dwellings with 16 single family dwellings is excessive. A minimum of thirty-two (32) parking spaces would be required for the residents and additional parking spots are required to accommodate visitors. I could not see how that would be accommodated in the proposed plan. Will the residents and visitors start parking on Orkney Place near the walkway close to the proposed unit? If so, our street is too narrow, not long enough and just barely accommodates the visitors of the residents of Orkney Place, especially in the winter. If this goes through as proposed, it is very sad that the city supported a project knowing that they may be creating a parking issue for some of their highest residential tax payers.
- The building footprint is too large. There is very little green space and no backyard for children to play. Therefore, it is clearly not being built to attract families but instead university students. There is a 4-bedroom house on our street that was rented by university students for the last 2 – 3 years. They owned 4 cars. They put their blue boxes and garbage on top of snow banks which fell over before the city came to pick it up. Because the garbage was scattered all over, the city did not pick it up. It laid there scattered on the property and street for weeks. This was a normal occurrence.
- With no green space, rain water from the heavy rainfalls that we've been having will not be absorbed by the land and will have no place to go except the street and the storm drains. Will this development introduce flooding issues to this area? I would like to see the City Engineer's calculations that show that the storm drains will be able to handle the extra rain water that is currently being absorbed by the land of these two properties during major downpours.
- How will garbage be handled for 64+ people? There will be at least 32 bags of garbage per week plus blue box materials. Will there be a garbage bin at the back of the lot? If so, this garbage bin will start attracting more wildlife from the river area across the road. We have too many deer, skunks, racoons and groundhogs roaming our properties at night as it is and do not want more. I especially do not want to start seeing rats.
- How will snow removal be handled? Where will the snow from the parking lot be piled? Will it reduce the amount of parking spaces making the parking issue worse?
- Getting from Doon Drive onto Windermere Road in the morning when everyone is driving to work and the students are driving to school is a real problem and adding more traffic from this building is in my opinion an issue. This corner will need a street light, similar to the other end of Doon Drive and the speed limit should be lowered.
- Lastly, I am very disappointed that this is even being discussed since we have precedent at 570 Windermere Road where two similar lots were purchased a few years ago and replaced with 4 single family dwellings, a win-win solution for the developer and the neighbors. It is my understanding that the developer at the time went through the re-zoning process of these lots. Why isn't the city using 570 Windermere Road as precedent for the two proposed lots. What makes the proposed project eligible for different zoning

other than single family residences? Increasing the number of family units from 2 to 4 meets the city's objective of increasing density through infill and maintains the single-family concept which was the reason we bought here 31 years ago.

Thank you for your consideration.  
Lucy Hampton

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**From:** Brocklebank, Allan  
**Sent:** Wednesday, September 19, 2018 10:10 AM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** 536 and 542 Windermere Rd.

re. Notice of Planning Application

Zoning By-Law Amendment

File: Z8945

Melissa Campbell:

My name is Allan Brocklebank and I own, and reside at, 58 Orkney Crescent, within the subject property's notification area.

Please allow me to provide my input related to what has been proposed. My comments cover a broad range of topics and I assume that you, as the forward person, will refer all related issues to the appropriate city departments (Planning/Zoning, Building, Fire Department, etc.) for their perusal and comment; please let me know if I must do this directly.

The planning consultants (Zelinka) have spent considerable time and effort, using their Planning Justification Report (PJR) to make a case for rezoning that would permit a development having a density considerably higher than the existing subject and abutting properties. The documents referenced, the Provincial Policy Statement, the City of London Official Plan and The London Plan (Under appeal) are guiding principles and are not intended to be interpreted (literally) and certainly not applied solely for the monetary benefit of the developer at the exclusion of quality of life issues for the future inhabitants of the development, the neighbours and all the citizens of London.

In principle intensification is admirable but this specific proposal is severely flawed.

**Rezoning: from R1-6 to R5-7:** Not including Site Specific Concessions requested.

Density:

- the 75 units/ha number as quoted in the Planning Justification Report (from the City of London Official Plan; Density and Form) is a guiding principle and therefore moot
- the max. permitted density for the R5-7 zone is 60 units/ha.
- the entire site (both properties) including the city boulevard (assumed by the city) is 30,437 ft<sup>2</sup> or 0.2804 ha. (Zelinka says 0.277 ha)
- the site excluding the boulevard (approx. 8m x 32m) is 27,437 ft<sup>2</sup> or 0.254898 ha.
- Zelinka has used the larger area (incl. boulevard) to rationalize their proposed density; 0.2804 x 60 = 16.824 units (or 0.277 x 60 = 16.62 units)
- I would suggest that the density for this development should be based on the smaller lot size (not including the boulevard); 0.254898 x 60 = 15.29388: **Zelinka is proposing one more unit than permitted in a R5-7 zone thus requiring another site specific concession**

It is interesting to consider that, due to the "no build" portion of the site (half of the site), for all intents and purposes, the actual density will be (effectively) twice that permitted.

**Special Provisions:** Site Specific Concessions requested.

**Reduced front yard setback from 8m to 2.1m:**

- it is reasonable to expect that this setback will be measured from a virtual property line from the south-west corner of 542 Windermere and the south-east corner of 123 Orkney Cres., providing for the city (assumed) boulevard; that being the case, this line indicated on the Zelinka Site Plan is shown inaccurately resulting actual setbacks less than those stated.

- according to the definitions provided in the Zoning By-Law (defined italicized words) this *Setback* is to the *Structure*; therefore this setback (from the virtual PL.) should be measured to the front face of the window well (or should I say 'Amenity Space') and not the building face (in the PJR, Zelinka has noted this as being only 200mm); note that a enclosed guard (that must prevent climbing) is required continuously around all window wells (to prevent people from falling 6 feet into these pits); conveniently Zelinka has used 'artistic license' (in their drawings) to downplay this reality

- Zelinka (in the PJR) states that this 200mm (8") will promote 'An active streetscape..... (with) direct pedestrian connection to the public sidewalk and patios at the front of the building'; this is an understatement, but unfortunately in a very negative way; later I will comment on these bleak amenity spaces and their proximity to public sidewalks, etc.

- Zelinka (in the PJR) acknowledges the problem with this non-setback by proposing that these areas 'will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering'; unfortunately this is more smoke and mirrors as no significant planting could be provided in a space less than 8"; Zelinka suggests/shows additional landscaping on the assumed city boulevard which is unreasonable and presumptuous

- A zero setback would be unprecedented for the Windermere streetscape; Site Plan Control 2.13.1.(c) states 'Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge'; the (relatively new) development at 570 Windermere has a setback of 8m which would be essential (the minimum) for the occupants, considering any future (planned for) road widening for the new realigned road edge (sound and snow removal issues to name a few)

To be clear this proposed non-setback is not based on good design principles but is required so the developer can shoehorn 64 bedrooms on the subject site

**Reduced (west) side yard setback from \*5.0m (not 4.5m) to 1.7m:**

- \*Note that Zelinka's stated setback on the Zoning Referral Record of 4.5m and is based on the proposed building height of 9m; using the actual height is 9.144m (see Zelinka drawing attached) results in a required setback of 5.5m (.5m of setback for 9+1m of building ht.= **5.0m setback required**)

- Zelinka (in the PJR) attempts to rationalize (I would say ignore and subvert the aforementioned guiding principles) why this 5.5m setback is not required by saying the following:

1. the height of the proposed townhouse buildings is of similar height to adjacent single detached dwellings because the lower grade of the site reduces the impact of the proposed height; **Response - A more explicit grading plan is required to make this determination; the Zelinka Site Cross Sections shows the subject site flat and at the same elevation as the street; actually there is a significant localized depression at the back of the property that is not representative of an actual building founding elevation**

2. the side yard is not an active space; **Response – I disagree, this dead zone will be uncontrolled, unmonitored and ripe for misuse**

3. the buildings do not contain any windows on the facing elevation; **Response – please look at the Cross Section and Side Elevation provided by Zelinka to realize how high and offensive (with no relief) this face would be to the neighbour; note that if windows were provided here, then the required setback would have to be increased to 6m for the R5-7 zone**

4. existing vegetation and trees on 123 Orkney Cres. will screen the buildings; **Response – the fact that there is some existing vegetation on the adjacent property is moot; amenities to mitigate this problem must be provided on the subject site at the developers expense; at any point these trees may have to be removed due to disease or to allow for permitted future expansion (building or deck)**

5. and a large hedge (identified as hedge #3 on the Tree Preservation Report) will screen the buildings; **Response – the shrub referenced is short, located only at the south of property offering zero screening; also note that it is proposed that this shrub is to be removed for construction**

6. shrubs and 1.8m fence are proposed for the area between the proposed buildings and the west lot line; **Response – BIG DEAL; these will do nothing to screen the proposed monstrosity (see attached sketch)**

7. as a comparison that a single detached dwelling is currently permitted under the R1-6 zoning regulations to locate at a 1.2m setback (1.8m setback for a 2-dwelling) with unlimited window coverage; **Response – once again moot; what is being proposed is not a single family dwelling and the setback requirements for a R5-7 must apply (see attached sketch); note that for a two and half storey building on a R1-6 zone the setback would be 2.4m (1.2+.6+.6=2.4)**

A minimum required setback of 5.0m for the R5-7 zone is mandated (and required) due the increased density of the subject site and the impact on the neighbouring lower density R1-6 zone. Any concession here will severely impact the neighbours now, severely limit the utilization of their property and ultimately tramples the occupant's rights.

Melissa, these are my concerns relate specifically to the re-zoning and site-specific concessions requested. Please anticipate another email shortly where I will comment on the following issues:

**Other:**

Insufficient 6m (south) rear yard setback:

Impossible 4.6m distance between opposing building faces

Ignored OBC Spatial Separation Issues

Inadequate amenity spaces

Problematic fire fighting

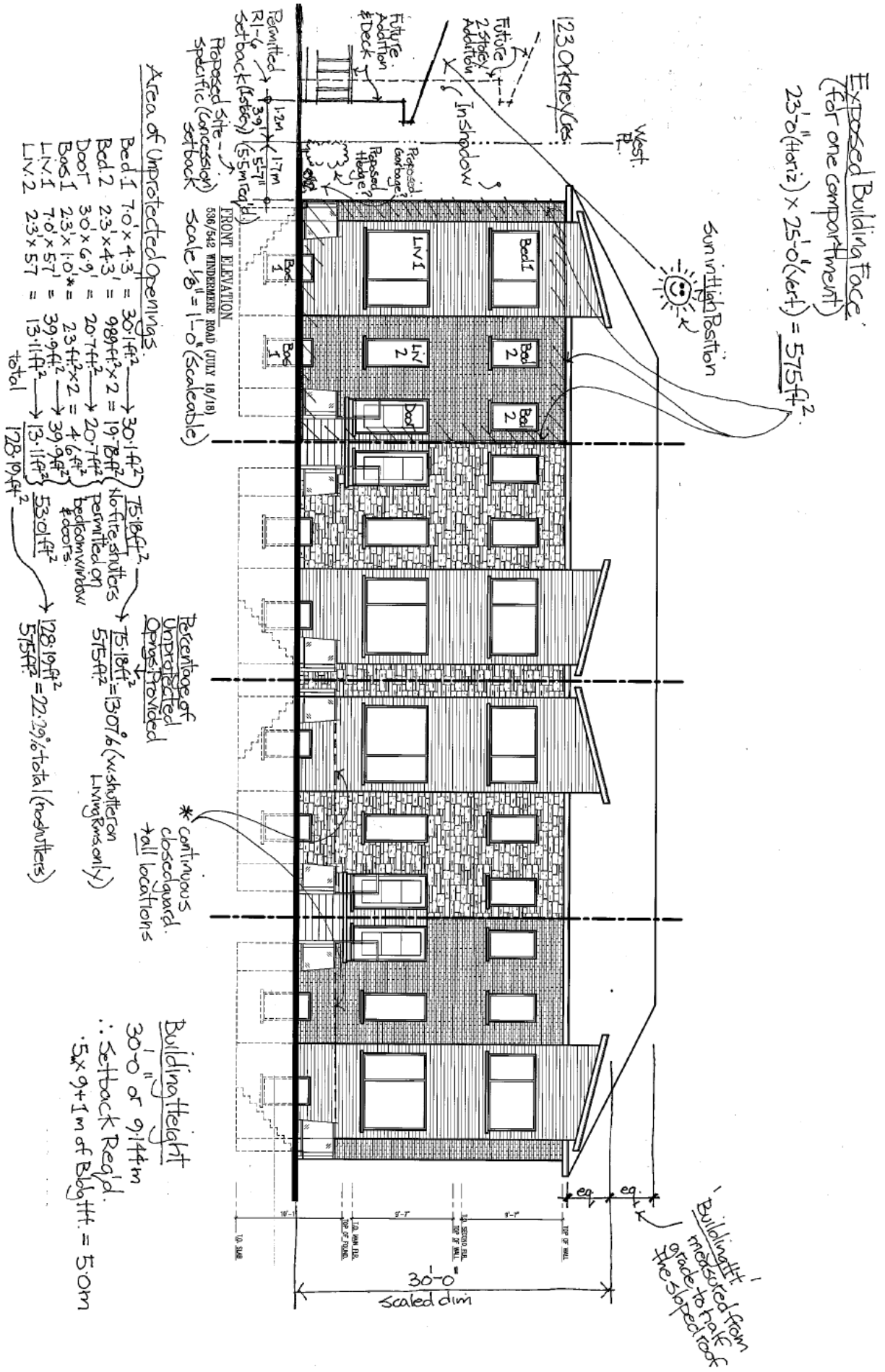
Unresolved parking

Unaddressed garbage collection

Melissa, thanks for your attention. I will talk to you soon.

Regards,

Allan Brocklebank





**From:** Rocky  
**Sent:** Thursday, September 20, 2018 4:45 PM  
**To:** 'Frederick Rodger'  
**Cc:** Cassidy, Maureen <mcassidy@london.ca>; Campbell, Melissa <mecampbell@london.ca>  
**Subject:** RE: Draft Response to Rezoning - Part 1

Hi Fred

I have reviewed the application and have also discussed it with the planner Melissa Campbell this afternoon. I too, have concerns over the level of intensification proposed for the site. As I stated to you earlier there will be some development on the site, the issue is how much. At the start my personal opinion is that one building with 8 units would be more than appropriate. That represents a 400% increase over what exists there now and surely satisfies the infill policies of the City. Some of my comments are listed below;

1. The application seeks variances from zoning setbacks on the front and west side of the west lot. There is no need for these variances other than to cram more units in. The restriction on the east lot (watermain easement) was surely priced in on the purchase of the lot and the developer should not profit further by pushing the second building on to the west lot.
2. There no reason to cut down mature trees along any property line other than to facilitate the placing of 2 buildings on the west lot.
3. The issue of parking raises red flags. The provided 24 spaces meets the bylaw for townhouse units (1.5 per unit) however it is clear to me that what is proposed is student housing and 64 bedrooms. How many of the 64 student renters will have cars. I doubt that 24 parking spaces are sufficient. Please refer to the Planning justification report that states for social events on street parking is available on Orkney Cres, Brussels Rd and Angus Crt. Social events really? or just student parties.
4. This site is close to Richmond st (the east limit of the near campus zoning regs), it should be included in those zoning regs and limit the number of bedrooms to 3 per unit. This would help reduce the over intensification.
5. The 2 buildings are less than 5m apart (along the east west line). This leaves barely room for a 1.5 m walkway due to the sunken patios. I personally have not seen this before. This causes fire separation issues uncommon in townhouse development and problems for first responders as well as efficient garbage collection. This issue requires further comment as more detailed information is provided by the developer or the City.

My neighbour Andrew Fox at 22 Angus Crt has reviewed and concurred in the comments noted above.

Rocky and Marilyn Cerminara  
26 Angus Crt.

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**From:** Leckie Sandra  
**Sent:** Thursday, September 20, 2018 1:59 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** Zoning By-Law Amendment; File Z-8945; Applicant 2492222 Ontario Inc.; 536 and 542 Windermere Road

Hi Melissa,

Further to my submission on September 8, 2018 the following quotation from the developer's planning submission has come to my notice:

"Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to

the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”

This further demonstrates how intrusive the proposed development will be upon our quiet neighbourhood. The developer clearly shows that their proposal’s design is inadequate to accommodate their needs. No mention is made of visitor parking and the generation of visitor needs for the development will certainly exceed those commonly experienced by our existing neighbourhood.

David Leckie

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**From:** Donglin Bai  
**Sent:** Thursday, September 20, 2018 4:26 PM  
**To:** City of London, Mayor <mayor@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Squire, Phil <psquire@london.ca>; Morgan, Josh <joshmorgan@london.ca>; Salih, Mo Mohamed <msalih@london.ca>; van Holst, Michael <mvanholst@london.ca>; Armstrong, Bill <BArmstro@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Hubert, Paul <phubert@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Ridley, Virginia <vridley@london.ca>; Turner, Stephen <sturner@london.ca>; Usher, Harold <husher@london.ca>; Park, Tanya <tpark@london.ca>; Zaifman, Jared <jzaifman@london.ca>; Corby, Mike <mcorby@London.ca>  
**Subject:** Reject Rezoning Application of 536 and 542 Windermere Road (File: Z-8945)

Dear City Councillors,

My name is Donglin Bai and I have been living at 74 Orkney Place for the past 16 years. My home is very close to this rezoning application at 536 and 542 Windermere Road. I love our home area with low density of single houses with very light traffic and noise issues. However, this may no longer the case with the proposed 3 story building contained 16 units and each with 4 bedrooms at 536 and 542 Windermere Road. This proposed building is much higher density in our neighbourhood and will create many issues to reduce the quality of life in our neighbours, including, the building is a lot larger than almost every building in our neighbourhood and directly affect the privacy of immediate neighbours around Orkney Crescent, much higher density with 16 units and 4 bedrooms each will bring in 16 families or more than 60 students which is 8 times more than the two independent single houses (2 families). The increase in higher density will create issues on the use of shared facilities (shared road), noise control issues, the parking space currently proposed (25 parking spots, including visitors parking spaces) is definitely not enough for 16 families or 64 individual students to use. The developer propose to use local street for the resident parking, which will severely change the local traffic in our current quiet neighbourhood. Higher density will also increase the local traffic, which is already getting worse with all students came back to school in September. This reduced quality of life will influence our local house resale values in the future. I believe that the by-law is created to protect the interests of our community and I hope that you guys can help to voice our local residents concerns to reduce the building size and the total number of units in this property. Thank you for your consideration,

Donglin Bai

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**From:** Matthew Trovato  
**Sent:** Friday, September 21, 2018 4:01 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** London Planning File Z-8945 and Orkney Crescent

Good afternoon Melissa,

I am writing in response to the proposed zoning change adjacent to Orkney Crescent. The London Planning file number is Z-8945. The developer is – 249222 Inc. The developer’s consultants are Zelinka Priamo Ltd.

First and foremost, I would like to briefly give you some background as to why I am contacting you. My wife, one year old daughter and myself moved to Orkney Crescent in May of 2018. Our primary reason for moving was based on the beautiful, quite, family centered neighborhood that was afforded on Orkney Crescent. My wife's and my goal was to find a home where we could raise our family in a quite and well established neighborhood, where our daughter could enjoy time in our private backyard, and we would not have to worry about high traffic and noise in our front yard. We believed we found that in Orkney Crescent, and have been extremely happy with our decision since moving. However, this city and developer's plans to rezone lot 536, specifically as it relates to circumventing the established easements, causes us great concern. Below, please find a list of our concerns., Please note that this list is not exhaustive, and we would be happy to further discuss our concerns with you.

1. The building itself is too big for available land. The applicant is not only asking for rezoning beyond 'single family residential' but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m which in no way blends in with surrounding neighborhood.. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. As if this is not bad enough, the space that is there will become mostly concrete walkway at the front and back. In essence the applicant wants to cover the entirety of the west lot 536 with two buildings right up to the lot lines. There is no buffer space and no 'green'.  
(Taken from the site plan.)
2. What is the proper zoning for these lots and what is an appropriate building? I could not find a precedent where R5-7 was used to subvert a single family residence area. The buildings do not adhere strictly to R5-7 and R5-7 is not used adjacent to R1, R2 nor R3 zones. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for that type of structure they want to build located in this type of neighborhood let alone this part of the city. The developer is trying to apply the rules for R5-7, to an area where R5-7 is not intended to be used. The developer is doing this in order to squeeze these buildings into the whole space of lot 536 because the developer was negligent and did not research the easement on lot 542 prior to purchase. Prior to this application the developer was planning for a single building that would be built across the two properties close Windermere with buffer space behind. Since the developer did not do its due diligence before making offers on the two properties it wants to jam two buildings onto lot 536 with no buffer zones and is expecting the planning committee to bail them out. The developer is arguing that it deserves to use R5-7 in this R1 zone to make up for its mistake and not have to apply for variances which it would normally have to do. There is a real mish-mash of zoning specifications around this project that need to be sorted out. I am sure R5-7 is not one of them. Planning committee, please do your due diligence and reject this application..
3. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the proposal, the rest of lot 542 is taken up with an asphalt parking lot. This is counter to the rest of the housing in the area where large expanses of concrete and asphalt would not be tolerated. This is a parking lot and cannot be considered buffer zone. There is no buffer zone at the back of the parking lot. Hence, the scheme of the entire proposed project is out of balance with the properties throughout the neighborhood. In essence, the buildings are too big for the property and are being jammed entirety onto lot 536 with no green space around them. A smaller better designed multi residential building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.
4. The area over the easement will be grassed over and called an amenity space. With this design, a mother (resident) is going to have to transport her children over the parking lot in order to enjoy the grass. The mother would then have to remain with the children to ensure parking lot activity did not threaten her children. That is a lot to ask. With a proper grassed buffer zone around the buildings these concerns would not be an issue and children could enjoy the out of doors at their unit. There is

nothing in the proposed design anywhere to accommodate the residents' children having access to the out of doors and a play area.

5. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are too close to the trees and property lines. These are valuable and irreplaceable trees. The developer has suggested replacement trees which are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these trees would provide any adequate coverage comparable to what is already in place. I suspect that the proposed replacement trees were the cheapest trees that the developer could find.
6. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development and parking lot will literally glow throughout the night radiating light across the adjacent properties. This will interfere directly with neighbors who sit outside throughout the night time hours enjoying the night time and the stars.. It will reduce/restrict the current neighbor's enjoyment of their properties.
7. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up.
8. The parking spaces for this property are totally inadequate. There are 16 units each with four bedrooms, a common room and a kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars crammed into the laneway. Even though bus routes are nearby and walking to the university is easily doable, every renter has a vehicle. This is the reality and not some BRT dream. Using the same criteria a building with 64 bedrooms will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result is a poor balance between the units and parking spaces. This will likely result in overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking.
9. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again this is a result of the buildings being too big for the property and being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties trees and vegetation.
10. The proposed rezoning will create a number of noise and privacy issues not only for the neighbors but for the residents of the proposed buildings as well. As stated above the proposed buildings are designed to be rented out by the bedroom. I am not stating that students should not live in the neighborhood. Far from it, they are already here. The problem with this rezoning application is the overbearing population density within the proposed buildings. This increased population density will impose stress on the residents/students within these buildings. Students are not livestock to be packed in as tightly as possible in order for greedy developers to maximize their profit. The buildings lack proper natural lighting. The narrow alley way between the two buildings have the windows of one apartment looking directly into the windows of the opposite apartment with only 4 m of separation. As if higher education is not stressful enough, these are additional social stressors that will be

imposed on the inhabitants because of the poor building design. In the case of students, they are naturally noisy, unruly and sometimes riotous as seen over the past few years with police cars and press vehicles being burned and neighboring fences completely torn out and destroyed. With this in mind we should not be adding subtle stressors to the inhabitants through poorly designed buildings. This housing proposal should be a more restful and calming design for both the inhabitants and the neighbors adjacent to the proposed apartment complex.

11. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old runoff swale. The adjacent properties to 536/542 were built up with dirt and rock when the subdivision was created. Lots 536 and 542 were already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and 542 starting at Brussels St. In fact, I compare this topographical layout to the Coliseum in Rome. The further back neighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Then privacy for the properties immediately adjacent (127/123/6) from the second floor units of the proposed buildings built so close to the property line. Again if there were a proper buffer space between the building and the property lines this would be much less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. The fence will have to be significantly taller in order to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the proposed apartment buildings and neighboring lands. The developer's documents are overly simplified and show the properties as relatively flat which they are not. The topography issues are not addressed in the application.
12. Surface drainage also needs to be addressed. Currently the eastern side and back of the proposed site is a water storage area for the spring runoff and snowmelt. Any fill added to this area will cause water backup onto the adjacent properties. During the spring, there can be 12 to 18 inches of water collected here until it eventually drains away or evaporates.
13. The proposed buildings abut right up to the public side walk on Windermere with insufficient setback from the roadway. In fact the public sidewalk is so close that it becomes part of the building development. Again the proposed buildings are too big for the property and need to be redesigned to a smaller footprint to provide the proper street setback and so that buffer zones can be incorporated to make the project better blend into the neighborhood. Nowhere near this residential area is there a building such as this butting right up to the public sidewalk? This type of sidewalk frontage is usually seen in commercial, downtown and light industrial/craft areas. It certainly does not fit into this area. (Taken from site plan).
14. Further to the above, why the developer would think that the stone/glass façade facing Windermere is better than the current trees along the front and side lots is anyone's guess. The trees near and along Windermere should be preserved.
15. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. These trees benefit the whole subdivision. With the proposed building construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier but they also provide sound

damping for all of the residences to the north of 123. Construction so close to this beautiful stand of pines will cause considerable harm to their root systems possibly killing these wonderful specimens. Damaging them or killing them in order to build so close to the property lines should not even be considered. How would the owner of 123 Orkney and the neighborhood as a whole be compensated in this scenario. The developer ignores all responsibility in the application should events such as this occur.

16. There are two safety concerns for the future residents of the proposed buildings. The unprotected window wells that surround both buildings (termed amenity spaces by the developer) are a safety hazard. It is not difficult imagining inebriated residents falling into these oversized window well dugouts and suffering injury or possible death. The window well dug outs (amenity spaces) are sufficiently deep enough to cause serious concern for injury. These holes are a lawsuit waiting to happen. That said, no lawsuit pay out would be enough if the victim were to become a paraplegic from a fall into one these holes. The row of window well dug outs (amenity spaces) adjacent to the public sidewalk along Windermere are particularly concerning for parents with children and toddlers passing by using the public sidewalk. These dugouts would be a curiosity magnet for children. Then there is the multiple window dugouts (amenity spaces) in the narrow alley way between the buildings, is it fair to expect an inebriated resident (or otherwise distracted) to safely traverse from one end of the alley to the other without falling into one of these drop zones? (Taken from site plan)
17. The second safety concern is the narrow alley way space is between the two buildings. The alley way is 4m wide and could not possibly be to the building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further to this, the windows and doors on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shudders'. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. The fire shudders in of themselves create another whole list of concerns and safety issues. If the roll up/roll down type fire shudders are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shudders are complex and require re-certification on a defined schedules. The electronic fire shudders would at least allow a person to escape provided that they were aware enough to find and press the release. Smoke inhalation, intoxication etc. could make it difficult for a trapped individual to locate and activate the shutter release. With a better project design, the person could simply exit through the door. Fire shudders are something that an absentee landlord is not likely to monitor and keep up to date. Again as mentioned above, fire shudders are a radical, expensive and complicated solution to bad design. I urge the planning committee to take these public safety and fire issues very seriously. (Taken from the site plan)

It appears that the developer is looking to the R5-7 zoning to bail themselves out for not having researched the deeds properly and is now constrained by the easements. R5-7 does not belong next to a R1 area. If the application was for R2, R3 or even R4 it would be much more suited to the location. It is not the planning committee's responsibility to bail out a developer or guarantee them a profit. This developer wants to come in, jam the biggest buildings it can onto lot 536, pull out as much profit as it can and then run off and leave the problems for the City of London and the neighbors to deal with. A smaller multi residential project that would help build good community probably would not experience any resistance from the neighborhood. With a better design, the new residents of the project would have a better quality of life and feel part of the neighborhood. As it stands now, this application is about quantity over quality. If we are looking for long term success, we have to focus on quality first. A good quality of life for these new residents should take precedence over cramming as many residents as possible in to a building with nothing to offer but four square walls. I solicit the planning committee to reject this R5-7 zoning and for them to request that the developer

come back with a project more fitting for the neighborhood that provides for good quality infill.

Thank you for your time,

Matthew A. Trovato, CPA, CA, HBA

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**From:** Frank and Iva Joy MacNeil  
**Sent:** Sunday, September 23, 2018 3:26 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** London Planning file number Z-8945

I wish to object to the proposed rezoning from Zelinka Priamo acting on behalf of the numbered company 2492222 at 536 and 542 Windermere Ave. I live in the neighborhood and feel this proposed building should not be allowed, for the following reasons. This is a residential neighborhood of single family homes and is zoned as such. Why have zoning if it can just be ignored or changed to suit a developer. This proposed buildings are too large and not appropriate for this neighborhood. There are not enough parking places and the developer is proposing that overflow parking can use both Orkney Crescent and Angus court as available parking places. This would not be allowed anywhere else.

On June 29, 2012 we received Access Requirements for the Watermain Easement on your Property from the City of London. In it is states according to the easement terms, you are restricted from placing any structures, or plant large trees with the easement boundaries as they may block access or worse, could damage the pipeline. The easement states that no person shall "excavate, drill, install or erect thereon, any pit, well, foundation, pavement, building or other structure or installation without the consent in writing" of the City of London. It also states that the City of London's Water Service Department is strongly committed to both the delivery of safe and reliable drinking water and to the safety and longevity of its infrastructure. Have they been notified of this proposal? Why would the city even consider giving permission to pave over the pipeline?

We think this would be setting a precedent. There are two large properties on Sunnyside and Carriage Hill. There would be lots of space to put similar buildings like the ones proposed by Zelinka Priamo. Will they be next.

We moved to area because we liked the neighborhood and now if this goes through it will be ruined.

Frank and Iva MacNeil

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**From:** Brocklebank, Allan  
**Sent:** Sunday, September 23, 2018 1:16 PM  
**To:** Campbell, Melissa <[mecampbell@london.ca](mailto:mecampbell@london.ca)>  
**Subject:** RE: 536 and 542 Windermere Rd.

Hello Melissa:

Thank you for the prompt email response and for taking the time for our subsequent (and lengthy) telephone conversation that day.

I would like to emphasize that the first set of comments I've sent you, relate specifically to the rezoning request (and Site Specific concessions) and had nothing to do with the Site Plan Approval or Building Permit processes. I did say I intend to comment (later) on a range of issues (including Building Code) that I feel have significant bearing on what has been proposed, particularly as it relates to the concession requested as part of the ZBA.

In your email you have suggested that some of my comments will be sent to Development Services. Specifically, which of my issues cannot be dealt with in the ZBA? Will those departments review and comment on the all deficiencies in the proposal as part of the rezoning request? Will any issues, deemed insignificant, be ignored until after rezoning is granted?

I'm having difficulty with the suggestion that the proposal being considered is conceptual. I am concerned that the decision to allow rezoning will be made in a vacuum without considering all the issues in this flawed proposal. What has been proposed will significantly influence the nature of any new development and have a profound impact on the neighbourhood. I am not confident that there will be any significant public consultation once the die is cast (rezoning granted) in spite of your assurances.

Like many of my neighbours, I am endeavoring to understand this process. Anything you can do to help us understand is appreciated.

ps. You mentioned that Zelinka has or will be submitting an amendment to to the ZBA to give further relief for the the Front Yard Setback. Was this made before or after I had raised the issue?

We'll speak again.

Allan Brocklebank

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**From:** m s  
**Sent:** Tuesday, September 25, 2018 7:11 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** 536 & 542 Windermere Rd Proposed Development

Hi Melissa,

Please find below some of my concerns/issues regarding the proposed development that is located next to my home at 123 Orkney Crescent.

1. According to the Tree Preservation Plan submitted by the Landscape Architect there are 10 emerald cedars (#3 on the plan) shown to be located on the property belonging to 736 Windermere Rd and slated to be removed due to construction. These cedars are actually located on my property in the southeast corner of my lot. I have attached a picture for clarification.

2. The side yard to the west of the proposed development will **not** be an active space according to the developer. I see it as another pathway for pedestrian traffic. The developer plans to locate shrubs in this area to prevent occupant use. The shrubs will not survive due to lack of sunshine and irrigation. If the shrubs were to be replaced with hardscaping this would not deter occupants from using this space. There is also the problem of litter accumulation and refuse being left here.

3. The Planning Justification Report states that "No shadowing, beyond which would otherwise be present with a single detached dwelling, is expected as a result of the proposed development....Lands to the west are already shadowed by existing mature trees." From the attached pictures you can see that the sunlight that is cast on the east side of my property would be significantly reduced by the proposed multi storey development. As well this lack of sunlight would significantly impact the health and longevity of the current mature spruce trees that run along the property line.

I am looking forward to your visit to gain a better understanding of the issues I have expressed.



Sincerely,

Mario Scopazzi  
123 Orkney Cr.



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From:  
Sent: Thursday, September 27, 2018 7:51 PM  
To: Planning <Planning@london.ca>  
Subject: File Z-8945

Re:536 and 542 Windermere Road  
London.ca/planapps

We are completely opposed to the application for this building project going ahead as it is very unsatisfactory to our neighbourhood.

It is very unfair to construct a building of this nature that attaches itself to several neighbours properties after so many trees have to be removed to build there.

It will definitely devalue several properties in the area, especially on Orkney Cres.

Good taxpayers do not deserve to be treated this way.

The parking is another huge issue. Just where do you expect all of these tenants will be able to park. They will probably all be students, and most students try to get as close to their school as possible. Therefore I believe they will park on all of the streets around the area and be annoying to many families.

As well I do know that many students (not all) love to party and they also leave many messes behind. This is not a subdivision for that type of behaviour.

I also can imagine that these buildings will certainly look out of place for this lovely area.

Please take into consideration that many, many of us and our neighbours are very very upset with you even considering this project.

Hopefully your clients can find a much better property on which to build these out of place buildings.

This is a request from Patricia and John Orlebar, at 26 Ravine Ridge Way, London Ontario

I hope you will add this request to stop these buildings from ever being built.

Thank you in advance

Sent from my iPad

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**From:** Gary turner  
**Sent:** Friday, September 28, 2018 11:52 AM  
**To:** Planning <Planning@london.ca>  
**Cc:** Campbell, Melissa <mecampbell@london.ca>; gary turner  
**Subject:** Response to Rezoning App. Z-8945 – 536/542 Windermere

Response to Rezoning App. Z-8945 – 536/542 Windermere

Why is this particular project so important, and to whom, that this committee would grant such drastic and unreasonable variations to current bylaws? The following points clarify that the developer is misleading in its application and more importantly it highlights that the planning department has failed in its obligation to properly assess and provide due diligence to city tax payers.

This response is broken up into several sections to make it easier for the planning committee members to cross reference details with the documents submitted by the planning consultant. The first section is a preamble: a message directly to the members of the planning committee. The second section has a focus on the first three of the submitted documents and primarily on the Planning Justification Report. This section includes quotes directly from various documents and my responses to those quotes. The third section is a list of concerns and issues with the proposed rezoning application written in a conversational manner and without quoting specific documents.

### **Section 1 – Message directly to the Planning Committee Members**

The proposed structure if allowed to be constructed will leave behind numerous problems for the City of London and the neighbors to deal with long after the developer has taken its profit and fled. The submitted documents in and of themselves are rather odd. For example, the Planning Justification document could have been about six

pages in length. For some reason the author felt he/she had to keep repeating specific points over and over and over however, I suspect this repetition is not an accident and is intentional. The author knows that the planning committee is made of citizens that are not familiar with this type of dogma. Nowhere in the rezoning documents does the author clearly state what the beneficial aspects of these buildings are to the neighborhood, the City of London and the greater community. The author's constant repetition of his selected points gives the impression that the author his/her self is not convinced of the benefits of the proposal. It appears that the author is attempting to convince him/her self of the benefits.

Further to this, much of this repetitive mantra is about statements that are not factually correct. Regardless of how many times the falsehoods are repeated, it still does not make the falsehoods factual.

Some of the author's repetitive hammering is to use aspects of the London Plan and the 1989 Official Plan to justify the over-intensification proposed in this project. Small portions of these policies are quoted to justify a point the author is trying to make. Upon further examination when the quote is read in its larger context of these policies we see that the author is violating the spirit of these plans. The London Plan and the 1989 Official Plan state a desire for development and quality infill that will benefit the city and its citizens in the long term. These plans envision development that builds community and does not create ongoing problematic issues that will have to be dealt with for decades to come. You will see these misleading passages brought to light in my response as well as the responses of my fellow neighbors.

The proposed development is about quantity over quality. In many places within the rezoning documents the author attempts to describe the proposed building as a townhouse complex like other townhouse complexes within the city. Throughout the city other townhouses generally consist of 1, 2- or 3-bedroom units. This proposal is designed for every unit to have four bedrooms, a common room and a kitchen. If you try to find a four-bedroom townhouse within the city, what you might find is a unit where a handyman has added a bedroom to the basement. There are very few townhouse units designed to have four bedrooms. So, make no mistake, the buildings in this proposal do not fit the normal townhouse description as laid out in the City of London's zoning policies. The proposed buildings are a high-density housing complex specifically designed to be rented out by the bedroom. This is where the over-intensification of this project becomes apparent. You will see the related math identifying the over-intensification later in Section 2 of my response. This housing complex more resembles the student residence buildings at the University of Western Ontario than it does a townhouse. Over-intensification is more about quantity and profits than it is about a quality of life for the inhabitants and a design that is based on good urban design principals.

A planning consultant's certification comes with an oath and the expectation of honest, truthful and ethical behavior. These qualities are expected of every professional in their field of expertise. As you review the rezoning documents, question what you are reading and evaluate if the author is being honest in his depiction of the proposed buildings and their relationship to the existing neighborhood and its residents. Has the author presented an ethical case or is the author trying to 'bully' his way forward with little respect for the neighboring citizens? Has the author made this proposal based on the spirit of the 1989 Official Plan and the London Plan? Are the details of the proposal based on sound urban design principles? From my perspective, the author's over-intensification proposal has elevated profit above all else regardless of who gets trampled in the aftermath. The human component is not mentioned in the proposal, not the inhabitants of the new building nor the existing neighbors. When we consider how many people will be impacted, it is apparent that this proposal is of a very low professional standard. This proposal is over bearing and uncaring of the affected individuals. As you review the rezoning documents, I believe that this will become self-evident.

The members of the planning committee are elected by the citizens of the City of London. It is everyone's understanding that it is the duty of the elected official to represent the citizens that elected them. Nowhere in that mandate is it the responsibly of the Planning Committee Member to ensure that a developer makes a profit, nor to

ensure a maximized profit. This proposal is all about maximized profit to the detriment of anything that gets in the way. The proposed buildings do not fit the specifications of the R5-7 zoning and this application should have been rejected before the application was sent out to the neighborhood. This will also become evident as we proceed.

In section two I analyze the first three proposal documents in some detail. It is going to be somewhat repetitious as it is required that I follow the pattern in the rezoning application documents

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

**Section 2 - Document Review**

1. From zoning by-law documentation, section 9 (R5 zoning) Section 9.1 General Purpose of the R5 Zone states “This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. Different intensities of development are permitted using the seven zone variations. **Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate town housing development adjacent to lower density areas**, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centers. The **higher density zone variation** has been designed to **accommodate stacked townhouses**. The middle range zone variations are designed for most suburban town housing developments”. Since all the surrounding area of the proposed site is low density R1-6 the maximum units per hectare (UPH) is 25 units as stated by the above policy. However, in the rezoning application the author is requesting the maximum of 60 UPH which as the policy states used in high density areas. When we do the calculations, we see the following: The area of lot 536 is 32m x 41.7m = 1,334.4 sqm. The area of lot 542 is 25.7m x 46.2m = 1,187.3 sqm. The total area available is 2,521.7 sqm or 0.25 hectares. With 16 units and .25 hectares we see a UPH of 64 UPH which exceeds even the 60 UPH that is used for high density areas. In the Planning Justification Report. Page 17, Section 3.2.2 near the top middle the author quotes the 1989 Plan” Within *the Low-Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare.*” Here we have a statement taken out of context. When the referred section is taken as whole we see that 75 UPH is a possible upper limit providing a whole series of conditions are met that include buffering, landscaping, privacy mechanisms, height, massing etc. and does not mandate a 75 UPH density next to a low-density area.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

2. On the Conceptual Site Plan the author is misleading the viewer by including land area that will not be available to the developer. Lot 536 was designated long ago possibly when Windermere was still a gravel road and as such juts out into the current boulevard portion of Windermere. If this property changes hands the city will recover 8.1m from the property’s frontage. The dark line that outlines the old property lines is not what will be available to the new purchaser of the property. It appears that the author did this intentionally to make the buildings appear to have more set back than what they would actually have once the property transfer took place. If a new dark line is placed where the new property line will be after the 8.1m is removed, it is easy to see how the building has no setback and impinges on the streetscape. The author could have been more forthright by placing a bold line to show the loss of the front 8.1m. This would more correctly show the buildings in proportion to the land that would be available at the time of construction.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

3. Building Elevation and Site Plan Document: The pages are not numbered but the Site Cross Section (North to South) page is grossly out of scale. It overestimates the distance between the buildings and the property lines including the adjacent dwelling. This diagram also understates the gradient difference between 127 Orkney and the proposed buildings while not show the gradient changes at 123 Orkney. The artist is attempting is to show the site as more acceptable than it really is (with these errors). By 'squashing' the buildings down in the diagram, the artist is trying to show the buildings as not too big. But remember that these buildings are 35 ft tall and abut right up to the property lines. It is important for all members of the planning committee to visit this site and see for themselves the multiple grading issues between the adjacent properties and the proposed site. I would be happy to provide a tour at any time either as a group or individually. This can be checked against the site plan.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

4. Building Elevation and Site Plan Document: Site Cross Section (North to South) page (same page as above) shows Windermere lower in elevation than the property. Currently this is not the case which means that fill would have to be used to increase the grade thus raising the buildings up. This further complicates this diagrams lack of scale and proportion because the roof lines of the proposed buildings will be much higher than the adjacent residents at 127 and 123 Orkney. Adding fill to have the road a lower than the buildings as the image shows will raise the roof line even higher (35 ft plus). This diagram shows the proposed buildings not to scale but the artist has squashed them down to make the image more pleasing. These images are even more deceiving because these images do not include the window well drop zones. This is an attempt to create the effect further that the buildings fit in. These details can be checked against the site plan.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

5. Planning Justification Report. The image on the title page of the report plus the image Figure 3, page 6 and the image on the title page of the Urban design brief are very misleading and do not portray some very negative aspects of the two buildings. The image does not represent how the building appear will relative to Windermere and the public sidewalk. You will notice that the window well drop zones have been eliminated in the diagram. From the site plan we see that these drop zones almost touch the public sidewalk. The grass in front of the building will be just a narrow strip between the public sidewalk and the building (from site plan). The foundation plants in the image are currently hovering in space over the window well drop zones. There simply is no space for the landscaping plants to exist. The broad expanse of grass between the sidewalk and the building will not exist. At the back of the building should see a fence and the side of 127 Orkney. It certainly will not be the forest setting as depicted in the image. The actual street scene will be much starker due the lack of setback. Upon reviewing this sketch, I am sure that you will realize that this building falls under the description of 'curb sprawl'. These details can be checked against the site plan.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

6. Planning Justification Report. Page 7 paragraph below figure 5 the statement "allows maximum sunlight into all units from the front and rear" is clearly erroneous and deceptive. The units facing the narrow alleyway between the

building and the basement units with the window well/amenity space dugouts will certainly not receive maximum sunlight. For the units in the narrow walkway, only a very minimum of sunlight will penetrate to ground level much less the windows in the window well drop zones. The south building will completely shade the alley way between the buildings for most of the year. There will possibly some weaker sunlight entering the alleyway from the west end starting in mid-September through November/December.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

7. Planning Justification Report. Page 8 at the top. The statement “it is anticipated that the front of the development, visible from the street, will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering” This statement is clearly false as there is only 0.2m available. This is repeat and has already been discussed in #5 above. Considering that the building is basically right on the public sidewalk there is very little room for any landscaping at all (See site plan). The developer wants the planning committee member to focus on the pretty picture. The reality will be much starker. Again, this highlights the lack of proper street set back. This can quickly be verified via the Site Plan.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

8. Planning Justification Report. Page 10 at the top. The author states “Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code.” This statement is highly suspect and needs to be checked by a certified architect. (see #10 below) If this alley way is to building code I am sure that it is a code that applies to an existing downtown or commercial area and would not apply to fixed residences.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

9. Planning Justification Report. Page 10 at the top. The author states “Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code.” That are a number of safety concerns associated with this narrow alley way between the two buildings. As a comparison, in Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way will inhibit emergency services and fire response teams. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install ‘fire shudders’ on the windows. This is a very radical and expensive solution to the poor design. Is it poor design that is creating the fire/safety issues in the first place. The fire shudders in of themselves create another whole list of concerns. If the roll up/roll down type fire shudders are used, then there is the possibility of the occupants being trapped inside? Electronic controlled fire shudders are complex and require re-certification on defined schedules. The electronic fire shudders would at least allow a person to escape provided that the person was aware enough to find and press the release. Smoke inhalation, sleepiness, intoxication, drug use could make it difficult for a trapped individual to activate the shudder release. With better design, the person could simply exit

through a door. Fire shutters are something that an absentee landlord is not likely to monitor and keep up to date.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

10. Planning Justification Report. Page 10 para 2 states “Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks.” This is like comparing apples to bulldozers. This is another false equivalency statement. These two proposed buildings are full scale apartment buildings and as such the setbacks cannot be compared to a single-family dwelling in a R1 zone. These larger buildings require larger setbacks and buffer zones as per Table 9.3 ‘Regulations for R5 Zone Variations of the London Zoning Bylaws. This table states a front set back of 8m. The side lot is 0.5m per 1.0m of building height; for these buildings at 10.7 meters tall the side lot clearance would be 5.35m with a minimum of 6.0m if the wall did not have any windows. Since the wall between the buildings and 123 Orkney does not have any windows (as stated by the developer) the side lot clearance is 6.0m. The back-lot clearance would be 5.35m because the back of the building has windows. This can be verified on the [www.london.ca](http://www.london.ca) website.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

11. Planning Justification Report. Page 10 para 2 states “It is anticipated that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low-density residential uses, thereby preserving privacy.” The “anticipated” screening measures to preserve privacy are completely inadequate for the topography of the surrounding properties. A simple 1.8m fence is totally inadequate to provide privacy to anyone on either side of the fence much less contain the occupants of the proposed buildings. Given the topography challenges, a 12-foot closed type of fence would be required. The proposed species of trees are an imported Norway scrub species that have weak branches and are susceptible to mild/moderate wind damage. Since the trees are on the fully shaded side of the north building they would receive little if any sun. It is doubtful that any species of tree would take hold here. If a species of tree were to survive at this location it would 35 to 40 years before they provided any coverage anywhere near what the existing trees currently provide. It is imperative that the existing healthy trees be preserved, and a proper buffer zone established at the back and side of the buildings. Again, it is important that the members of the planning committee visit the site to appraise the topographical issues for themselves.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

12. Planning Justification Report. Page 10 para 3 from the top states “A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space.” As highlighted above, since the buildings are designed to be rented out by the bedroom (64 bedrooms) the parking is totally inadequate. If the developer insists that it is designed for families, professionals etc. which would generally mean 2 vehicles per unit which would equate to 32 parking spaces. This does not account for handicap spaces or visitor parking. The developer is counting on overflow parking that will land on Orkney and Angus via the walk ways or holes ripped in the fence. Then again on page 21 near the bottom the author states “Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on

Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.” In this statement the proposal itself is stating that the project does not provide enough parking spaces. The calculation of 1.5 spaces per townhouse unit is inadequate for the over-intensification of these buildings. The 1.5 calculation is designed for townhouses with 1, 2 or 3 bedrooms. These buildings are designed to rent out by the bedroom and each unit has four bedrooms. Due to this intensification beyond that of a normal townhouse, a more accurate calculator factor of 2.5 parking spaces per unit would be more realistic.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

13. Planning Justification Report. Page 10 para 4 from the top states “residential intensification redevelopments may be permitted to provide a residential density of 75 units per hectare (UPH) in the *“Low Density Residential”* land use designation, the proposed development with 16 units provides a lower density of 58 UPH.” As shown in #1 above the 75 UPH is a possible upper limit as defined by 1989 Plan with other specifications. The 58 UPH calculated by the author is based on land the developer will not own once the land is transferred to the new owner. My calculation as shown in #1 above uses the correct land surface that the developer will have to work with and gives a correct result of 64 UPH. I revisit this topic here again to show the tactics used by the author to try and subvert the spirit of the 1989 Plan and the London Plan. If this were a normal infill project the buildings would be spread across the two properties with parking in the rear. Due to easement constraints the developer has decided to put both buildings onto lot 536. If we want to be silly about it, we will use just the surface area of lot 536 and the result would be over 100 UPH. This further illustrates that these buildings and the associated level of intensification the developer is proposing are seriously over the limit for the available property. The density calculations are skewed by the four bedrooms per unit and the fact that these buildings are designed to be rented out by the bedroom. This skewing of the density calculations is an attempt to cloud over the spirit of official plans vs the singular calculation.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

14. Planning Justification Report. Page 10 Section 5.0 states “The proposed development is not currently permitted under the *R1-6* zoning. As such, it is proposed that the subject lands be re-zoned from the *“Residential R1 Zone (R1-6)”* to a site-specific *“Residential R5 Zone (R5-7(\_))”* to permit two, 2.5-storey, back-to-back, 8-unit townhouse buildings (total of 16 units), with special provisions as follows: Minimum front yard setback of 2.1m and Minimum interior side yard setback of 1.7m” The reason that the developer is requesting these two ‘special provisions’ (read variances) is because the developer is unwilling to design a building that fits the property. This speaks directly to the greed that is driving the developer to maximize its profit at all costs. When speaking with the developers at the July neighborhood meeting, Christopher Tsiropoulos and Danny Partalas told me that they had to have 16 units with a minimum of 1500 sq. ft each and that they would accept nothing smaller. The topics of the discussion never included good urban design, sustainability, harmony with neighborhood, privacy for the existing neighbors or the new residents or any other topics that part of good urban design. The developer’s goal is to get the largest buildings possible onto this site regardless of anything else. The fact that these oversized buildings will impinge on the neighbor’s properties does not seem to matter to the developer. This request for the ‘special provisions’ (variances) is a result of the fact that the developer did not adequately search the



property titles prior to making offers on the two lots (536/542) After submitting the offer to purchase the two properties the developer learned of the easement on the east of lot 542. only after the planning consultants became involved. Now the developer wants to jam two buildings onto lot 536 instead of having a single building spread across both lots that would have had proper buffer zones and more parking in the rear. The developer wants the planning council to bastardize the existing proper zones and bail the developer out. Please know that the developer has only conditional offers on the properties and can exit easily. Any pleadings from the developer should be turned down and this rezoning application declined with prejudice for wasting everyone's time. It is not council's responsibility to ensure the profitability of the developer. This proposed application is urban design at its worst. A smaller building with proper setbacks and buffer zones would be welcomed.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

15. Planning Justification Report. Page 11 Section 7.1.1 states "The proposed development makes efficient use of underutilized lands well suited for increased density, and appropriately adds to the mix of residential dwelling types in the area to meet the housing needs in this area". Is this really correct? Currently the two properties are fully utilized with fully functioning habitable homes. The residence at 542 is currently rented out to students and 536 is also a fully functioning habituated home. Based on this, there is no reason for rezoning at all. As for housing needs in this area, well they are fully met with the current occupants happily living their lives.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

16. Planning Justification Report. Page 12 near top states "The proposed development contributes to the range of residential forms and intensities in the area...." There is plenty of diversified housing in this and adjacent areas as identified later in these rezoning applicant documents. There really is no need to jam the maximum number of people onto these two small lots. Intensification is not about putting the maximum number of people into the smallest possible volume of space. Intensification is also about good urban design and comfortable living for everyone. That includes those living in the 'intensified building as well as neighboring properties. We should be building harmonious neighborhoods where everyone can grow and develop to their full potential. An 'overly intensified' building(s) will add stress to the occupants as well as the neighborhood resulting in a multitude of problems that are left for the city and residents to deal with long after the developer has fled the scene. Have we not seen enough of this already? Turn down this application for rezoning and send it back to the developer to come back with a better design. Have them come back with a design that better suits the property, the neighborhood and provides a stress reduced quality of life for the residents of the proposed development.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

17. Planning Justification Report. Page 12 near middle states "The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations." The site-specific changes certainly are not minor and are not consistent with other apartment intensification projects in the city. Similar projects are designed with adequate buffer spaces etc. which are missing from this request.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

18. Planning Justification Report. Page 12 near middle states “There are no risks to public health and safety.” As shown with examples in paragraphs above there certainly are public health and safety issues not only to the occupants but also to passer’s by on the public sidewalk. There are issues of fire safety as well as the problems with window well/amenity dug outs. These dug outs are unprotected and deep enough that a fall would certainly result in injury.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

19. Planning Justification Report. Page 12 near middle states “The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west.” Well this statement is just plain wrong, the homes on these lots are exactly the same as the rest of the neighborhood. Their laneway joins Windermere but that certainly does not make the properties distinct from the rest of subdivision. The logic is faulty because the fact that my house faces Orkney and my neighbor’s house faces Angus it does not meet the criteria as being distinct as cited in Section 1.1.3 of the London Plan. Again, this is a violation of the spirit of the London Plan relative to the developer’s ‘spin’ to justify the rezoning request.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

20. Planning Justification Report. Page 13 near the top states “The proposed development is located within the existing built-up area; is a compact form of residential development; and makes efficient use of land, infrastructure, and public service facilities. The efficiency of the development is evidenced by the proposed density of 58 UPH.” This is a red herring to draw attention away from the fact that the buildings are too big for the available property. Yes, the building is compact but there is too much of the ‘compact’ (read building volume) to allow suitable buffer zones and street set back. As shown above, with both buildings are situated entirely on lot 536. Hence the 58 uph is calculated spin. The corrected calculation gives a result over 100 which violates the zoning restrictions.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

21. Planning Justification Report. Page 13 near the bottom states, “the proposed development contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London and contributes to Council’s intent to encourage appropriate intensification” The proposed buildings do NOT comply with appropriate intensification. These buildings will leave behind a whole series of problems for the city to deal with going forward. A smaller footprint with appropriate buffer areas and street setbacks would be welcomed. Intensification is not about quantity of humans in a property this size. Intensification is more about quality of life, building compatible communities and better use of resources. This proposal does meet any of these qualities

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

22. Planning Justification Report. Page 13 near the bottom states “The massing, although larger than the adjacent single detached dwellings, is appropriate for the site.” As stated above, the two buildings are too massive for the available property. If the developer did not have to deal with the easement and the buildings were side by side across the properties there would be proper buffer zones and setbacks. The people of the City of London should not be responsible to compensate the developer for its error by allowing a badly designed project just, so the developer can make a larger profit. Again, a building with a smaller foot print with a better design to fit onto the property would be welcomed. The current design is urban design at its worst.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

23. Planning Justification Report. Page 14 Section 1.6.6.1 talks about servicing the proposed development. Clearly absent from this discussion is the servicing for garbage collection. A plan will have to be developed that does NOT include a smelly dumpster sitting against the back fences (which would be next to the adjacent properties).

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

24. Planning Justification Report. Page 14 near bottom states “The proposed development has been designed to be respectful and compatible with adjacent low-density residential uses to the north, east, and west.” I suppose this the developer’s opinion. It clearly is not a fact. The existing residents of the neighborhood vehemently disagree with this opinion.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

25. Planning Justification Report. Page 15 above the diagram states “The subject lands are well suited to accommodate the proposed development and can contribute to the supply of a range of housing forms and tenures to meet current demand in the area.” Well again this not factually correct. It may be the developer’s opinion, but it certainly is not fact. If the proposed development were suited the subject lands, the developer would not be requesting the elimination of buffer zones around the buildings. Clearly the buildings are too big for the property. Therefore, the buildings are not suitable as verified by the fact that the developer is requesting special consideration zoning exceptions (the elimination of buffer zones and street setbacks) that a suitable apartment building would recognize. If it was a suitable building for the property we would not even be having this discussion.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

26. Planning Justification Report. Page 16 near the top states “There are no concerns with soil conditions, topographic features, and environmental considerations on the subject lands as they pertain to the proposed development.” Again, this is not correct. The back and easterly side of the 542 property is a collection area for water during the spring runoff and snow melt. This is a topographic feature and has not been identified in this proposal. This year’s water level can be seen by the flotsam debris adhering to the landscaping timbers at the back of 6 Angus Ct.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

27. Planning Justification Report. Page 16 near the top states “The proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses.” I suspect the author had his fingers cross when this was penned. AS argued in numerous paragraphs the proposed development is NOT compatible with existing land uses because buffering and screening mechanisms are totally absent or in the case of the fence total inadequate. As for the privacy issues, there is nothing about these overbearing structures that facilitates privacy of any sort for either of the parties involved. This statement is so absurd that is indeed laughable.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

28. Planning Justification Report. Page 16 near the top states “the lands to the north and west are higher in elevation than the subject lands and therefore the proposed development will appear shorter than its actual height relative to abutting single detached dwellings to the north and west.” Clearly the author has never left his desk and visited the site. See the paragraph above citing the ‘Coliseum’ effect. I invite each of the planning committee members to the site so that they can gauge for themselves how the surrounding topography renders the developers statement incorrect.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

29. Planning Justification Report. Page 16 near the top states “the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents.” It does not matter how many times the developer states these erroneous statements it does not make them true. This is ‘spin’ and ‘fake news’. The tree plantings are inadequate and a poor choice of species. A simple 1.8m fence is not going to provide any privacy for anyone on either side of it. Again, the planning committee need to visit the site. I will be happy to accommodate the committee as a group or as individuals any day, at any time. You can see for yourself how short of the mark the developer’s remedial proposals are.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

30. Planning Justification Report. Page 16, Section 3.1.1 near the bottom states “In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space.” As pointed out previously the lowered unprotected patios are a health and safety concern. As for the outdoor amenity space, I guess a mother with children would have to drag the children across the parking in order to get to the grass. As I work through this document I have realized that this design is a joke to the point it is just plain sad. For the people that would live here, it would not be funny. It seems that there are work-arounds required for practically everything.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

31. Planning Justification Report. Page 17, Section 3.1.2 near the top states “The height, massing, privacy mechanisms, and design of the proposed development create a compatible site and building design within its surrounding context of

single detached dwellings and institutional uses.” The developer states this over and over and no matter how many times it is stated, it is still a lie. This monstrosity of a building does not fit into the surrounding area in any shape or form.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

32. Planning Justification Report. Page 17, Section 3.1.2 near the top states “The proposed development has frontage on Windermere Road (an Arterial Road), creating a separate and distinct lot that will enhance Windermere Road streetscape with the site’s development.” This project will not be distinct because the drive goes south to Windermere and will stand out in its starkness on the Windermere street scape. No other buildings on Windermere are plopped down right at the public sidewalk. All other buildings adhere to proper street setbacks. This building will ruin the Windermere streetscape by its obtrusiveness.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

33. Planning Justification Report. Page 17, Section 3.1.2 near the top states “frontage on Windermere Road (an Arterial Road)” This was addressed several years ago, and millions of dollars were spent to widen Fanshaw Road for it to become the main east/west arterial road. It was decided at that time that Windermere would remain as it is. The environmentally sensitive area to the east and west of Windermere prevents its expansion.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

34. Planning Justification Report. Page 17, Section 3.1.2 near the top states “The character of the existing residential areas to the north, east, and west along Orkney Crescent, Brussel’s Road, and Angus Court will not be affected.” This again is lies and spin. These areas are going to be affected grossly.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

35. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states “no shadowing impacts are anticipated beyond what would be present with a single detached dwelling.” For these paragraphs to be true the building would have to be setback from the property lines. Since the buildings are being built up to the property lines the shadowing effect will kill vegetation on the neighboring properties including a row of emerald cedars and a row of pines to the west.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

36. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states “Privacy will be maintained with the use of tree plantings, fencing, and the presence of mature trees on abutting lands.” As stated repeatedly above and below. The 1.8 m fence will not provide privacy for anyone on either side of the fence. The scrawny scrub trees proposed for the plantings are weak structurally and will not provide any cover for 30 to 35 years if perchance they survive that London with their roots buried under concrete.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

37. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states”  
*Within the Low-Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare.*”

The proposed development adds a greater number of units to the subject lands than what currently exists and is therefore considered intensification. The proposed development is below the maximum permitted density of 75 UPH, being 58 UPH.” This is contradiction to the R5-7 Zoning which states that the UPH maximum will be 60. The actual UPH for this project is 64 which is over the zoning allowance. Calculations as follows: Current lot sizes are:

536 Windermere: 32m x 41.7m=1,334.4sqm

542 Windermere: 25.7m x 46.2m =1,187.3sqm

Combined lot size (after new public sidewalk is installed) 2,521.7sqm or 0.252 hectares. This gives us a 61.7 uph which is well over the R5-7 specification of 60. This alone should have had the planning coordinator reject this application it should not have been allowed to proceed.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

38. Planning Justification Report. Page 18, Section 3.2.3.5 ii near the middle is mostly ‘Trump speak’. The building without any common sense of setback in any direction imposes significant privacy concerns for existing properties with no concern to any design principles let alone good ones.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

39. Planning Justification Report. Page 18 near the bottom states” while the northernmost patios provide a similar interface with 127 Orkney Crescent as would a typical townhouse rear yard. “A typical town house will have a green space buffer behind the building. This statement is false.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

40. Planning Justification Report. Page 18 near the bottom states” the positioning of the proposed buildings, combined with the proposed setbacks, creates a non-functional space between the buildings and 123 Orkney Crescent, which aids in the maintenance of privacy” Well that is a pretty stupid assumption. It is well known throughout the city that these empty non-functional spaces become locations of crime and the disposal of stolen. This is already happening at the Bell property adjacent to 123 Orkney where the neighbors have to call the police regularly to come and pick up stolen bicycles and other materials. As at the Bell property, this “non-functional area” will become a functioning criminal hide spot. Also, according to the site diagram this will be the buildings garbage collection point.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

41. Planning Justification Report. Page 18 near the bottom states “Fencing, landscaping, and planting buffers are proposed to be used to maintain privacy between the proposed development and abutting single detached dwellings. Additional urban design details are discussed in the *Urban Design Brief*. Considering the above information, the proposed development complies with the policies of **Section 3.2.3.5.ii.**” There are no buffers at all, the fence offers no

privacy and the project as whole does not adhere to the R5-7 specifications and should be rejected.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

42. Planning Justification Report. Page 19 near the top states “The proposed development provides adequate off-street parking supply and buffering from adjacent low density residential dwellings. The use of existing trees, along with tree plantings, landscaping, and fencing will be used to screen and buffer the parking area from the abutting uses.” Again, more spin of the same thing. There is not enough parking for 64 rental bedrooms and there are no buffer areas at all between the buildings and the neighbors. This whole section is spin and Trump speak because it certainly is not true.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

43. Planning Justification Report. Page 19 near the top states “No Traffic Impact Study (TIS) was required from the City of London, as no significant impacts to traffic are anticipated.” Do not believe this either because the developer has severely understated the number of cars that will reside here. A traffic study is necessary. The developer is understating the facts so that the planners will not look further.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

44. Planning Justification Report. Page 19 near the bottom states “One of the design goals of the proposed development is to ensure compatibility and fit within the surrounding context. The two proposed 2.5-storey height of the buildings is similar to the 2-storey, single-detached dwellings to the north of the subject lands, maintaining the low rise character of the area.” This is a deceitful statement in that the building mass is much larger than the surrounding 2 story houses. This building is actually over 30 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses are in the 20-foot-tall range. The proposed rises well above anything else along Windermere until you get to the apartment buildings closer to Adelaide. This building is a hideous monstrosity and belongs down town rather than polluting a residential area. Anyone who has studied design in any form can see that. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. The size of the proposed buildings has been downsized in appearance by giving them a flattened roof. This is another example of the developer being deceptive and misleading because these buildings would appear much larger if the drawings were done to scale. The lack of scale proportion makes the proposed buildings look smaller than they really are.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

45. Planning Justification Report. Page 19 near the bottom states “As there is an approximately 2.0 m elevation drop between the abutting properties to the north and west and the subject lands, the proposed buildings will appear to be shorter than their actual height relative to the abutting single detached dwellings.” Notice how the developer refutes the grade topography issues previously when it works against the proposal but here is trying to spin it as an advantage. Here again we see false statements.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

46. Planning Justification Report. Page 19 near the bottom states “The exterior design of the building provides a well-executed design with modern architectural details, drawing from existing designs and materials of the surrounding residential area, while being noticeably distinct. The combination of similar height, exterior materials and colours (i.e. brick/masonry in neutral colours) create a compatible proposed design with the adjacent single detached dwellings. The use of landscaping, tree plantings, existing mature trees and fencing maintain the existing level of privacy for adjacent residents. The use of these elements will screen the building and parking areas from view (Figure 11).” What landscaping? The buildings butt up to the property lines, there is no room for landscaping. The planting is too small, and it will be 30 years before they can replace the coverage of the existing trees. A 1.8 m fence will do nothing for privacy. The fence will have to be 4 m tall before any privacy comes into play. For the first part, the building material are no more drawn from the surrounding residential area than pixie dust. These are the cheapest materials the developer can find, and everybody know it.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

47. Planning Justification Report. Page 20, top Figure 11. This is a very deceptive image and was intentionally taken out of scale to show more space between the property lines and the buildings as well as at the front where the side walk is actually touching the window well pits. There is not green inside the sidewalk. This is a clear example of the dishonesty that the developer is putting forth in these documents. (Check against the site plan)

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

48. Planning Justification Report. Page 20, near middle states “Privacy will be maintained for 123 Orkney Crescent as the interior side yard is not an active space and the buildings do not contain any windows on the facing elevation.” This interior space will obviously become a garbage collection area as well as an area for criminal planning sessions similar to the Bell building two doors down.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

49. Planning Justification Report. Page 20, near top states “Due to the frontage of the subject lands onto Windermere Road, the lands are a separate, but related, component of the single detached neighbourhood to the north.” Notice the double speak here, previously the developer stated that properties were not related. The author flips back and forth on the details as it suits the spin at the moment. This goes to the lack of integrity of the author and these documents.
50. Planning Justification Report. Page 20, near top states “There are currently no lands that are proximate to the subject lands (within 1 km) that are available for redevelopment and are appropriately zoned that could accommodate the proposed development.” Well these lands aren’t appropriately zoned either for what they wat to do. You cannot find another project like this in the entire city where buildings such as these are jammed up against the property lines. These types of projects always have suitable setbacks and buffer spaces.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**



51. Planning Justification Report. Page 20, near middle states “Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.” Here the developer freely admits that he has not provided enough parking spaces for the two buildings. This is a 64-bedroom complex that is designed for the units to be rented out by the bedroom. The parking spaces normally allocated to a townhouse such as this are inadequate. Normal townhouses do not have four-bedroom units and are more family orientated. This sort of project requires much more parking.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

52. Planning Justification Report. Page 20 is asking the neighbors at 123 and 127 Orkney and 6 Angus to supply vegetative screening for the project. It is the developer’s responsibility to provide vegetation and screening on their property which is to be maintained by the developer. The developer should not be riding on the backs of the neighbors. The proposed vegetation and fence screen are totally inadequate and the current mature tree along the property lines need to be preserved.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

53. Planning Justification Report. Page 21, near top states “There is no reasonable expectation that the proposed development would generate noise beyond what would typically be expected from a residential development.” This is false speak again, there is every expectation that there will be a large increase in noise from this complex. Anyone with a synapse know this and there is no mitigation effort made.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

54. Planning Justification Report. Page 21, near top states “The visual impacts of the proposed development are minimal given the height of the proposed buildings and proposed landscape and fencing treatments.” This is a deceitful statement in that the building mass is much larger than the surrounding 2 story houses. This building is actually over 30 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses are in the 20-foot-tall range. The proposed rises well above anything else along Windermere until you get to the apartment buildings closer to Adelaide. This building is a hideous monstrosity and belongs down town rather that polluting a residential area. Anyone who has studied design in any form can see that. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. In the images the size of the proposed buildings has been downsized in appearance by giving them a flattened roof. This is another example of the developer being deceptive and misleading because these buildings would appear much larger if the drawings were done to scale. The lack of scale proportion makes the proposed buildings look smaller than they really are.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

55. Planning Justification Report. Page 22, near top states “As noted above, no shadowing on abutting lands is anticipated from the proposed development beyond which would be present with a single detached dwelling. The proposed

setbacks are generally consistent with setbacks normally permitted for single detached dwellings in the R1-6 zone. As such, adverse impacts are appropriately mitigated.” The author continually quotes that this project should be able to use the setbacks of a normal single detached dwelling. BUT THIS IS NOT A SINGLE DETACHED DWELLING! This is a 64-bedroom housing complex designed as a high return income property. It should not have the same specifications as a single-family dwelling. This is a commercial building and as such requires proper street set back and green buffer zones around the buildings on its own property.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

56. Planning Justification Report. Page 22, near middle states “the proposal represents an appropriate and compatible form of residential intensification and is consistent with the policies and the intent of the 1989 City of London Official Plan, including residential intensification policies, urban design, compatibility, scale and massing, and maintenance of privacy. The proposal is consistent with the planned function of the “*Low Density Residential*” land use designation to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH.” This is not true, this is not a good quality intensification plan. The building is too big for the property and the developer through various modes of spin is trying to skim off the rules from three different zoning requirements to facilitate jamming this commercial residential building into a property that cannot sustain on the ongoing healthy livelihood of the building nor its residents. The developer is trying to fit an elephant onto a postage stamp.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

57. Planning Justification Report. Page 22, near middle states “to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH.” This 75 UPH does not apply in this situation. R5-7 clearly states a maximum UPH of 60 and this project has UPH of 61.7 as calculated above. The planning committee must also consider that both buildings are jammed onto and take up the whole of lot 536. Normally the buildings would be spread across both lots, but since both buildings are jammed onto one lot the UPH is now over 100.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

58. Planning Justification Report. Page 22, near bottom states “The proposed development, at 2.5-storeys, is consistent with the range of permitted uses and heights.” This is a deceptive statement, this is not a 2.5 story single dwelling. It is a commercial 2.5 building and as such it is much higher than a normal single detached dwelling. The buildings are over 30 ft high and surpassed anything in sight.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

59. Planning Justification Report. Page 25, near top states “More than adequate parking is provided for the proposed development (24 spaces required; 25 spaces are provided).” 25 parking spaces might be adequate for a townhouse complex of 2 and 3 bedrooms (according to the formula). However, 25 spaces will not be enough for a 64-bedroom housing complex. If this is left as is, it will be causing problems for the neighbors and the London Police Force for centuries to come.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

60. Planning Justification Report. Page 25, near middle states “Dark sky lighting is proposed for the surface parking lot, walkways, and building exterior lights. This form of lighting reduces the amount of upward projected lighting, projecting all the light to the ground. This significantly reduces or eliminates light pollution into adjacent yards and windows of abutting single detached dwellings.” Regardless of what lightning is used this project is going to emit a bright glow that will prevent the neighbors from enjoying the nighttime and star watching. This will greatly reduce the neighbor’s enjoyment of their properties.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

61. Planning Justification Report. Page 25, near middle states “Numerous screening and buffering mechanisms are proposed to maintain and/or enhance privacy between the proposed development and adjacent single detached dwellings.” This is deceptive statement. With buildings butting up against the properties, there is no buffer area which is part of the screen process. The proposed trees are cheap imports and will not amount to any noticeable coverage. The mature trees around the property need to remain and a suitable buffer zone around these two buildings established. These buildings are not a similar height to the neighboring buildings it rises over 30 ft tall and overwhelms the neighborhood. A building with a smaller foot print would help mitigate all of these problems and create a better living experience for the new residents.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

62. Planning Justification Report. Page 25, near middle states “No shadowing is expected beyond which would otherwise be present with a single detached dwelling. Existing off-site mature trees to the north and east currently provide shadowing on those properties.” Again, notice the double speak and the twisting of words. Yes, there is vegetation on the adjoining properties and the shadowing from the project will cause irreparable harm to this vegetation if not kill it. Again, this is not a 2.5 single family dwelling. This is a 2.5 story commercial housing building that is well over 30 ft in height. THEY ARE NOT THE SAME!

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

63. Planning Justification Report. Page 25, near bottom states, “Together with the proposed similar height of the development with the adjacent single detached dwellings, the proposed buildings create a compatible development with limited visual impacts” The author continues with his mantra over and over similar to as I said before. I hope the planning committee can see through this nonsense. Again, this is not a 2.5 single family dwelling. This is a 2.5 story commercial housing building that is well over 30 ft in height. THEY ARE NOT THE SAME!

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

## Section Two – Descriptive Discussion

64. There is no need to rezone these two properties. Both lots are NOT vacant and are currently in use. The house at 542 has been a student rental for some time which is making good use of the property. The home 536 is currently occupied and is a beautiful brick home that makes good use of the property. Both are properly zoned and provide excellent housing that blends in with the surrounding neighborhood. As such no rezoning is required because the properties are not underutilized. Since 542 has already been used for student housing it would be not difficult to convert the home at 536 into student housing as well. This would give a good level of intensification and still not require rezoning and both building would continue to blend in with the neighborhood.

### **Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

65. The two buildings are simply too big for available land that these two properties provide. To make the situation worst, instead of balancing the buildings across both properties, the developer wants to jam both buildings onto the single lot of 536. By doing so, the buildings take up the whole of lot 536 right up to the property lines. The applicant is not only asking for rezoning beyond 'single family residential' but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. These small spaces that are left between the buildings and the lot lines are mostly covered by concrete and window well drop zones (dug outs) at the front and back. In essence the applicant wants to cover the entirety of the west lot with the two buildings right up to the lot lines. The only location this type of construction is done is in the down town area or commercial areas. There is absolutely no buffer space or 'green' space around these buildings.

### **Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

66. The developer attempts to compare these buildings with town houses. Throughout the rest of the city town houses have proper buffer zones and appropriate set back from the streets. However, this proposal is not a townhouse, this proposal is a commercial type residence that does not qualify for the 'townhouse' designation. This building is designed to have four bedrooms per unit. Normally, townhouses come in two- or three-bedroom varieties. This difference then requires a discussion about population density. The proposed buildings are designed such that it the units will be rented out by the bedroom. These units with four bedrooms, a living room and kitchen are not designed for families the way townhouses are. By renting by the bedroom the population density increases by 30% to 50% over a regular townhouse.

### **Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

67. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for those type of structures. The developer is trying to mix the rules for low density housing zoning and a high/medium density housing zoning in order to squeeze these buildings into the small space of lot 536. The developer is arguing that it deserves the best of both zoning areas using the R5-7 with additional concessions in order to avoid providing a proper urban design principal in order to maximize the developer's profit. The important point here is that R5-7 zoning as laid out by the applicant is not to be used adjacent to R1

single family residences. It is to be used in built up areas, the downtown and commercial.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

68. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the developer's proposal, with the two buildings jammed onto lot 536, lot 542 is then taken up with an asphalt parking lot. This is a parking lot and cannot be considered buffer zone. The parking lot is close to the property at 127 Orkney which results in no buffer zone the parking lot and 127 Orkney. The site diagram shows the parking lot covering up the drainage swale that runs across the back of lot 542. This swale drains the water from the south side of lot 127 and some water and snow melt from the north corner of lot 123 via the depression along the fence line at the back of 536. The drainage swale at the back and eastern side of 542 collects rain runoff and snowmelt for the properties up to Brussels Road to the north and Angus Court to the east. This area floods in the spring with standing water. Measuring from the lowest point of the swale there has been water here 3 and 4 feet deep in the spring. The water eventually evaporates and seeps away. The elevation of the swale area cannot be changed. Any soil added to this area to facilitate the building of the parking lot will cause water to back up onto the neighboring properties.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

69. The entirety of the proposed project is out of balance not only with the properties throughout the neighborhood but out of balance within itself. These proposed buildings are huge. These buildings cannot be compared to the surrounding building and homes. This building with its basement two thirds of which is exposed above ground is 35 ft tall. The average of the surrounding one floor and two floor homes would be 18 feet tall. The proposed buildings will tower over everything in the neighborhood. The proposed buildings are too big for the property and are being jammed entirety onto lot 536 with no green space around them, hence the balance within the project is lopsided as well. A smaller single building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

70. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are so close to the trees and property lines. These are valuable and irreplaceable trees. The developer's suggested replacement trees are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these or any replacement trees would provide any adequate coverage comparable to what is already in place. It is likely that the proposed replacement Norway trees were the cheapest trees that the developer could find.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

71. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development will literally glow throughout the night. This will interfere directly with neighbors who sit outside throughout the night time hours. It will reduce/restrict the current resident's enjoyment of their property.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

72. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up. The developer describes the small space between the proposed buildings and the fence at 123 Orkney as a non-functional space. For any residents that 'missed garbage day', this non-functional space is where the garbage will end up.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

73. The parking for this property is totally inadequate. There are 16 units each with four bedrooms, a common room and a small kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four-bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars in the laneway in each property. Even though bus routes are nearby, every bedroom renter has a vehicle. With 64 bedrooms, the proposed buildings will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result of this poor balance between units and parking spaces is that there will be overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking. The developer quotes that 1.5 parking spaces per unit would be adequate. Here again, this is not a normal townhouse where the 1.5 might work. The proposed buildings are an apartment complex designed for a transient demographic. As with the other rentals in the area, the allotted parking spaces are inadequate for the anticipated demographic and the increased population density of the units. The 1.5 multiplier does not meet the reality and will cause problems for the city and neighbors long after the developer has left.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

74. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again, this is a result of the buildings being too big and too tall for the property. This is further complicated with the buildings being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties' trees and vegetation. The shadowing will cause irreparable damage or death to the vegetation on adjoining properties. Again, this project will remove the enjoyment of their properties that the neighbors now have.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

75. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old ravine/runoff swale where the adjacent properties were built up with dirt and rock when the subdivision was created (See #5 above). Lots 536 and 542 were already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and 542. In fact, this topographical layout can be compared to the Coliseum in Rome. The further back neighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Also, privacy for the properties immediately adjacent (127/123/6) from the second-floor units of the proposed buildings built so close to the property line. Again, if there were a proper buffer space between the building and the property lines this would be less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. Because of this 'Coliseum effect' the fence would have to be significantly taller to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the 'Coliseum effect'.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

76. The proposed design has the sheer front face of the building sitting right up to the public sidewalk. Nowhere on Windermere or any streets for miles around is there such a hideous affront to the street sightlines. This design would be a hideous wart on the Windermere streetscape. Why the developer would think that the stone façade facing Windermere is better than the current trees along the front of the properties is anyone's guess. The trees near and along Windermere should be preserved. We see again the proposed buildings are too big for the property. Buildings designed with a smaller footprint to provide the proper buffer zones and street setback would be welcomed.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

77. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. With the proposed buildings construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier, but they also provide sound damping for all of the subdivision to the north of 123. Damaging them or killing them in order to build so close to the property lines should not even be considered.

**Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?**

78. The second safety concern is how narrow the alley way space is between the two buildings. This could not possibly be to building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shutters' on the windows. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. It is a radical and costly solution for poor design.

In closing let me state that the collective neighbourhood is vehemently against this development as it is presented today. The city planning department appears to have grossly failed in its obligation to properly vet this proposal and this rebuttal should provide the basis of an independent review of the department.

J. Gary Turner  
130 Orkney Crescent  
London, ON N5X 3R9

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**From:** Andrea Qureshi  
**Sent:** Friday, September 28, 2018 10:42 AM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** Windermere rezoning

Hello Melissa,

In regards to the rezoning application from Zelinka Priamo acting on half of the numbered company [2492222](#) who is requesting rezoning for 536 and 542 Windermere.

As a resident of Orkney crescent (specifically one that lives beside one of the pathways listed in the developers plans as a walkway to street parking available on Orkney crescent- specially listed as overflow parking for residents of the new proposed building that doesn't have enough parking of its own) I am opposed to this building development for a number of reasons.

Most importantly and most simply:

1) This plan does not include enough parking spaces for the the units which will undoubtedly be rented by students - several students per unit means several cars per unit which are not accounted for in the plans. In facts, it is even suggested that overflow parking will be available on Orkney and angus via nearby pathways. - this is especially concerning as my young family and I live alongside the path and would not withstand noisy students walking up and down the path at all hours and starting their cars and parking in front of our property.

2) This building is too large for the land is it being placed on. Too much green space and too many mature trees will be lost.

3) The excess light, noise, garbage etc that will be created by a structure this size will pollute the residents surrounding the building and beyond.

Below you will see a more detailed listing of what our neighbourhood concerns are:

1. The building itself is too big for available land. The applicant is not only asking for rezoning beyond 'single family residential' but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m which in no way blends in with surrounding neighborhood.. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. As if this is not bad enough, the space that is there will become mostly concrete walkway at the front and back. In essence the applicant wants to cover the entirety of the west lot 536 with two buildings



- right up to the lot lines. There is no buffer space and no 'green'. (Taken from the site plan.)
2. What is the proper zoning for these lots and what is an appropriate building? I could not find a precedent where R5-7 was used to subvert a single family residence area. The buildings do not adhere strictly to R5-7 and R5-7 is not used adjacent to R1, R2 nor R3 zones. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for that type of structure they want to build located in this type of neighborhood let alone this part of the city. The developer is trying to apply the rules for R5-7, to an area where R5-7 is not intended to be used. The developer is doing this in order to squeeze these buildings into the whole space of lot 536 because the developer was negligent and did not research the easement on lot 542 prior to purchase. Prior to this application the developer was planning for a single building that would be built across the two properties close Windermere with buffer space behind. Since the developer did not do its due diligence before making offers on the two properties it wants to jam two buildings onto lot 536 with no buffer zones and is expecting the planning committee to bail them out. The developer is arguing that it deserves to use R5-7 in this R1 zone to make up for its mistake and not have to apply for variances which it would normally have to do. There is a real mish-mash of zoning specifications around this project that need to be sorted out. I am sure R5-7 is not one of them. Planning committee, please do your due diligence and reject this application..
  3. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the proposal, the rest of lot 542 is taken up with an asphalt parking lot. This is counter to the rest of the housing in the area where large expanses of concrete and asphalt would not be tolerated. This is a parking lot and cannot be considered buffer zone. There is no buffer zone at the back of the parking lot. Hence, the scheme of the entire proposed project is out of balance with the properties throughout the neighborhood. In essence, the buildings are too big for the property and are being jammed entirely onto lot 536 with no green space around them. A smaller better designed multi residential building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.
  4. The area over the easement will be grassed over and called an amenity space. With this design, a mother (resident) is going to have to transport her children over the parking lot in order to enjoy the grass. The mother would then have to remain with the children to ensure parking lot activity did not threaten her children. That is a lot to ask. With a proper grassed buffer zone around the buildings these concerns would not be an issue and children could enjoy the out of doors at their unit. There is nothing in the proposed design anywhere to accommodate the residents' children having access to the out of doors and a play area.
  5. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are too close to the trees and property lines. These are valuable and irreplaceable trees. The developer has suggested replacement trees which are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these trees would provide any adequate coverage comparable to what is already in place. I suspect that the proposed replacement trees were the cheapest trees that the developer could find.
  6. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development and parking lot will

- literally glow throughout the night radiating light across the adjacent properties. This will interfere directly with neighbors who sit outside throughout the night time hours enjoying the night time and the stars.. It will reduce/restrict the current neighbor's enjoyment of their properties.
7. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up.
  8. The parking spaces for this property are totally inadequate. There are 16 units each with four bedrooms, a common room and a kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars crammed into the laneway. Even though bus routes are nearby and walking to the university is easily doable, every renter has a vehicle. This is the reality and not some BRT dream. Using the same criteria a building with 64 bedrooms will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result is a poor balance between the units and parking spaces. This will likely result in overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking.
  9. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again this is a result of the buildings being too big for the property and being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties trees and vegetation.
  10. The proposed rezoning will create a number of noise and privacy issues not only for the neighbors but for the residents of the proposed buildings as well. As stated above the proposed buildings are designed to be rented out by the bedroom. I am not stating that students should not live in the neighborhood. Far from it, they are already here. The problem with this rezoning application is the overbearing population density within the proposed buildings. This increased population density will impose stress on the residents/students within these buildings. Students are not livestock to be packed in as tightly as possible in order for greedy developers to maximize their profit. The buildings lack proper natural lighting. The narrow alley way between the two buildings have the windows of one apartment looking directly into the windows of the opposite apartment with only 4 m of separation. As if higher education is not stressful enough, these are additional social stressors that will be imposed on the inhabitants because of the poor building design. In the case of students, they are naturally noisy, unruly and sometimes riotous as seen over the past few years with police cars and press vehicles being burned and neighboring fences completely torn out and destroyed. With this in mind we should not be adding subtle stressors to the inhabitants through poorly designed buildings. This housing proposal should be a more restful and calming design for both the inhabitants and the neighbors adjacent to the proposed apartment complex.
  11. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old runoff

- swale. The adjacent properties to 536/542 were built up with dirt and rock when the subdivision was created. Lots 536 and 542 were already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and [542 starting at Brussels St.](#) In fact, I compare this topographical layout to the Coliseum in Rome. The further backneighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Then privacy for the properties immediately adjacent (127/123/6) from the second floor units of the proposed buildings built so close to the property line. Again if there were a proper buffer space between the building and the property lines this would be much less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. The fence will have to be significantly taller in order to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the proposed apartment buildings and neighboring lands. The developer's documents are overly simplified and show the properties as relatively flat which they are not. The topography issues are not addressed in the application.
12. Surface drainage also needs to be addressed. Currently the eastern side and back of the proposed site is a water storage area for the spring runoff and snowmelt. Any fill added to this area will cause water backup onto the adjacent properties. During the spring, there can be 12 to 18 inches of water collected here until it eventually drains away or evaporates.
  13. The proposed buildings abut right up to the public side walk on Windermere with insufficient setback from the roadway. In fact the public sidewalk is so close that it becomes part of the building development. Again the proposed buildings are too big for the property and need to be redesigned to a smaller footprint to provide the proper street setback and so that buffer zones can be incorporated to make the project better blend into the neighborhood. Nowhere near this residential area is there a building such as this butting right up to the public sidewalk? This type of sidewalk frontage is usually seen in commercial, downtown and light industrial/craft areas. It certainly does not fit into this area. (Taken from site plan).
  14. Further to the above, why the developer would think that the stone/glass façade facing Windermere is better than the current trees along the front and side lots is anyone's guess. The trees near and along Windermere should be preserved.
  15. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. These trees benefit the whole subdivision. With the proposed building construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier but they also provide sound damping for all of the residences to the north of 123. Construction so close to this beautiful stand of pines will cause considerable harm to their root systems possibly killing these wonderful specimens. Damaging them or killing them in order to build so close to the property lines should not even be considered. How would the owner of 123 Orkney and the neighborhood as a whole be compensated in this scenario. The developer ignores all responsibility in the application should events such as this occur.

16. There are two safety concerns for the future residents of the proposed buildings. The unprotected window wells that surround both buildings (termed amenity spaces by the developer) are a safety hazard. It is not difficult imagining inebriated residents falling into these oversized window well dugouts and suffering injury or possible death. The window well dug outs (amenity spaces) are sufficiently deep enough to cause serious concern for injury. These holes are a lawsuit waiting to happen. That said, no lawsuit pay out would be enough if the victim were to become a paraplegic from a fall into one these holes. The row of window well dug outs (amenity spaces) adjacent to the public sidewalk along Windermere are particularly concerning for parents with children and toddlers passing by using the public sidewalk. These dugouts would be a curiosity magnet for children. Then there is the multiple window dugouts (amenity spaces) in the narrow alley way between the buildings, is it fair to expect an inebriated resident (or otherwise distracted) to safely traverse from one end of the alley to the other without falling into one of these drop zones? (Taken from site plan)
17. The second safety concern is the narrow alley way space is between the two buildings. The alley way is 4m wide and could not possibly be to the building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further to this, the windows and doors on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shutters'. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. The fire shutters in of themselves create another whole list of concerns and safety issues. If the roll up/roll down type fire shutters are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shutters are complex and require re-certification on a defined schedules. The electronic fire shutters would at least allow a person to escape provided that they were aware enough to find and press the release. Smoke inhalation, intoxication etc. could make it difficult for a trapped individual to locate and activate the shutter release. With a better project design, the person could simply exit through the door. Fire shutters are something that an absentee landlord is not likely to monitor and keep up to date. Again as mentioned above, fire shutters are a radical, expensive and complicated solution to bad design. I urge the planning committee to take these public safety and fire issues very seriously. (Taken from the site plan)

The developer is looking to the R5-7 zoning to bail themselves out for not having researched the deeds properly and is now constrained by the easements. R5-7 does not belong next to a R1 area. If the application was for R2, R3 or even R4 it would be much more suited to the location. It is not the planning committee's responsibility to bail out a developer or guarantee them a profit. This developer wants to come in, jam the biggest buildings it can onto lot 536, pull out as much profit as it can and then run off and leave the problems for the City of London and the neighbors to deal with. A smaller multi residential project that would help build good community probably would not experience any resistance from the neighborhood. With a better design, the new residents of the project would have a better quality of life and feel part of the neighborhood. As it stands now, this application is about quantity over quality. If we are looking for long term success, we have to focus on quality first. A good quality of life for these new residents should take precedence over cramming as many residents as possible in to a building with nothing to offer but four square walls. I solicit the planning committee to reject this R5-7 zoning and for them to request that the developer come back with a project more fitting for the neighborhood that provides for good quality infill.

Please consider the unnecessary impact a building of this stature would have on our neighbourhood. This is not okay and this is not what we as a neighbourhood value.

Sincerely,  
Andrea Pollard (resident of Orkney Crescent)

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**From:** Frederick Rodger  
**Sent:** Saturday, September 29, 2018 1:38 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** Response to Z-8945 - Parts 1 & 2 - Part 3 to Follow

Hello Melissa,

Please find attached Parts 1 and 2 of my response to Z-8945 in MSWord format. Part 3 will follow under separate cover.

I have left my response in MSWord format to make it easy for you to transfer it to the public record document. If you would like me to send my response in another format, please let me know.

Also could you please reply with confirmation of receipt.

All the Best,  
Fred Rodger  
131 Orkney Cr.

Response to Rezoning App. Z-8945 – 536/542 Windermere Road

“How many legs does a dog have if you call the tail a leg.....? Four. Calling the tail a leg doesn’t make it a leg.” --- Abraham Lincoln

This is my response to the Z-8945 rezoning application. My response is divided into three sections to make it easier for the planning committee members to cross reference details with the documents submitted by the planning consultant. The first section is a preamble: a message directly to the members of the planning committee. The second section has a focus on the first three of the submitted documents and primarily on the Planning Justification Report. This section includes quotes directly from various documents and my responses to those quotes. The third section is a summary of the concerns and issues with the proposed rezoning application written in a more conversational manner and will follow under separate cover.

### **Section 1 – Preamble: A message directly to the Planning Committee Members**

The proposed structure if allowed to be constructed will leave behind numerous problems for the City of London and the neighbors to deal with long after the developer has taken their profit and fled. The submitted documents in and of themselves are rather odd. For example the Planning Justification document could have been about six pages in length. For some reason the Planning Justification document keeps repeating specific points over and over. The document’s repetitive mantra leaves the reader frustrated and dare I say bored. However, I suspect this repetition is not an accident and is intentional. Knowing that the planning committee is made of elected citizens that may not be familiar with this type of dogma, the purpose of this repetitive mantra may be to induce a state of boredom and suggestibility within the planning committee member’s mind, thereby stimulating the member to approve the application just to get rid of it. I know this may sound a little lame but as you read through the Planning Justification Report and the Urban Design Brief see if you notice what I have mentioned here.

Nowhere in the rezoning documents does it clearly state what the beneficial aspects of these buildings are to the neighborhood, the City of London and the greater community as a whole. The document’s constant repetition of its selected points gives the impression that the authors themselves are not entirely convinced of the benefits of the proposal.

Further to this, much of this repetitive mantra is about statements that are not factually correct. Regardless of how many times a falsehood is repeated, it still does not make the falsehood factual. You will see this yourself as you review the rezoning documents and Section 2 below.

Some of the document's repetitive hammering is to use aspects of the London Plan and the 1989 Official Plan to justify the over-intensification proposed in this project. Small portions of these policies are quoted in the Planning Justification document in order to justify a particular point the document is trying to make. Upon further examination when the quote from the official plans is read in its larger context of these policies we see that the quote in the Planning Justification document is actually violating the spirit of these plans. The London Plan and the 1989 Official Plan state a desire for development and quality infill that will benefit the city and its citizens in the long term. These plans envision development that builds community and does not create problems that will have to be dealt with for decades to come. You will see misleading passages in the Planning Justification Report brought to light in my responses as well as the responses of my fellow neighbors.

The proposed development is about quantity over quality. In many places within the rezoning documents there is the attempt to describe the proposed building as a townhouse similar to other townhouse complexes within the city. This is a false equivalency. Throughout the city other townhouses generally consist of a mix of 1, 2 or 3 bedroom units. During the June neighborhood meeting with the neighbors and the developer, Chris Tsiropoulos and Danny Partalas (who identified themselves as the developer) informed me that the buildings would contain 16 units of 1500 sq. ft. each and have four bedrooms each. If you try to find a four bedroom townhouse within the city, what you might find is a unit where a handyman has added a bedroom to the basement. There are very few townhouse units designed to have four bedrooms. So make no mistake, the buildings in this proposal do not fit the normal townhouse description as laid out in the City of London's zoning policies. The proposed buildings are a high density housing complex specifically designed to be rented out by the bedroom. This is one element where the over-intensification of this project becomes apparent. You will see the related math identifying the over-intensification later in Section 2 of my response. This housing complex more resembles the student residence buildings at the University of Western Ontario than it does a townhouse. Over-intensification is more about quantity and profits than it is about a quality of life for the inhabitants. The 1989 Plan and the London Plan desire intensification that is based on good urban design principals and harmonious integration into its surroundings that provide for a vibrant community with a good quality of life for both the neighbors and the new residents.

As you review the rezoning documents, question what you are reading and evaluate if the documents are being honest in their depiction of the proposed buildings and their relationship to the existing neighborhood and its residents. Does the document present an ethical and truthful case for this project or is the proposal trying to 'bully' its way forward with little respect for the neighboring citizens? Is this proposal based on the spirit of the 1989 Official Plan and the London Plan? Are the details of the proposal based on sound urban design principles? From my perspective, the over-intensification of this project has elevated profit above all else regardless of who gets trampled in the aftermath. The human component is not mentioned in the proposal, not the inhabitants of the new building nor the existing neighbors. When we consider how many people will be impacted, it is apparent that the value added aspect of this proposal is questionable. It appears to me that this proposal is over bearing to the adjacent properties and uncaring of the affected individuals. As you review the rezoning documents, I believe that this will become self-evident.

The members of the planning committee are elected by the citizens of the City of London. It is everyone's understanding that it is the duty of the elected officials to represent the citizens that elected them. Nowhere in that mandate is it the responsibly of the Planning Committee Members to ensure that a developer makes a maximized profit. This proposal is all about maximized profit to the detriment of anything that gets in the way. The proposed buildings do not fit the specifications of the R5 zoning specifications. This will also become apparent in Paragraph 1 of Section 2 below.

In Section 2, I analyze the first three proposal documents in some detail. It is going to be somewhat repetitious. The repetition is required as I follow the pattern in the Planning Justification Report. I apologize that this will be a lengthy read, however, it is necessary in order to validate the statements in the preamble above.

## Section 2 - Document Review

1. From zoning by-law documentation, section 9 (R5 zoning) Section 9.1 General Purpose of the R5 Zone states “*This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. Different intensities of development are permitted through the use of the seven zone variations. **Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate townhousing development adjacent to lower density areas,** to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres. The **higher density zone variation** has been designed to **accommodate stacked townhouses.** The middle range zone variations are designed for most suburban town housing developments”.* From the bold typeface above we see that the maximum UPH for R5-7 building sites adjacent to low density areas is 25 Units Per Hectare (UPH). Clearly the surrounding area of the proposed site is low density zoned R1-6 with single family homes. Therefore the maximum units per hectare is 25 as stated by the London zoning bylaws. However, the rezoning application document is requesting the maximum of 60 UPH which as the policy states is used in high density areas. When we do the calculations we see the following: The area of lot 536 is 32m x 41.7m = 1,334.4 sqm. The area of lot 542 is 25.7m x 46.2m = 1,187.3 sqm. The total area available is 2,521.7 sqm or 0.25 hectares. With 16 units and .25 hectares of surface area we see a UPH of 64 UPH which exceeds even the 60 UPH that is used for high density areas. In the Planning Justification Report Page 17, Section 3.2.2 near the top middle the document quotes the 1989 Plan “*Within the Low Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare.*” Here we have a statement taken out of context. When the referred section is taken as whole we see that 75 UPH is a possible upper limit providing a whole series of conditions are met that include buffering, landscaping, privacy mechanisms, height, massing etc. The 1989 Plan clearly does not mandate a 75 UPH density next to a low density area without all of the associated conditions being met.
2. On the Conceptual Site Plan the document is misleading to the viewer by including land area that will not be available to the developer. Lot 536 was designated long ago possibly when Windermere Road was still a gravel road and as such the lot juts out into the current boulevard portion of Windermere Road. If and when this property changes hands the city will recover 8.1m from the property’s frontage. The dark line that outlines the old property lines is not what will be available to the new purchaser of the property. I suggest that the document does this intentionally in order to make the buildings appear to have more setback from Windermere Road than what land would actually be available once the property transfer takes place. If a new dark line is placed where the new property line will be after the 8.1m is removed, it is easy to see how the building has no setback and impinges on the streetscape. The document could have been more forthright by placing a bold line to show the loss of the front 8.1m. This would more correctly show the buildings in proportion to the land that would be available at the time of construction. When a matching dark line is placed on the new property boundary it becomes much more apparent how the two buildings are being squeezed onto the property.
3. Building Elevation and Site Plan Document: The pages are not numbered but the Site Cross Section (North to South) page is grossly out of scale. It overestimates the distance between the buildings and the property lines including the adjacent 127 Orkney. This diagram also understates the gradient difference between 127 Orkney and the proposed buildings while not showing the gradient

changes at 123 Orkney. The artist is attempting to show the site as more acceptable than it really is (with these errors). By 'squishing' the buildings down in the diagram, the artist is trying to show the buildings as less massive than they actually would be. But remember that these buildings are 35 ft tall and abut right up to the property lines. It is important for all members of the planning committee to visit this site and see for themselves the multiple grading issues between the adjacent properties and the proposed site. I would be happy to provide a tour at any time either as a group or individually. The scaling details of this paragraph can be checked against the proposed site plan.

4. Building Elevation and Site Plan Document: Site Cross Section (North to South) page (same page as above) shows Windermere Road lower in elevation than the property. Currently this is not the case which means that fill would have to be used to increase the grade thus raising the buildings up even higher. This further complicates this diagram's lack of scale and proportion because the roof lines of the proposed buildings will already be much higher than the adjacent residents at 127 and 123 Orkney. Adding the required fill to the site in order to make Windermere Road lower than the buildings will raise the roof line even higher above the 35 ft. that is currently shown in the image. This diagram shows the proposed buildings not to scale and again the artist has squashed them down to make the image more pleasing. These images are even more deceiving because these images do not include the window well drop zones. This is an attempt to create the effect that the buildings fit in. The scaling details can be checked against the site plan.
5. Planning Justification Report. The image on the title page of the report, plus the image in Figure 3, page 6, plus the image on the title page of the Urban Design Brief (all three are the same image) are very misleading and do not portray some very negative aspects of the two buildings. The image does not represent how the building will appear relative to Windermere Road and the new public sidewalk. You will notice that the window well drop zones have been eliminated in the image. From the site plan we see that these window well drop zones almost touch the new public sidewalk. The grass in front of the building will be just a narrow strip (approx. 1.0m) between the public sidewalk and the building (from site plan). The foundation plants in the image are currently hovering in empty space over the window well drop zones. There simply is no space for the landscaping plants to exist. The broad expanse of grass between the sidewalk and the building will not exist as shown in the image. At the back of the building you should see a fence and the side of 127 Orkney. It certainly will not be the forest setting as depicted in the image. The actual street scene will be very much starker due the lack of setback. These details can be checked against the site plan.
6. The Planning Justification Report refers to the London Plan, please keep in mind that the London Plan is currently under appeal and probably should not be relied on heavily as justification. Note that not all parts of the London Plan are in force yet including elements relating to intensification which are currently experiencing opposition.
7. Planning Justification Report. Page 7 paragraph below figure 5 the statement "*allows maximum sunlight into all units from the front and rear*" is clearly erroneous and deceptive. The units facing the narrow alleyway between the buildings and the basement units with the window well drop zones will certainly not receive maximum sunlight. For the units in the narrow walkway, only a very minimum of sunlight will penetrate to ground level much less the windows in the window well drop zones. This alley way will almost always be in constant shade. The south building will completely shade the alley way between the buildings for most of the year. There will possibly be some weaker sunlight entering the



alleyway from the west end starting in mid-September through November/December. The north side of the northern building will experience the same absence of sunlight as will the alley way between the buildings. This will include the window well drop zones on the north side.

8. Planning Justification Report. Page 8 at the top. The statement *“it is anticipated that the front of the development, visible from the street, will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering”* This statement is clearly false as there is only approx. 1.0m available. This is a repeat and has already been discussed in #5 above. Considering that the building is basically right on the public sidewalk there is very little room for any landscaping at all (See site plan). The document wants the planning committee member to focus on the pretty picture. The reality will be much starker. Again, this highlights the lack of a proper street setback. This can quickly be verified via the Site Plan.
9. Planning Justification Report. Page 10 at the top. The author states *“Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code.”* This statement is highly suspect and needs to be checked by a certified architect. (see #10 below) If this alley way is to building code I am sure that it is a code that applies to an existing downtown or commercial area. A restrictive alley way such as described surely would not be allowed as part of an apartment residence complex.
10. Planning Justification Report. Page 10 at the top. The author states *“Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code.”* There are a number of safety concerns associated with this narrow alley way (1.5m sidewalk) between the two buildings. As a comparison, in Toronto these inter townhouse walking spaces are to be 11m minimum. This narrow alley way will inhibit emergency services and fire response teams. In an emergency situation, how a fire team would be expected to maneuver and set up a ladder on the 1.5m sidewalk with the window well drop zones on both sides is hard to imagine. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns during the July meeting, the planning consultant stated that they would install “fire shutters” on the windows. This is a very radical and expensive solution to the poor design. Especially when it is poor design that is creating the fire/safety issues in the first place. The fire shutters in and of themselves create another whole list of safety concerns. If the roll up/roll down type fire shutters are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shutters are complex and require re-certification on defined schedules. The electronic fire shutters would at least allow a person to open the shutters to escape provided that the person was aware enough to find and press the release and physically open the shutters. Smoke inhalation, sleepiness and/or intoxication could make it difficult for a trapped individual to activate the shutter release and open the shutters. With better design, the person could simply exit quickly through a door. Fire shutters are something that an absentee landlord is not likely to monitor and keep up-to-date. I am sure that the City of London does not want to set a precedent by allowing builders to start installing fire shutters to compensate for poor design.
11. From 10 above; another safety concern for the future residents of the proposed buildings is related to the window well drop zones in both the narrow alley way and front/back of the buildings. These unprotected window well drop zones that

surround both buildings are termed “amenity spaces” by the developer. These drop zones are a safety hazard especially when placed into an overly dense population such as these buildings are designed to house. The window well dug outs are sufficiently deep enough to cause serious concern. I suggest that these unprotected drop zones are a lawsuit waiting to happen. The row of window well drop zones adjacent to the public sidewalk along Windermere Road are particularly concerning for parents with children and toddlers passing by. These drop zones would be a curiosity magnet for children. For the multiple window well drop zones in the narrow alley way, is it fair to expect an inebriated or otherwise distracted resident to safely make it from one end of the alley to the other without falling into one of these drop zones? I urge the Planning Committee members to give these fire and safety concerns very serious thought. I would not want to see anyone injured.

12. Planning Justification Report. Page 10 para 2 states *“Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks.”* This is like comparing apples to bulldozers. This is false equivalency statement. The two proposed buildings are full scale townhouse apartment buildings and as such the setbacks cannot be compared to a single family dwelling in a R1 zone. These larger buildings require larger setbacks and buffer zones as per Table 9.3 Regulations for R5 Zone Variations of the London Zoning Bylaws. This table states for R5 a front setback of 8m. The side lot is 0.5m per 1.0m of building height; for these buildings at 10.7 meters tall the side lot clearance would be 5.35m with a minimum of 6.0m if the wall did not have any windows. Since the wall between the buildings and 123 Orkney does not have any windows (as stated by the developer) the side lot clearance required is 6.0m. The back lot clearance would be 5.35m because the back of the building has windows. These specifications can be verified in the zoning bylaws on the [www.london.ca](http://www.london.ca) website. It is clear that these buildings do not meet the specifications for R5 zone and the variances being requested are not small and practically eliminate the setbacks entirely.
13. Planning Justification Report. Page 10 para 2 states *“It is anticipated that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low density residential uses, thereby preserving privacy.”* The “anticipated” screening measures to preserve privacy are completely inadequate for the topography of the surrounding properties. A simple 1.8m fence is totally inadequate to provide privacy to anyone on either side of the fence much less contain the occupants of the proposed buildings. Given the topography challenges, a 12 foot closed type of fence would be required. The developer’s proposed species of trees are an imported Norway scrub species that have weak branches and are susceptible to mild/moderate wind damage. Since the trees are on the fully shaded side of the north building they would receive little if any sun. It is doubtful that any species of tree would take hold here. If a species of tree were to survive at this location it would be 40 to 50 years before they provided any coverage anywhere near what the existing trees currently provide. It is imperative that the existing healthy trees be preserved and a proper buffer zone established at the back and side of the buildings. Again, it is important that the members of the planning committee visit the site to appraise the topographical issues for themselves. I would be happy to provide a tour on any day at any time.
14. Planning Justification Report. Page 10 para 3 from the top states *“A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space.”* As highlighted above, since these buildings are designed to be rented out by the bedroom (64 bedrooms) the parking is totally inadequate. If the developer changes its mind about the targeted demographic and states the buildings are designed for families,

professionals etc. then reality dictates that family/professional couples parking would require 2 vehicles per unit which would equate to 32 parking spaces. This does not take into account two handicap spaces nor visitor parking. The developer is counting on overflow parking that will land on Orkney and Angus via the walkways (or possibly holes ripped in the fence as a short cut). Then again on page 21 near the bottom the developer states *“Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”* In this statement the proposal itself is stating that the project does not provide enough parking spaces. The calculation of 1.5 spaces per townhouse unit is NOT adequate for the over-intensification of these buildings. The 1.5 calculation is designed for townhouses with a mix of 1, 2 or 3 bedrooms. These buildings are designed to rent out by the bedroom and each unit has four bedrooms. Due to this intensification beyond that of a normal townhouse, a more accurate calculation factor of 2.5 parking spaces per unit would be more realistic.

15. Planning Justification Report. Page 10 para 4 from the top states *“residential intensification redevelopments may be permitted to provide a residential density of 75 units per hectare (UPH) in the "Low Density Residential" land use designation, the proposed development with 16 units provides a lower density of 58 UPH.”* As shown in #1 above the 75 UPH is a possible upper limit as defined by 1989 Plan along with other specifications. The 58 UPH calculated by the document is based on land the developer will not own once the land is transferred to the new owner. My calculation as shown in #1 above uses the correct land surface that the developer will have to work with (once the land transfer occurs) and gives a correct result of 64 UPH. I revisit this topic here again, along with the document itself, to show the tactics used to try to subvert the spirit of the 1989 Plan and the London Plan. If this were a normal infill project the buildings would be spread across the two properties with parking in the rear. Due to easement constraints the developer has decided to put both buildings onto lot 536. If we want to be silly about the calculations we will use just the surface area of lot 536 and the result would be over 100 UPH. This further illustrates that these buildings and the associated level of intensification of this proposal are seriously over the specifications limit for the available property. In this project the density calculations is skewed by the four bedrooms per unit and the fact that these buildings are designed to be rented out by the bedroom. By not taking this skewing of the density calculations into account it appears as an attempt to cloud over the spirit of the 1989 Plan and the London Official Plan.
16. Planning Justification Report. Page 10 Section 5.0 states *“The proposed development is not currently permitted under the R1-6 zoning. As such, it is proposed that the subject lands be re-zoned from the “Residential R1 Zone (R1-6)” to a site-specific “Residential R5 Zone (R5-7( ))” to permit two, 2.5-storey, back-to-back, 8-unit townhouse buildings (total of 16 units), with special provisions as follows: Minimum front yard setback of 2.1m and Minimum interior side yard setback of 1.7m”* The reason that the developer is requesting these two “special provisions” (read variances) is to get the largest buildings possible onto the property. This is driven by the effort to maximize profitability. At this time the developer is unwilling to design a smaller building that better fits the property. During the June neighborhood introductory meeting, myself and several neighbors had conversations with Christopher Tsiropoulos and Danny Partalas (the developers). During our discussion Chris and Danny told us that they must have 16 individual four bedroom units of 1500 sq. ft. each to make a profit on the site. During our lengthy conversation with Chris and Danny we discussed the size of the buildings, appearance of the buildings and closeness of

the buildings to the property lines. We were trying to convince Chris and Danny that other sizes and types of projects could be viable as well such as the new condo buildings at 580 Windermere Road. It is not my goal to tarnish Chris and Danny's reputation. I liked them both, they were sincere and I enjoyed speaking with them. I do hope that we can still talk when all of this is settled. All that said, it is the developer's goal to get the largest buildings possible onto this site. The fact that these oversized buildings will impinge on the neighbor's properties does not seem to be a factor in the rezoning proposal. During our discussion we learned that this request for the "special provisions" (variances) is a result of the fact that the developer did not adequately search the property titles prior to making conditional offers on the two lots (536/542). Chris and Danny made the offers to purchase and then learned later about the easement on the east side of lot 542 once the planning consultants became involved. The developer has conditional (upon rezoning) offers on the properties and can exit easily. This proposal wants to cram two buildings onto lot 536 instead of having a single building spread across both lots. This rezoning request with its variances is asking the City of London to bastardize proper zoning specifications in order to bail the developer out. This proposal should be rejected and this rezoning application declined. This proposed application is urban design at its worst, a smaller building with proper setbacks and buffer zones would be welcomed.

17. Planning Justification Report. Page 11 Section 7.1.1 states "*The proposed development makes efficient use of underutilized lands well suited for increased density, and appropriately adds to the mix of residential dwelling types in the area to meet the housing needs in this area*" These properties are not underutilized. These two properties are efficiently used R1-6 addresses with fully functioning habitable homes as they stand today. These are not vacant lots. Two perfectly good homes will have to be demolished to facilitate this project. The residence at 542 is currently rented out to students and 536 is a fully functioning family home that is currently inhabited. Based on this, there is no reason for rezoning at all. As for housing needs in this area, they are fully met with the current occupants living their normal lives. These lands are not underutilized.
18. Planning Justification Report. Page 12 near top states "*The proposed development contributes to the range of residential forms and intensities in the area....*" Currently there are a variety of diversified housing in this and adjacent areas as identified later in these rezoning documents. There is no need to jam the maximum number of people onto these two small lots as if they are livestock. Intensification is not about putting the maximum number of people into the smallest possible volume of space. Intensification is also about good urban design and a comfortable, good quality of life for everyone. That includes those that will be living in the intensified building as well as neighboring properties. We should be building harmonious neighborhoods where everyone can grow and develop to their full potential. An 'overly intensified' building(s) will add stress to the occupants as well as the neighborhood resulting in a multitude of problems that will be left for the city and residents to deal with long after the developer has fled the scene. Have we not seen enough of this already? This application for rezoning should be rejected and sent back to the developer to come back with a better design. Have them come back with a design that better suits the property, the neighborhood and provides a stress reduced quality of life for the future residents of the proposed development.
19. Planning Justification Report. Page 12 near middle states "*The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations.*" This proposal does not honor the specifications R5-7 as detailed in Table 9.3 Regulations for R5 Zone Variations which were also identified in

paragraph 12 above. The site specific changes certainly are not minor and are not consistent with other townhouse intensification projects within the city. Upon review of the City of London Zoning Bylaws we see that the description of townhouses fall into the R4 zoning designation. The R4 zoning is likely where this project should be zoned. The buildings would then have the adequate buffer spaces, setbacks etc. which are missing from this zoning request.

20. Planning Justification Report. Page 12 near middle states *“There are no risks to public health and safety.”* As shown in paragraphs 9, 10 & 11 above there certainly are public health and safety issues not only to the occupants but also to people and children walking on the public sidewalk. There are issues of fire safety as well as the problems with window well drop zones. These drop zones are unprotected and deep enough that a fall would certainly result in injury.
21. Planning Justification Report. Page 12 near middle states *“The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west.”* This statement is just plain wrong, the homes on lots 532 and 542 are exactly the same as the rest of the neighborhood and zoned R1. Their laneway points South towards Windermere Road but that certainly does not make the properties distinct from the rest of subdivision. The document’s logic is faulty. For example, the fact that my house faces Orkney and my neighbor’s house faces Angus, it cannot be said that they meet the criteria as being distinct as cited in Section 1.1.3 of the London Plan. Again, this is a violation of the spirit of the London Plan when compared to the documents spin in order to justify its rezoning request.
22. Planning Justification Report. Page 13 near the top states *“The proposed development is located within the existing built-up area; is a compact form of residential development; and makes efficient use of land, infrastructure, and public service facilities. The efficiency of the development is evidenced by the proposed density of 58 UPH.”* This is a red herring to draw attention away from the fact that the buildings are too big for the available property. Yes, the building is compact but there is too much of the “compact” (read building volume) to allow suitable buffer zones and street setback with both buildings situated entirely on lot 536. Hence the 58 UPH is calculated spin with the corrected calculation shown in paragraph 1 above. The zoning bylaws for R5 state clearly that the maximum UPH is 25 for a townhouse adjacent to a R1 zone. This again is an example of the repetition that is identified in the preamble.
23. Planning Justification Report. Page 13 near the bottom states *“the proposed development contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London, and contributes to Council’s intent to encourage appropriate intensification”* The proposed buildings do NOT comply with appropriate intensification. This has been stated above in paragraph 1 and within the City of London Zoning Bylaws. A UPH of 25 is the maximum allowed. These buildings will leave behind a series of problems for the city to deal with going forward. A smaller footprint with appropriate buffer areas and street setbacks would be welcomed. Intensification is not about the quantity of humans that can be housed in a property this size. Intensification is more about quality of life, building compatible communities and better use of resources. This proposal does NOT meet these qualities nor does it encompass the spirit of the 1989 Plan or the London Plan.
24. Planning Justification Report. Page 13 near the bottom states *“The massing, although larger than the adjacent single detached dwellings, is appropriate for the site.”* As stated above, these two buildings are too massive for the available property not to mention too massive in relation to the neighboring homes. If the massing was appropriate for the site we would not be continually coming back to

the problems of setback and buffer zones. Also, these buildings are 35 feet tall while the average height of the surrounding buildings is 18 to 20 feet tall. These buildings are going rise above everything around them. This will be particularly evident when approaching from either Orkney or Angus. If the developer had done their due diligence they would not have to be dealing with the problem of the easement constraints. Without the easement constraints the buildings could have been built across the two properties with proper buffer zones and setbacks. The people of the City of London should not be responsible to compensate the developer for its error by allowing a badly designed project just so that the developer can make the same profit as if the property did not have an easement. Again to the Planning Committee I say, a building with a smaller foot print with a better design and buffer zones to save the trees which would fit properly onto the property would be welcomed. This current proposal is urban design at its worst.

25. Planning Justification Report. Page 14 Section 1.6.6.1 talks about servicing the proposed development. Clearly absent from this discussion is the servicing for garbage collection. A plan will have to be developed that does NOT include a smelly dumpster sitting against the back fences (which would be next to the adjacent properties).
26. Planning Justification Report. Page 14 near bottom states *“The proposed development has been designed to be respectful and compatible with adjacent low density residential uses to the north, east, and west”* This clearly is not factual and should not be stated as such. The existing residents of the neighborhood vehemently disagree with this opinion and want this rezoning rejected and instructions sent back to the developer to return with a smaller and better designed building. This is another example of the repetition described in the preamble.
27. Planning Justification Report. Page 15 above the diagram states *“The subject lands are well suited to accommodate the proposed development and can contribute to the supply of a range of housing forms and tenures to meet current demand in the area.”* Well again this clearly is not factual and should not be stated as such. It may be the developer’s opinion but it certainly is not fact. If the proposed development were suited to the subject lands, the developer would not be requesting the elimination of buffer zones around the buildings. Clearly the buildings are too big for the property. Therefore the buildings are not suitable as verified by the fact that the developer is requesting special consideration zoning exceptions (the elimination of buffer zones and street setbacks) that a suitable townhouse apartment building would recognize. If it was a suitable building for the property we would not even be having this discussion.
28. Planning Justification Report. Page 16 near the top states *“There are no concerns with soil conditions, topographic features, and environmental considerations on the subject lands as they pertain to the proposed development.”* Again, this is not correct. There are a number of topography issues as identified in Section 3 to follow and my response in Section 2. The back and easterly side of the 542 property is a collection area for water during the spring runoff and snow melt. This is a topographic feature that has not been identified in this proposal. This year’s water level can be seen by the flotsam debris adhering to the landscaping timbers at the back of 6 Angus Ct.
29. Planning Justification Report. Page 16 near the top states *“The proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses.”* This section’s statements are a repeat of many of the above paragraphs above. In this quote the document bunches a number of these misleading statements together. These statements were not true in the above paragraphs and repeating them

again does not make them true now. As argued in numerous paragraphs above the proposed development is NOT compatible with existing land uses. The buffering and screening mechanisms are totally absent and in the case of the fence totally inadequate. As for the privacy issues, there is nothing about these overbearing structures that facilitates privacy of any sort for any of the parties involved.

30. Planning Justification Report. Page 16 near the top states *“the lands to the north and west are higher in elevation than the subject lands and therefore the proposed development will appear shorter than its actual height relative to abutting single detached dwellings to the north and west.”* The overbearing massing of these buildings still overpower everything in the neighborhood regardless of the grade difference. There is nothing the grade difference can do to shorten the height (35 ft tall) of these structures. The property to the west known as 123 Orkney tapers from 3 ft difference at the front to no difference midway across the property towards the back. These grading issues have no power to shrink these large buildings. I invite each of the planning committee members to the site so that they can gauge for themselves how the surrounding topography renders the statement above incorrect.
31. Planning Justification Report. Page 16 near the top states *“the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents.”* This is a plagiarized repeat of the documents statement in Paragraph 3 above. It does not matter how many times the document repeatedly states these erroneous statements, it does not make them true. This is ‘spin’ and a waste of everyone’s time. So to respond again, the tree plantings are inadequate and a poor choice of species. The healthy trees already on the site perimeter that currently provide cover need to be preserved. A simple 1.8m fence is not going to provide any privacy for anyone on either side of it. Again, the planning committee need to visit the site. I will be happy to accommodate the Planning Committee Members as a group or as individuals any day, at any time. You can see for yourself how short of the mark the developer’s remedial proposals are.
32. Planning Justification Report. Page 16, Section 3.1.1 near the bottom states *“In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space.”* As pointed out previously the lowered unprotected patios are a health and safety concern. As for the outdoor amenity space, a mother with children would have to take the children across the parking area in order to get to the grass. There is no other area on the site for children to be outdoors nor is there a playground for children. The 1989 Plan directs developers to provide children play areas in multifamily residential areas. If there were adequate green buffer spaces around the buildings there would at least be something for the children. Personally I think that the planning committee should direct the builder to create a play area for children as well as the buffer zones. As I work with these rezoning documents I have come to realize that this design is lacking in so many ways that relate to the livability of this project. It gets a little absurd and humorous because it seems that there are work-arounds required for practically everything. From the dugout window well patio things, the fire shutters, the narrow alleyway, the front apartments being right on top of the public sidewalk, extensive shadowing, lack of parking, lack of privacy, too fat to fit etc., etc. For the people that would live here, this would not be funny! I now see that this project has not been designed but rather it has been cobbled together.

33. Planning Justification Report. Page 17, Section 3.1.2 near the top states *“The height, massing, privacy mechanisms, and design of the proposed development create a compatible site and building design within its surrounding context of single detached dwellings and institutional uses.”* This document states this over and over and over. No matter how many times it is stated, it still is not true. This monstrosity of the building does not fit into the surrounding area in any shape or form nor does it fit onto lot 536.
34. Planning Justification Report. Page 17, Section 3.1.2 near the top states *“The proposed development has frontage on Windermere Road (an Arterial Road), creating a separate and distinct lot that will enhance Windermere Road streetscape with the site’s development.”* This document has repeated this a number of times already. This project will not be distinct just because the driveway goes south to Windermere Road. It will be part of the Orkney Angus landscape regardless of which direction the laneway points. The front facade of the south building will stand out in its starkness on the Windermere street scape. No other buildings anywhere along Windermere Road are plopped down right at the public sidewalk. This building is not set back from the street. ALL other buildings on Windermere do adhere to proper street setbacks. This building will ruin the Windermere streetscape by its obtrusiveness. It will stick out as a massive wart. Its appearance will be that of something that needs to be removed.
35. Planning Justification Report. Page 17, Section 3.1.2 near the top states *“frontage on Windermere Road (an Arterial Road)”* The “Windermere as an Arterial Road” issue was addressed several years ago. Millions of dollars were spent to widen Fanshawe Road for it to become the main east/west arterial road in the north end. At that time, council decided that Windermere Road is what it is and will stay that way for a long time to come. The environmentally sensitive areas to the east and west of Windermere Road prevent its expansion. Windermere Road was considered for ‘Arterial’ in the past but that changed after the multiple Fanshawe Road expansion projects. Construction was completed just last year. It was decided that the moniker ‘arterial’ would be removed from Windermere Road. This topic is discussed again below in paragraph 50 and I have responded with the same response.
36. Planning Justification Report. Page 17, Section 3.1.2 near the top states *“The character of the existing residential areas to the north, east, and west along Orkney Crescent, Brussels Road, and Angus Court will not be affected.”* Again this document is spinning nothing more than the tiresome spin it has repeated numerous times previously. It is as if the author is trying to convince himself that this project is a good design. To the Planning Committee Members, see it for what it is, misleading and spin. Make no mistake that these areas are going to be affected grossly with noise and the loss of privacy. Everyone in the area will lose some of the enjoyment of their properties as well as the loss of a beautiful stand of trees. All of the neighbors will have to tolerate the interruption of the sight lines by these obese buildings as people approach via Angus, Orkney and Windermere streets. For these problems and the many more that are identified in my response and the responses of my neighbors, please know that the character of our neighborhood will be assaulted in a very major way that can never be remedied once the damage is done.
37. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states *“no shadowing impacts are anticipated beyond what would be present with a single detached dwelling.”* This statement is clearly not true. This is a false equivalency since you cannot compare these oversized townhouses to a single family dwelling and expect the shadowing to be the same. For these paragraphs to be true the building would have to be setback from the property lines the same as single detached dwellings and be the same size as single detached dwellings.



The buildings would have to be reduced in height and size for the shadowing to be comparable. Since the buildings are being constructed right up to the property lines, the excessive height will cause a shadowing effect that will kill vegetation on the neighboring properties including a row of emerald cedars and a row of pines to the west on 123 Orkney.

38. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states *“Privacy will be maintained with the use of tree plantings, fencing, and the presence of mature trees on abutting lands.”* This is another example of the documents repetitive hammering. As stated numerous times above and below, the 1.8 m fence will not provide privacy for anyone on either side of the fence. The scrawny scrub trees proposed for the plantings are weak structurally and will not provide any cover for 40 to 50 years if perchance they survive the lack of sunshine from the shadowing of the building.
39. Planning Justification Report. Page 18, Section 3.2.3.5 ii near the middle refers to Public Site Plan Review. *“Residential intensification site plan proposals shall address the following matters: a.) Sensitivity to existing private amenity spaces as they relate to the location of the proposed building entrances, garbage receptacles, and parking spaces and other features that may impact the use and privacy of such spaces: b.) the use of fencing, landscaping and planting buffers to mitigate the impacts of the proposed development on existing properties; and c.) Consideration of ...Design Principles.”* The developer has missed the mark on every one of these policies. Many of the response paragraphs above and below identify the shortcomings of the above stated policies. These buildings are without any common sense of setback in any direction which imposes significant privacy concerns for existing properties in any direction. The proposed site shows little concern for design principles as specified in the 1989 Plan. As mentioned in paragraph 32 above, this project has not used good Urban Design Principals to build a reasonably sized building that would fit into either the R4 or the R5 zoning specifications. This project has been cobbled together with different odd work-arounds to mitigate the constraints of the easement without doing any work other than mashing the buildings together one behind the other on one lot. There really has not been any design work done to effectively deal with the constraints of the easement. The goal seems to be to build something big and fast in order to get the profit rolling in. I hope that the London Planning Committee can certainly see the misleading and deceptive statements that are spun continuously throughout these submitted documents. This is not good urban design. It is rather obvious that this is a developer taking advantage of the citizens of London in order maximize its profit and then leave behind a variety of problems for the City and the neighbors to deal with. There are no principals here, urban or otherwise.
40. Planning Justification Report. Page 18 near the bottom states *“while the northernmost patios provide a similar interface with 127 Orkney Crescent as would a typical townhouse rear yard”*. This is not a true statement, a typical town house will have a green space buffer behind the building. This document specifies holes in the ground (window drop zones) and is trying to convince the reader that these holes are the same as grass (a typical townhouse rear yard). The logic here is ludicrous not to mention flawed.
41. Planning Justification Report. Page 18 near the bottom states *“The positioning of the proposed buildings, combined with the proposed setbacks, creates a non-functional space between the buildings and 123 Orkney Crescent, which aids in the maintenance of privacy”*. This statement is extremely misleading. The narrow alley way between these two building leads right onto this non-functional space. Residents traversing the alleyway look directly into the dining room window of 123 Orkney. How that would aid to privacy is beyond any sensible

rational. The proposal documents make no mention of any structure or building element that will provide privacy to the dining room window at 123 Orkney from residents traversing the narrow alley way between the building and onto the non-functional space. Moving farther along the non-functional spaces (northward and southward) become a narrow walkway. It is well known throughout the city that these empty non-functional spaces become meeting places and a place for the disposal of all manner of items. A non-functional space such as this will become a garbage collection point especially for “missed garbage pickup day” bags of trash. Human nature dictates that this non-functional space will become a handy spot for all sorts of refuse and discarded items.

42. Planning Justification Report. Page 18 near the bottom states “*Fencing, landscaping, and planting buffers are proposed to be used to maintain privacy between the proposed development and abutting single detached dwellings. Additional urban design details are discussed in the Urban Design Brief. Considering the above information, the proposed development complies with the policies of Section 3.2.3.5.ii.*” Here again we see aspects of the proposal that have been repeated numerous times in this proposal previously. As I indicated several times above there are no buffer or green spaces around the buildings, the fence offers no privacy and the project as whole does not adhere to the R5-7 specifications and should be rejected.
43. Planning Justification Report. Page 19 near the top states “*The proposed development provides adequate off-street parking supply and buffering from adjacent low density residential dwellings. The use of existing trees, along with tree plantings, landscaping, and fencing will be used to screen and buffer the parking area from the abutting uses.*” Again this document presents spin around the same parking problems. Please review my response in paragraph 14 above stating that there is not enough parking for the intended intensity of this project. This document freely admits to the shortage of parking spaces in the following quote from page 21 of the Planning Justification Report “*Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands*”. There is no visitor parking and not enough parking for the intended demographic expected to reside here.
44. Planning Justification Report. Page 19 near the bottom states “*One of the design goals of the proposed development is to ensure compatibility and fit within the surrounding context. The two proposed 2.5-storey height of the buildings is similar to the 2-storey, single-detached dwellings to the north of the subject lands, maintaining the low rise character of the area.*” This is a misleading statement in that the building mass is much larger than the surrounding 2 story houses by approximately 450%. These buildings are actually over 35 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses’ heights being in the 18 - 20 foot tall range. The proposed buildings rise above anything else along Windermere Road until you get to the apartment buildings closer to Adelaide. This building would be a monstrosity on Windermere Road. It would be better suited downtown rather than polluting a residential area. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. The size of the proposed buildings have been downsized in appearance by giving them a flattened roof. On the site plan the buildings extend almost to the back of 127 Orkney. Yet in these images the building’s width only extends slightly past the garage of 127 Orkney. Compare these images to the site plan to see the difference. This is another example of the document being deceptive in its presentation. These buildings would appear much larger if the drawings were

drawn to scale and the roof height was added proportionally. The lack of scale makes the proposed buildings look smaller than they actually would be.

45. Planning Justification Report. Page 19 near the bottom states *“As there is an approximately 2.0 m elevation drop between the abutting properties to the north and west and the subject lands, the proposed buildings will appear to be shorter than their actual height relative to the abutting single detached dwellings.”* Notice how the developer refuted the grade topography issues previously when it works against the proposal but here the author is trying to spin it as an advantage. The grading difference is meaningful only when it comes to fencing. The buildings are so big that the any grading discussion relative to the size of the buildings is a moot point. Factually, there is a 2m grade difference at the height of the driveway at 127 Orkney. However that grade quickly reduces to 1.0m at the north corner. Further to that the grade to the west at 123 Orkney is only 1.0m at the corner and diminishes to no grade difference half way down the lot where it matches the grading of lot 536. Even with the grade difference, it does not reduce the heavy massing of the buildings nor the 35 ft tallness of the buildings. To the Planning Committee, it is important that you see the grading and topographical issues that this Planning Justification Document entails. I would be happy to provide a tour any day at any time.
46. Planning Justification Report. Page 19 near the bottom states *“The exterior design of the building provides a well-executed design with modern architectural details, drawing from existing designs and materials of the surrounding residential area, while being noticeably distinct. The combination of similar height, exterior materials and colours (i.e. brick/masonry in neutral colours) create a compatible proposed design with the adjacent single detached dwellings. The use of landscaping, tree plantings, existing mature trees and fencing maintain the existing level of privacy for adjacent residents. The use of these elements will screen the building and parking areas from view (Figure 11).”* This is another of the document’s repetition of statements made previously in the Planning Justification document. This time the document bunches together previous statements in order to continue the spin with a different arrangement of the words. As in my previous responses, the buildings butt up so close to the property lines that there is no room for landscaping of any significance. The plantings are too small and it will be 40 to 50 years before they can replace the coverage of the existing trees if perchance they survive the shading on the north side of the buildings. A 1.8 m fence will do nothing for privacy for persons on either side of the fence. The fence will have to be 4m tall before any privacy comes into play. For the first part of the quote, the building materials are no more drawn from the surrounding residential area than pixie dust.
47. Planning Justification Report. Page 20, top Figure 11. This is a very deceptive image. The artist has included the 8.1m of frontage that will not be part of the property after the land transfer. This 8.1m of frontage becomes boulevard owned by the city. You can see in this diagram that the cement window well drop zones are very close to touching the true property line at the front of the south building. Remove the 8.1m from the image and the viewer can then see how packed onto lot 536 these buildings are. Use a piece of paper and cover the 8.1m that will be lost from the front of the property. Line the edge of the paper with the property line across the front of the parking lot. See how this easy correction changes the whole dynamic of the site. You can now see the correct available surface area and see how congested the site becomes. Building arrangements such at this are common in a downtown or commercial area, however, there is no place for this within a R1 single dwelling residential area. Additionally this image was intentionally taken out of scale to show more space between the property lines and the buildings at both the north and west sides. This is a clear attempt to

make the buildings appear more presentable than they would actually be. You can check these details against the site plan.

48. Planning Justification Report. Page 20, near middle states *“Privacy will be maintained for 123 Orkney Crescent as the interior side yard is not an active space and the buildings do not contain any windows on the facing elevation.”* This is another repetitive passage within the Planning Justification document that I responded to in paragraph 41 above. This interior space will obviously become a garbage/refuse collection area.
49. Planning Justification Report. Page 20, near bottom states *“A larger fence may be utilized in consultation with the City and with abutting landowners.”* This is not a consideration but an absolute must. I would suggest that since the grade difference at 127 Orkney is 2.0m that the fence should be 4.0m. of a solid type construction
50. Planning Justification Report. Page 20, near top states *“The proposed development is located along an Arterial Road”* This is a repeat of paragraph 35 above so I am responding with the **same** response for your convenience. The “Windermere as an Arterial Road” issue was addressed several years ago. Millions of dollars were spent to widen Fanshawe Road for it to become the main east/west arterial road in the north end. It was decided at that time that Windermere Road would remain as it is. The environmentally sensitive areas to the east and west of Windermere Road prevent its expansion. Council decided that Windermere Road is what it is and will stay that way for a long time to come. Windermere Road was considered for ‘Arterial’ in the past time but that changed with multiple Fanshawe Road expansion projects. Construction was completed just last year. It was decided at the time that moniker ‘arterial’ would be removed from Windermere Road.
51. Planning Justification Report. Page 20, near top states *“Due to the frontage of the subject lands onto Windermere Road, the lands are a separate, but related, component of the single detached neighbourhood to the north.”* This is another repetition within the Planning Justification document but notice the flip-flop here. Previously the document stated that properties were not related but in this instance now they are. The author flips back and forth on the details as it suits the spin of the argument being presented.
52. Planning Justification Report. Page 20, near top states *“There are currently no lands that are proximate to the subject lands (within 1 km) that are available for redevelopment and are appropriately zoned that could accommodate the proposed development.”* Well you can say that again! To be clear, these are not vacant lots. There are two stable functioning single dwelling homes here. You cannot find another project like this in the entire city where buildings such as these are jammed up against the property lines with no street setbacks in an R1 zoned residential area. Townhouse projects always have suitable setbacks and buffer spaces not to mention child play areas. The document laments that this is the only space available to abuse in such a manner. I respond by asking to be shown a similar project with two tall townhouse apartment buildings jammed onto a single lot that is built right up to the property lines in an R1 residential area. I am playing the devil’s advocate here and simply saying “Show me?”
53. Planning Justification Report. Page 20, near middle states *“Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”* As I have pointed out in several paragraphs above using this very quote, there is insufficient parking for the anticipated demographic of residents as well as the

lack of visitor parking. With this statement the developer admits that they have not provided adequate parking spaces for the two buildings. The developer is asking the neighborhood to supply some of the townhouse parking requirements. Also of note is the fact that overnight parking is not allowed from September to May. This project has no provision for visitor parking as part of its design. This is an apartment complex that is designed for the units to be rented out by the bedroom which creates intensification above a normal townhouse complex. The parking spaces normally allocated to a townhouse are inadequate for a project such as this. Normal townhouses are more family orientated and have a different parking demographic. This project simply requires more parking.

54. Planning Justification Report. Page 20, is asking the neighbors at 123 and 127 Orkney and 6 Angus to supply vegetative screening for the project. The 1989 Plan and the London Plan clearly state that it is the developer's responsibility to provide vegetation and screening on their property which is to be maintained by the developer. The developer should not be riding on the backs of the neighbors. The proposed vegetation and fence screen are totally inadequate. The current mature trees along the property lines need to be preserved.
55. Planning Justification Report. Page 21, near top states "*There is no reasonable expectation that the proposed development would generate noise beyond what would typically be expected from a residential development.*" This is a false equivalency. The reason is because we already know what noise is generated by the two single dwelling homes at 536 and 542 Windermere Road and other single family homes in the neighborhood. The proposed units are designed to be rented out by the bedroom creating a higher than normal population density. It is easy to envision parties with loud music and raucous behavior which is normal for this transient demographic. The fact is that there is every expectation that there will be a significant increase in noise from this complex. Anyone with a synapse knows this. There is no effort to mitigate this extra noise in this proposal, neither in the design nor the screening.
56. Planning Justification Report. Page 21, near top states "*The visual impacts of the proposed development are minimal given the height of the proposed buildings and proposed landscape and fencing treatments.*" This is another misleading statement of the documents repetitive mantra of issues that have already been responded to in previous paragraphs. Clearly the buildings mass is very much larger than anything in the neighborhood. The mass of just one of these buildings is larger than four of the surrounding houses put together. These buildings are 35 feet tall whereas the next tallest building is 24 feet tall with the average surrounding houses in the 22 foot tall range. The house beside these building at 123 Orkney is only 18 feet tall. There can be no question that the proposed buildings will tower over 123 Orkney. In addition the proposed buildings will rise well above anything else along Windermere Raod until you get to the apartment buildings closer to Adelaide about a 1 km away. This townhouse apartment complex is a monstrosity that belongs downtown rather than polluting a R1 residential area. Anyone who has studied design or appreciates art can see how incongruous this project will be for the whole Windermere streetscape as well as the surrounding neighborhood. Once again by using Figure 24, 25, 26 and 27 of the Urban Design Brief you can see how huge and incongruous these buildings are in comparison to the surrounding houses. In the images the size of the proposed buildings have been downsized in appearance by giving them a flattened roof and a lack of scale proportion. This is where the artist was trying to make the buildings look smaller as identified in previous paragraphs. These buildings would appear much larger if the drawings were done to scale and the roof was drawn in proportion to the rest of the building.

57. Planning Justification Report. Page 22, near top states *“As noted above, no shadowing on abutting lands is anticipated from the proposed development beyond which would be present with a single detached dwelling. The proposed setbacks are generally consistent with setbacks normally permitted for single detached dwellings in the R1-6 zone. As such, adverse impacts are appropriately mitigated.”* Here again the document has grouped several previous false and misleading statements from above together. This document continually pushes the idea that it should have the same shadowing specification and setback as a normal single detached dwelling. BUT THIS IS NOT A SINGLE DETACHED DWELLING! This is a large townhouse type apartment housing complex designed as a high return income property. It clearly should not have the same specifications as a single family dwelling. This is a building designed to create income and profit and as such requires proper street setback and green buffer zones around the buildings on its own property. The developer wants to mix zoning requirements of the R1 zone with the R5 zone. The developer should be made to pick one zone or the other and develop a design accordingly.
58. Planning Justification Report. Page 22, near middle states *“the proposal represents an appropriate and compatible form of residential intensification and is consistent with the policies and the intent of the 1989 City of London Official Plan, including residential intensification policies, urban design, compatibility, scale and massing, and maintenance of privacy. The proposal is consistent with the planned function of the “Low Density Residential” land use designation to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH.”* Here again this Planning Justification document has grouped together a series of statements that have been addressed in previous paragraphs. Regardless of how many times the document repeats this mantra, the statements are still untrue and misleading. This is not a good quality intensification plan. It is an over-intensification plan to build a townhouse apartment complex that will generate high returns. The planning committee surely must realize that it is the carrot of high profits that is driving this project rather than creating a wholesome livable residence for its occupants. The building is too big for the property plain and simple. This document through various modes of spin is trying to pick the best of the rules from three different zoning specifications to justify jamming these two buildings onto a property that cannot sustain the ongoing healthy livelihood of the buildings nor its residents. The developer is trying to fit an elephant onto a postage stamp.
59. Planning Justification Report. Page 22, near middle states *“to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH.”* The document has made this statement several times previously trying to convince us that 75 is the magic UPH number. However when we read the greater context of the 1989 Plan this number is only a possible maximum and it use is in combination with a series of constraints and specifications that are not met by this proposal document. As stated in above paragraphs this 75 UPH does not apply in this situation. R5-7 clearly states a maximum UPH of 25 for a project within a R1 residential area. The planning committee must also consider how both buildings are squeezed onto one side of the project and does not resemble a normal townhouse project. The setbacks and buffer zones need to be established such that a building of some sort can be built here within a reasonable zoning framework.
60. Planning Justification Report. Page 22, near bottom states *“The proposed development, at 2.5-storeys, is consistent with the range of permitted uses and heights.”* This is a deceptive statement, this is not a 2.5 story dwelling in the manner of a R1 single detached dwelling. The proposed building is an apartment type townhouse with an overall height of 35 ft. and a hugely more

significant massing when compared to a single dwelling. There is absolutely nothing comparable to this proposed structure anywhere near the site.

61. Planning Justification Report. Page 25, near top states *“More than adequate parking is provided for the proposed development (24 spaces required; 25 spaces are provided).”* This document has come back to the parking problems again. Please review my responses in paragraphs 14 and 53 above. The 25 parking spaces might be adequate for a townhouse complex that consists a mix of 1, 2 and 3 bedrooms (according to the formula). However, 25 spaces will not be enough for a 64 bedroom rooming complex. If this situation is left as is, it will cause problems for the neighbors and the London Police Force for years to come.
62. Planning Justification Report. Page 25, near middle states *“Dark sky lighting is proposed for the surface parking lot, walkways, and building exterior lights. This form of lighting reduces the amount of upward projected lighting, projecting all the light to the ground. This significantly reduces or eliminates light pollution into adjacent yards and windows of abutting single detached dwellings.”* Regardless of what lightning is used this project is going to emit a continuous bright glow that will prevent the neighbors from enjoying the nighttime out of doors. This will greatly reduce the neighbor’s enjoyment of their properties.
63. Planning Justification Report. Page 25, near middle states *“Numerous screening and buffering mechanisms are proposed to maintain and/or enhance privacy between the proposed development and adjacent single detached dwellings.”* This is a deceptive statement that I have responded to in previous paragraphs. With buildings butting up against the neighboring properties, there is no buffer area which is part of the normal screen process. The proposed tree replacements are cheap imports and will not amount to any noticeable coverage for 40 to 50 years. The mature trees around the property need to be preserved. A suitable buffer zone around these two buildings needs to be established so that the trees can remain healthy and provide some ‘distance screen’ between these buildings and the neighboring homes. These buildings are not a similar height to the neighboring residences and are over 35 ft tall. These tall buildings will overwhelm the neighborhood. A building with a smaller footprint would help mitigate all of these problems and create a better living experience for the new residents. A smaller building with appropriate buffer zones would be welcomed by the Orkney/Angus Ratepayers Association.
64. Planning Justification Report. Page 25, near middle states *“No shadowing is expected beyond which would otherwise be present with a single detached dwelling. Existing off-site mature trees to the north and east currently provide shadowing on those properties.”* Once again the document cycles back to the shadowing problems only changing a few words. I have responded to the shadowing problems in previous paragraphs. You certainly cannot compare the shadowing from a 35 ft tall building abutting right up to the property lines with a single detached dwelling sitting in the middle of its lot. There is vegetation and trees on the neighboring residences that will die from the shadowing that these buildings will project. This will be irreparable harm to that vegetation and trees. The tall trees around these properties must be protected at all costs.
65. Planning Justification Report. Page 25, near bottom states *“Together with the proposed similar height of the development with the adjacent single detached dwellings, the proposed buildings create a compatible development with limited visual impacts”* Here it is again, this document continues with this mantra over and over again. I have responded to this in previous paragraphs. Regardless, this project is two townhouse apartment buildings and there is no rational comparison with a single family dwelling. **THEY ARE NOT NEARLY THE SAME!** I mentioned in previous paragraphs how the sightlines as you approach from

Angus and Orkney are going to be very adversely affected. In a previous paragraph relating to the sightlines as you approach on Windermere Road, this building will appear as a huge wart on the streetscape. All of the other buildings on Windermere Road from one end to the other have proper street setbacks without exception. There is nothing for miles that this building is comparable to.

66. Planning Justification Report pages 25 to 31 are regurgitations of most of the topics addressed above. There is nothing new in these last pages other than the topics are jumbled around and grouped into segments and paragraphed differently. I will save the Planning Committee member's time and not address these same topics over again. These buildings do not fit into the landscape and indeed will be an eye sore from any angle whether you are in the subdivision on Orkney or Angus or driving down Windermere Road. I urge the London Planning Committee to reject this application with intensity.

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**From:** Don Bodrug  
**Sent:** Sunday, September 30, 2018 12:18 AM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** Plann Z-8945 Development

To; Melissa Campbell, City Planner,  
City of London, Ontario.

From; Don Bodrug  
10 Angus Court, London, Ontario

Re; Planning File Z-8945, Developer 249222Inc

I was given notice of a rezoning application for the R-1 designated properties at 536 and 542 Windermere Ave. I attended the meeting with the developers prior to the above application when input provided by a very large contingent of residents was not favourable at all about the proposed building plan. There are critical concerns that were put forward by the assembly at that time that have been completely ignored by the developers and the consultants. I concur with my neighbours' viewpoints and the concerns that include the following;

- The properties are not suitable for the apartment complex proposed given the extreme lack of buffer space and inadequate parking for the potential number of residents.

- The tree population now present will be destroyed resulting in a loss of forestation and the benefits associated with the large trees in the neighbourhood such as the reduction of sound from the very busy Windermere Ave.

- Privacy and noise will be issues with the building design overshadowing the current adjacent single family residences especially since all the existing trees will be gone from the properties and a large population of residents will occupy the apartments.

- The proximity of the buildings to Windermere Ave. will not provide the required easement for proper future development of the main traffic corridor to and from Western University and the Hospital.

- The development does not consider the quality of the existing housing in the area and will present as a ghetto-like eyesore with population congestion, more traffic, motion, and noise that is not a good fit for the area.

I implore the planning committee to reject the R5-7 rezoning and request the committee to direct the developer to come back with a plan providing good quality infill. I believe the residents will support a Zone change to R3 or R4 that I am given to understand would see a development of single storey units, detached or attached, with



individual garages. The development in this case would take on the appearance of a housing enclave community similar to what we see on East Doon Drive.

Respectfully Submitted

Don Bodrug

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**From:** Gordon Payne  
**Sent:** Wednesday, October 3, 2018 10:24 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** Rezoning Application for 536 and 542 Windermere

Dear Ms. Campbell,

It is my understanding that the proposed development at 536/542 Windermere Road will house 16 units that will have 4 bedrooms each. It is therefore reasonable to assume that this complex will house approximately 64 university students. This seems more like a university residence than a family-friendly complex.

It is certain that many of the residents will have cars, as will their visiting guests. According to the proposal, "A total of 25 surface parking spaces are proposed." Where will all of these cars be parked? I cannot understand how the City can entertain such a ridiculous proposal.

When I built my dental office in 2015 on Adelaide Street, I was required by the City to have 27 parking spaces, even though no more than 10 spaces are required at any given time. So, my dental office would actually have more parking spaces than this proposed development.

Where will all of these extra vehicles be parked overnight? Let's look at the options:

- 1) Along Windermere Road – No parking allowed there.
- 2) Spencer Leadership parking lot – They will likely put a stop to that.
- 3) Scouts Canada parking lot – Not likely to be allowed either.
- 4) Orkney Crescent, Angus Road and Brussels Road with access via two walkways onto Windermere Rd.

As I live on Orkney Crescent, I do not wish to have overnight vehicles parked in front of my home. Myself and other residents are concerned for the following reasons:

- 1) Those areas are meant for our own occasional guests – day or night.
- 2) Parked cars will prevent proper snow removal in the winter.
- 3) Several parked cars also pose a threat for playing children, as driver visibility will be reduced.
- 4) Parked cars also interfere with garbage pick-up, lawn-cutting, etc.
- 5) People walking to and from their cars late at night will cause unnecessary noise and be a disturbance for homeowners, especially those whose homes are proximate to the walkways.

The developer has, in fact stated that, "Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands."

It therefore appears that even the developers have recognized that their project does not have enough parking spaces. What local resident could possibly find this acceptable? Would you or any other City planner want vehicles constantly parked in front of their own homes?

This proposal either needs to be dramatically scaled down, so that an appropriate number of parking spaces can be planned, or the rezoning application denied.

Please feel free to contact me if you have any questions.

Sincerely,

Gord Payne (70 Orkney Crescent)

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**From:** DeVouge, Christine  
**Sent:** Friday, October 05, 2018 9:21 AM  
**To:** Planning <[Planning@london.ca](mailto:Planning@london.ca)>; Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>  
**Subject:** 536 and 542 Windermere Road

Good morning,

I would like to provide my comments on the proposed development at 536 and 542 Windermere Rd. I live on Doon Drive and have a number of concerns.

I am opposed to the City allowing the developers to reduce the depth minimums. If townhomes are to be built on the property, they should not be allowed to cram as many as possible on this land. The drawings show buildings and parking very close to the property lines with very limited green space. The surrounding properties include a lot of green space and trees. Cluster “back-to-back” townhouse dwellings are not appropriate at this location. It would impose on the homes behind it and be an absolute eyesore on a street that includes beautiful properties set back from the road such as the Ivey Spencer Leadership Centre, Scouts Canada – Spencer Lodge and the Sisters of St. Joseph.

I am very much concerned with the following paragraph in the planning justification report:

“No significant transportation impacts are anticipated with the proposed development, as evidence by the fact that the City of London has not requested a Traffic Impact Study. The increase in residential units to the neighbourhood supports public transit ridership, especially for the planned future Bus Rapid Transit development along the Richmond Street corridor approximately 750 m to the west. Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”

Why has the City not requested a Traffic Impact Study? The plan clearly points out that there is limited parking – only 24 spaces for 16 units. They actually plan to send vehicular traffic through our neighbourhood to use the street parking on a quiet cul-de-sac. To just suggest that this parking would be needed for the occasional social event is dishonest and unrealistic. We already have a big problem with vehicles speeding on Doon Drive, which the City should have a record of because my neighbours and I have been in contact with the City numerous times about this issue over the years.

For the record, I am not concerned that the homes may be occupied by students. I live near the University and love how students contribute to our City. I went to Western and took the 32 Windermere bus route to school every day. My concern solely lies with the greedy plan to build as much cheap housing as they can fit on the property with no concern for the surrounding neighbourhood. I am very opposed to the City amending the by-laws to help the developers turn this property into as much profit as possible.

The planning justification report states “The overall design goal of the development is to ensure compatibility and fit with the surrounding properties, specifically in terms of height, massing, and privacy.” I have read every word of the report and am not convinced that they have made a strong case. I hope that this is also apparent to those that are not familiar with the neighbourhood. I could go on with numerous other

concerns, but I do not want to bore you with an even longer email. I'm sure that anyone reading the plan can find as many holes in it as I have.

Thanks for your time and consideration.

Christine DeVouge

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**From:** DeVouge, Christine  
**Sent:** Monday, October 15, 2018 10:37 AM  
**To:** Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>  
**Cc:** Rafuna, Liridona <[lrafuna@london.ca](mailto:lrafuna@london.ca)>  
**Subject:** RE: 536 and 542 Windermere Road

Hi Maureen,

Thanks for following up. If needed, my address is 71 Doon Drive.

No, I have not been in touch with any other neighbours. You can share my information.

Not mentioned in my previous email is my concern for the loss of trees. Between the large townhomes and the parking lot, there will not be much room to replace them. I very strongly disagree with the assessment in the report that the development would improve the streetscape on Windermere. If you take a walk down Windermere, you will see that it is characterized by large front and back yards populated with many trees. On what basis can they conclude that a huge GTA-style row of townhomes built as close to the street as possible will improve the streetscape? All other buildings are set back much further. The townhouses would really stick out.

Overall, the plan is just too much for the property. I strongly feel that the City should require the developers to scale back.

Thanks

Christine DeVouge

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## **Rebuttal of Proposed By-Law Amendment & Building Plan.**

Response to: Application for Zoning By-Law Amendment

536 & 542 Windemere Road

File Number: Z-8945

Applicant: 2492222 Ontario Inc.

Submission date: August 9th., 2018.

**To: City of London Planning Department**

**From: Paul C. Culliton**  
163 Orkney Crescent  
London, Ontario, N5X 3R5

**Date: October 16, 2018**

### **Introduction & Initial Comments.**

As a resident in the area, I have no issues with re-development of a property. As long as the design is realistic and the target audience is in sync with the surrounding community. The above proposal is totally unrealistic in its intent to introduce "student housing" and higher density residential buildings.

### **Student Housing Creep & destruction of London neighborhoods.**

If it doesn't, then the City of London needs to have a policy to address "Student Housing Creep". There needs to be limits to how much this is allowed to expand. There needs to be protective measures that safe guard the nearby communities from erosion and degradation.

One only needs to drive around the neighborhoods that surround both Western University and Fanshawe College to see this social erosion at work. The purchase of nearby homes for rent and the jamming in of multiple housing units and apartments to facilitate the appetite for student housing. This is great for the students. It is great for the land lords. But it is never good or beneficial for the once thriving neighborhoods that are swallowed up in their path.

This was painfully evident in the aftermath of the Western University "Fake Home Coming" in early October, 2018.

Student Housing Creep is a disturbing trend that has been death knell of residential areas surrounding Western University & Fanshawe College. Bringing with it a population that is disruptive and not in harmony with long term community growth or stability.

This is already a neighborhood under duress. Homes in the area are being bought for rental purposes. Result being the introduction of a transient student & adult population and lack of care & upkeep of rental homes. Most of all a degradation of the community.

The following are observations & counter points directed toward the proposal for development for 536 & 542 Windemere Road.

#### **1.) The design submitted by the developer is unrealistic.**

- It is clear the developer failed to research the actual potential and applicable restrictions attached to the two properties.
- To compensate for the fact that only one of the two properties will allow construction, they propose to shoe horn two buildings on to lot 536 with no buffer zones. Asking the planning committee to allow them to circumvent current zoning in favor of a revised zoning decision to allow them to increase capacity of land use.
- Two buildings on one property is too much congestion. With only 4 meters separating them, the buildings are on top of each other. Residents would literally be looking into each others front window.
- Fire Hazard? With the close proximity of the two buildings what is the potential danger in the event of a fire? In the event of a fire could the London Fire Dept. get equipment between the buildings?

#### **2.) North to south easement due to Huron - London water delivery pipeline.**

- Per City of London, status quo within the neighborhood is the easement cannot be built upon. Why should an exception be made for a developer over residents?

- The development plan has lot 542 taken up with an asphalt parking lot. A parking lot has been proposed to compensate. However a parking lot and cannot be considered buffer zone.
- Two buildings on lot 536 with no green space around them is totally unrealistic.
- Residential building with proper buffer would be more acceptable.

### **3.) Removal of trees**

- The removal of 50+ trees mainly because they are deemed in the way is simply wrong. Showing a lack of will to be in harmony with the city plan to increase and maintain current tree canopy. Especially with regard to the existing canopy of the surrounding the property & neighborhood. Many of the trees in the neighborhood are 30-40 years old, with life spans in excess of 200+ years.
- Removal of trees will cause a lack of privacy for the properties on Orkney Crescent & Angus Court.
- Replacement trees suggested are barely adequate and will take decades to reach the current level of maturity of the existing trees on the property.

### **4) Lighting & Noise Pollution**

- Lighting will have to be installed to accommodate 24/7 parking and access coming & going from the buildings. Vehicles starting & running.
- Will seriously infringe on adjacent residential properties.

### **5.) Garbage disposal bins**

Where in the developers plan do they propose to put the garbage disposal bins? There appears to be no allocation for placement of bins.

- The only available area is dedicated to parking. The bins would mean the loss of at least 2-3 parking spots. Parking which is already minimal.
- Where are the residents going to store garbage in between pick-ups?

### **6.) Parking & Snow Removal**

Parking alone has potential to be the biggest issue with the most potential for disruption.

- There is no allocation for handicapped parking in the plan.
- It is painfully obvious parking will be inadequate. Allocation of -24 parking spaces for a development proposing up to 64 students is very clearly short sighted and will be a 24/7 and year round problem.
- Residents without assigned spots & visitors can't park on Windemere, meaning they would park behind the development on Orkney Cresc. & Angus Court.
- The planners flippantly suggest excess parking during "social events" can overflow on the streets behind in front of the residential homes on Orkney Crescent & Angus Court.
- This would also increase foot traffic using the walkways linking the residential area to Windemere road. Bringing strangers and non residents in to the neighborhood.

- Snow removal will be a problem. It would have to be removed after every snow event as there is no room for a pile in the parking area.

## **Conclusion**

The developer's plan is flawed and totally unrealistic. There is a lack of professional due diligence and research on their part.

As pointed out by other residents of the Orkney Crescent & Angus Court areas, the objective of the developer is very clear. Maximize the size of the buildings. Maximize profit. Get out of Dodge and leave the local residents and city of London to deal with the issues.

Even though the development targets students, the project does not invoke an ideal setting for academic lifestyle. It indicates maximum congestion of living space, lack of privacy and lack of adequate accommodation. In particular parking and sanitation. A development such as this would not do the students any favors.

A revised plan with a more realistic non student based residency design and land usage is clearly required. The Planning Committee needs to reject the current development proposal and it's request for rezoning.

The Planning Committee should direct the developer to return to the drawing board and come back with a proposal that is geared toward permanent residents and more appropriate and in sync with the community & surrounding area.

Sincerely,



Paul Culliton  
163 Orkney Crescent  
London, Ontario  
N5X 3R5



## Re-Zoning Application Z-8945

### Proposal for the re-development of 536 and 542 Windermere Road

Submitted **17 October 2018** to the Planning Staff at the City for their consideration and inclusion in the Staff Report to the Planning and Environmental Committee.

Dear Melissa Campbell,

Below is our coordinated response to the Re-Zoning Application, File # Z-8945, specifically to the Urban Design Brief (UDB) and Planning Justification Report (PJR) submitted by Zelinka Priamo Ltd., Consultant to the Developer 249222 Inc. Please also refer to feedback from individual residents affected by the Application, which responds in further detail.

We thank you and the Planning Staff for your consideration of the following response. We have been encouraged by your willingness to gain a proper perspective on how this development would affect surrounding properties, including on-site visits. We look forward to continued discussions as we head toward the Public Participation Meeting.

Signed,

Members of the Orkney-Angus Ratepayers Association and  
Concerned residents within the Orkney-Angus neighbourhood  
United in opposition to development application Z-8945

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## INTRODUCTION

We are sympathetic to the City's mandate to re-develop existing sites within City limits in order to curtail urban sprawl. However, Re-Zoning Application Z-8945 – a proposal to re-develop single-family properties at 532 and 542 Windermere Road to accommodate 16 stacked townhomes (4 bedrooms each) – **contravenes the limits of responsible, sustainable intensification and is inconsistent, often glaringly so, with the 1989 Official City of London Plan and the current London Plan.**

Our concerns outlined in the following pages stem from one central fact: **the proposed development is far too large for the existing properties**, resulting in unprecedented and unnecessary excessive density. Even with the requested R5-7 zoning designation, which allows for the maximum level of density, the proposed development cannot meet the zoning by-law requirements regarding minimum setbacks. Moreover, the dramatic shift in scale and massing from the current R1-6 designation to R5-7 would introduce a host of negative issues for adjacent properties, for pedestrian and auto traffic along Windermere Road, and for residents of the townhomes themselves: **inadequate buffers and green space between adjacent properties leading to loss of privacy, insufficient on-site parking, insufficient space for proper waste management, significant height transitions causing lack of access to sunlight and excessive shadowing, significant loss of trees**, among others.

The PJR states: "The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west" (page 12). This claim is a red herring, for currently 536 and 542 Windermere Road, regardless of the fact that they access Windermere Road and not the streets behind, fit precisely with the current density and makeup of the surrounding neighbourhood on the north side of Windermere Road. The PJR also states: "The massing [of buildings], although larger than the adjacent single detached dwellings, is appropriate for the site" (page 13). As we will go on to show with reference to the 1989 Plan and current London Plan, these are also misleading claims.

Windermere Road between Adelaide and Richmond Streets is a productive mix of low to high density residential, institutional, religious, and professional properties – **in all cases with appropriate setbacks**. Z-8945 would constitute **an utterly singular development that has no precedent along Windermere Road and would result in a blight on the current neighbourhood, community, and urban landscape**. If the City is sincere in its desire to strike a healthy balance between progressive and sustainable development for the sake of maintaining liveable, vibrant community spaces across the City, then it will recognize Z-8945 as an extraordinary overreach of this desire.

Z-8945 as it currently stands is indefensible. In the strongest possible terms, we urge the Planning and Environment to reject the re-zoning application.

## ZONING & DENSITY

536 and 542 Windermere Road are zoned R1-6, “the **most restrictive residential zone**, and . . . is restricted to only single detached dwelling units” (City Zoning By-laws, 5.1 General Purpose of the R1 Zone). Application Z-8945 asks to re-zone these properties from R1-6 to R5-7:

*This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. . . . Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate townhousing development adjacent to lower density areas, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres. The higher density zone variation has been designed to accommodate stacked townhouses. (9.1 General Purpose of the R5 Zone)*

**Why would the City consider a re-zoning application that moves from the “most restrictive,” lowest residential density designation to the highest possible density designation for townhouses when the R5 By-law clearly states that the lower density provisions are designed for “townhousing developments adjacent to lower density areas”?**

Using stacked townhouses, Z-8945 proposes “a compact form of residential development” that “makes efficient use of land, infrastructure, and public service facilities” by proposing a slightly lesser density of “58 UPH” (PJR pp. 13).<sup>1</sup> However, Z-8945 must obey a 19 metre easement along the east side of 542 Windermere to accommodate the Lake Huron pipeline, which reduces available construction space to 2/3 of the remaining total property. This necessitates cramming the complex on the north, west, and south sides of the subject lands – essentially onto 536 Windermere alone – **which thus recalculates density for the proposed development at 100+ UPH, far beyond any acceptable standard.**

Even with the requested maximum density zoning for townhouses, Application Z-8945, as currently designed, can not meet minimum setbacks as required by the R5 zoning by-law. The applicant is requesting special consideration for variances on multiple sides (elevations). These requests for variances are not minimal, but significant. In fact, as originally filed this application did not accurately disclose the true setbacks on two elevations. When our community pointed this out, the developer’s response was not to re-design in order to reduce the “footprint” of their townhouse buildings, but instead to request further exemptions by making allowances for additional encroachments.

- **Along the south side (facing Windermere):** from the required 8m to the requested 2.1m, although the actual setback from the Site Plan is estimated at 0.2m – **almost zero!** This minimal space between building and public sidewalk would be unprecedented for the Windermere streetscape.<sup>2</sup>

<sup>1</sup> The PJR also states: “residential intensification redevelopments may be permitted to provide a residential density of 75 units per hectare (UPH) in the ‘Low Density Residential’ land use designation” (p. 10). It is not clear what this density provision is referencing, but is far in excess of the allowable density within the R5 zoning by-law.

<sup>2</sup> Site Plan Control 2.13.1. (c) states: “Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge.” Images in the Proposed Site Plan (PJR p. 8) do not reflect how the southern building will next to Windermere and minimize the size and impact of amenity patios, and Conceptual Renderings (cover page, p. 6) greatly exaggerate the minimal green space between building and public sidewalk. The 8m setback at 570 Windermere is far more amenable for future road widening, adequate and safe snow removal, etc.

- **To the west side:** from the required 5m (based on building height greater than 9m) to the requested 1.7m.
- **To the north side:** from required 6m to 4m (from edge of stairs and patios, which are part of the building).

The PJR reads: "The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations" (p. 12). And again: "Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks" (p. 10). **How are these extraordinary concessions "generally consistent" with other intensification projects within similar areas/neighbourhoods?**

**The zoning by-law concessions requested clearly indicate that the proposed buildings are not suitable for the site.**

**We thus call upon London's Planning Staff, Planning and Environmental Committee, and City Council to follow its own rules.** Consider these statements from official City documents:

*The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses, and shall result in net densities that range to an approximate **upper limit of 30 units per hectare**. (1989 Official London Plan, 3.2.2. Scale of Development: Density of Residential Uses)*

*While residential intensification located within the Low Density Residential designation may be allowed up to a maximum scale permitted under the Multi-Family, Medium Density Residential Designation, Zoning By-law provisions will **ensure that new development recognize the scale of adjacent land uses and are compatible with the character of the area**. (3.2.3.8, Zoning By-law)*

*Zoning will be applied to ensure an intensity of development that 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 spaces**. (current London Plan, Neighbourhood Place Type Policies)*

*The City of London's Zoning By-law establishes and regulates the use of land by implementing the policies of the City's Official Plan. It provides the municipality with a **legally enforceable means of regulating land use, scale and intensity of development**. Zoning also serves to protect areas by preventing or limiting incompatible uses, and **establishing appropriate standards for development**. . . . Zoning By-laws regulate how land and buildings are used, the location of buildings, lot coverage, building heights, and other provisions **necessary to ensure proper development**. (City of London's Zoning By-law web page)*

**The City of London cannot approve this application. To do so disregards its mandate to protect the integrity of its neighbourhoods and communities and undermines the integrity of its policies and zoning by-laws.**

In short, the Subject Lands are **not** “of a sufficient size and configuration to accommodate the proposed residential intensification” (PJR p. 21). **Even if the highest density R5-7 zoning designation was acceptable (which it is not), Z-8945 does not meet the city’s zoning requirements and should be rejected.**

## PRIVACY

The 1989 Official London Plan states:

*Development within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and **loss of privacy**.* (3.2.2. Scale of Development)

*Residential Intensification site plan proposals shall address the following matters: **Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces.*** (3.2.3.5 Public Site Plan Review and Urban Design)

*Buildings should be positioned to define usable and secure open space areas on the site and to afford a **reasonable measure of privacy to individual dwelling units.***

From the Z-8945 application: “Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties” and “anticipate[s] that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low density residential uses, thereby preserving privacy” (PJR p. 10).

However, required setback variances that would locate the buildings as close as possible to the north, west, and south perimeters of the proposed site would vastly limit if not eliminate altogether the current level of privacy ensured between adjacent properties. Several issues arise here:

- The development would remove mature trees (12m+) between 536 Windermere and 127 Orkney. Until equally mature, new trees would not compensate for this loss of privacy.<sup>3</sup>
- A 1.8m replacement wood fence between 536 Windermere and 123 and 127 Orkney would not ensure greater privacy, even with the minimal elevation difference between 123 Orkney and townhomes. The difference between 536 Windermere and 127 Orkney requires a significantly higher level of fencing and tree line to provide an effective buffer between properties.

<sup>3</sup> The UDB states: “Although specific landscape treatments will be refined through the Site Plan Approval process, evergreen plantings (Christina Norway Spruce) are proposed along the north lot line and additional evergreen shrubs are proposed between the buildings and westerly lot line. Street trees will also be added along the Windermere Road frontage.” The .1 – 0m setback along Windermere affords little to no room for trees of any kind. The planned replacements along the north lot line are scrub trees susceptible even to light storm damage. Moreover, even under ideal conditions it would be 25 to 30 years before any replacements would provide adequate coverage or create a buffer equal to existing vegetation.

- The proposed development “allows for views into and out of the building,” what it calls “**passive surveillance**” (UDB p. 13). However, considering that the building facing 127 Orkney is almost identical to the one facing Windermere; that 127 Orkney is a single-family dwelling for a family of 6 with bedroom and bathroom windows directly facing the townhomes; that the interior faces of the townhome buildings will have a clear view of 123 Orkney Crescent; and that there will be significant glazing (windows) on both the north and south sides of the townhouse buildings, the use of the term “passive surveillance” by the applicant is important. Based on building design within Z-8945, this same level of surveillance will be applied to the properties of 127 Orkney and 123 Orkney. This demonstrates a significant lack of “sensitivity” to the privacy of these adjacent properties.
- Both 123 and 127 Orkney would be subject to noise pollution – 123 Orkney because of its close proximity to the walkway between the townhome buildings and two of its entrances, and 127 Orkney because of the proposed outdoor patios for townhouse residents.
- The UDB notes: “no windows are proposed on the east or west elevations to enhance privacy.” However, it fails to mention how close 123 Orkney is to the townhouse walkway and entrances and lowered “amenity spaces.” Residents of each building will have a clear view of the home and rear yard of 123 Orkney.
- The interior faces of the townhouse buildings are also designed similarly to the front side facing Windermere, full of primary entrances, windows and lowered “amenity spaces.” With very little space separating each building (only 4m separating the building faces and approximately 1.5m separating each building’s lowered amenity areas), there will be little privacy available for units within each building.

## MASSING

According to the 1989 City of London Official Plan (6.2.2 Additional Urban Design Considerations for Residential Intensification), the “intensity (i.e. massing, height, scale) and design” of a proposed development must be “compatible with character and features of the surrounding neighbourhood.” Z-8945 argues that its proposed development “is compatible and fits within the existing context.” **Our review of the PJR and UDB, however, raises serious concerns about this development’s Massing.**

The 1989 Official London Plan states that any application for residential intensification must “**clearly demonstrate that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood** based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3.1. of the plan” (3.2.3.4 Compatibility of Proposed Residential Intensification Development).

The current London Plan states that “All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood’s character and **demonstrate how the proposal has been designed to fit within that context**” (199, City Building Policies) and that the “Site layout should be designed to minimize and mitigate impacts on adjacent properties” (253) in order “to realize our goals of purposeful, **sensitive, and compatible intensification within our neighbourhoods**” (939, Neighbourhood Place Type Policies).

The Plan thus calls for the following design policies to govern all intensification proposals:

1. A Planning and Design Report . . . [that] will **clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood.**
2. Compatibility and fit, from a form perspective, will be evaluated based on such matters as:
  - a. Site layout within the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, **building location, and parking.**
  - b. **Building and main entrance orientation.**
  - c. **Building line and setback from the street.**
  - d. **Character and features of the neighbourhood.**
  - e. **Height transitions with adjacent development.**
  - f. **Massing appropriate to the scale of the surrounding neighbourhood.**
3. The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, **adequate buffering and setbacks, and garbage storage areas.** (953)

Z-8945 implies that it follows the above principles and policies from both the 1989 Official and current London Plans in order to “enhance” and “activate” the surrounding community.

**Nowhere does the application effectively do so, however.**

## HEIGHT TRANSITION

536 Windermere is adjacent to 123 Orkney, a **1-storey**, single family home less than 5m in height. **There is no significant elevation difference between 123 Orkney and the proposed building on 536 Windermere** (less than 1m at the front of the house and almost level at the rear of the house).

536 and 542 Windermere are adjacent to 127 Orkney, a **2-storey**, single family home. 127 Orkney and 536 Windermere are currently separated by a 1.2m wood fence as well as mature (12m+) trees on the 536 Windermere side, which provide significant privacy for each side and **all of which will be removed due to proposed construction**. 127 Orkney sits approximately 2m higher than 536 Windermere.

The current London Plan states that *"Within the context of the relevant place type policies, the height of buildings should have a proportional relationship to the width of the abutting public right-of-way to achieve a sense of enclosure"* (287) and that *"An appropriate transition of building height, scale and massing should be provided between developments of significantly different intensities"* (298).

The UDB for Z-8945 argues the following:

- The housing stock within the "Low Density Residential" areas are primarily large single detached dwellings, 1 to 2.5 storeys in height (3.0 Spatial Analysis).

**This is false**, unless further evidence of 2.5-storey buildings within the residential area is provided.

- The buildings are proposed to be approximately 9m in height, generally consistent with proximate single detached dwellings in the area. (Part 2 5.0 Proposed Development).

**This is false**. The proposed buildings exceed 9m. Also, no residential buildings in the neighbourhood are even close to 9m in height.

- The height of the buildings is consistent with the upper end of typical low-density residential buildings heights, being 2-3 storeys.<sup>4</sup> However, due to the grade differential between the subject lands and lands to the north and west, the proposed buildings will appear approximately 2m shorter, when viewed from the north or west. (8.0 Compatibility Report).

**This is false**. Because the grade elevation between 536 Windermere and 123 Orkney is 0-1m, **no** significant grading differential will help to offset height differences between a 1-storey home and adjacent 2.5-storey townhouses. In fact, their close proximity to 123 Orkney (1.7m) makes for an **even more extreme height transition**.

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<sup>4</sup> Since 123 and 127 Orkney are 1-storey and 2-storey single family homes respectively, what examples of 3-storey residences in the neighbourhood is the ODB referring to?

#### **ACCESS TO SUNLIGHT / SHADOWING and LIGHTING**

The 1989 Official London Plan states: *“The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets”* (3.2.3.5. Public Site Plan Review and Urban Design).

To address this impact, the UDB states: *“No shadowing on abutting lands is expected beyond which would otherwise be present with a two-storey single detached dwelling, especially given the lower elevation of the subject lands relative to lands to the north and west.”*

**This is false.** The current two-storey home on 536 Windermere sits in the middle of the lot, more than 10 m from the western property line shared with 123 Orkney. The proposed townhomes, substantially higher than the current residence and much closer to the adjacent property, would significantly shadow the property and home at 123 Orkney. Moreover, there is no substantial elevation difference between the development 123 Orkney, which would feel the encroaching difference in height that much more. Finally, shadowing would compromise the health of trees currently along the property line not represented in the application but intended to maintain privacy.

Similarly, the UDB states: *“Existing off-site mature trees to the north already shadow the interior side yard of the single detached dwelling to the north.”* Most of these trees, however, are actually on 536 Windermere and would be removed for construction (Tree Preservation Plan – trees 22, 23, 24, 25, 26, 27, 28, 29).

The UDB states: *“Appropriate glazing is proposed on all north and south elevations, maximizing the amount of natural light that will enter each unit. The buildings are sufficiently separated to exceed Ontario Building Code requirements. Interior units (facing the opposite building) are provided with ample windows to allow for natural light penetration”* (Section 11.1.1 ix). This claim fails to mention that the close proximity of each building will allow limited to no direct sunlight. The northern most elevation (facing 127 Orkney) will also suffer from limited to none direct sunlight.

Finally, the complex would require 24/7 lighting for its buildings and parking lot. Between removing existing trees, inadequate fencing, and building heights, few to no buffers would exist to prevent excessive light reflection from affecting the adjacent properties.

#### **TREES**

To facilitate construction, the developer would remove 85% of existing mature trees that provide an attractive and necessary buffer against noise and light pollution between properties. Construction would further compromise the health and integrity of remaining trees, especially those along the west side between 536 Windermere and 123 Orkney. The tree survey indicates that the trees between 127 Orkney and 536 Windermere are healthy, so why sacrifice them when they, like the existing vegetation, would greatly enhance the development's aesthetic and ecological integrity as well as act as a significant buffer between properties and facilitate privacy?



## WASTE MANAGEMENT

The 1989 Official London Plan states: “Residential Intensification-site plan proposals shall address the following matters: Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, **garbage receptacles**, parking areas and other features that may impact the use and privacy of such spaces” (Residential Land Use Designations).

The current London Plan states: “Loading, garbage and other service areas will be located where they will not detract from pedestrian connections and where they will not have a negative visual impact from the street” (266). And: *The City Design policies of this Plan will apply to all intensification proposals. In addition, the following design policies will apply: The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and **garbage storage areas**.* (953)

The PJR (p. 14) mentions servicing the development, but fails to provide garbage removal for 16 x 4-bedroom units. The current Site Plan leaves little room for outdoor facilities given that most existing space will be covered by buildings and parking. Waste management is typically a matter for the site plan approval process, but this issue is crucial to the zoning by-law approval process given that the development is too large for the available space and that inadequate waste management would impact adjacent properties.

We assume that individual tenants would pile garbage on Windermere, which would attract animals, already a problem along the adjacent streets and, indeed, across the City. Or dumpsters would be located toward the northeast side of the complex abutting neighbours’ properties or very close to Windermere. Neither option is optimal or desirable. Any centralized waste collection would require trucks to negotiate a parking lot that limits maneuverability except for driving onto, but then backing out from the property onto Windermere. Or, if residents piled garbage along Windermere, the City’s garbage removal trucks would stop each week to pick up 48+ bags of garbage, then recyclables, creating further safety and congestion issues.

## PLAY AREA

The 1989 Official London Plan states that “Residential developments that are likely to house families should include an appropriately sized outdoor children’s play area that is **safely accessible** from all units in the development.”

Oddly, Z-8945 mentions no such play area, which suggests the Developer’s intended market. The PJR does state that “In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space” (p. 16) – the green space created by the 19m easement. However, any garbage facilities, or snow from snow removal efforts, if located at the north end of the parking lot to the northeast of the property, would automatically obstruct safe pedestrian access from the townhomes, along the north side of the property, to any play area, which would then require crossing a busy parking lot.

## PARKING

The UDB states: "Vehicular access to the site is provided by a single driveway from Windermere Road. **Ample parking is provided within the surface parking lot.**" The PJR states: "A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space" (p. 10). This accords with City By-laws: 1.5 spaces/unit x 16 = 24 spaces. This proposal speaks to single-family occupancy, unless a family owns two vehicles, which would already burden the existing plan. Moreover, Z-8945 makes no accommodation for handicap parking. One handicap space would eliminate two other spaces, a reduction to 23 spaces for 16 units, below the minimum requirement. Finally, the proposal never mentions visitor parking.

The 4-bedroom/1500 square feet configuration of each unit, however, as well as the proximity to Western University, suggests a denser occupancy for which 24 spaces are in no way adequate. We have no claim to determine tenancy, but already our neighbourhood contains several homes, rented by bedroom, inadequately maintained, and introducing parking congestion, and noise and garbage pollution. Neighbourhoods across the City must deal with noise, privacy, congestion, maintenance, and safety issues created by student housing. Z-8945 would leave adjacent home owners to the north of Windermere as well as institutional properties to the south to deal with these problems.

Z-8945 offers one solution: "**Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands**" (PJR p. 21). Given the likely demand for parking, and not only for social events, this solution would create recurring noise, congestion, privacy, and garbage problems for surrounding residents. We do not imagine that the Spencer Leadership Center or Scouts Canada would welcome overflow parking on their sites, a possibility Z-8945 fails to consider.

**The Developer cannot ignore these issues and needs to accept responsibility for the fact that the residents their proposal would attract necessitates considering important conditions that affect design, planning, and zoning decisions. While minimum parking standards may allow for 1.5 spaces per unit, in this specific site situation a greater requirement for parking spaces is appropriate and needed. Alternatively, if the townhouse development were reduced in size and number of units, the currently designed parking space may prove more adequate.**

## CONCLUSION

The PJR states: "The proposed development contributes to the range of residential forms and intensities in the area" (p. 12) and "contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London and contributes to Council's intent to encourage appropriate intensification" (p. 13). Again: "the proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses" (p. 16). And again: "the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents" (p. 16).

**Given the excessive density proposed by Z-8945 and resulting negative impact on the surrounding neighbourhood outlined above, we find all of these rationales to be misleading if not false.**

The 2014 Provincial Policy Statement (Section 1.1.1., cited in the PJR), calls for the appropriate growth of "healthy, liveable and safe communities" sustained by:

- efficient development and land use patterns [that ensure the] financial well-being of the Province and municipalities over the long term
- an appropriate range and mix of residential, employment, . . . recreational and open space uses to meet long-term needs
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

We have no doubt that the development resulting from Z-8945 will be "efficient" and "cost-effective." **We do not accept that it is "appropriate," "healthy," "liveable," or "safe."**

The PJR states: "The proposed development has been designed to be respectful and compatible with adjacent low-density residential uses to the north, east, and west" (p. 16). Z-8945 is **unrespectful and not compatible with the surrounding neighbourhood due to its failure to meet its key design objectives:**

- **Provide a built form compatible with adjacent low-density residential dwellings.**
- **Integrate this built form into the existing context with proper massing, height, etc.**
- **Enhance and ensure the maintenance of privacy between the development and adjacent properties.**

This failure is the direct result of the Developer's attempt to squeeze an oversized complex onto the available space, partly to compensate for the easement along the east side of 542 Windermere. The UDB states: "Given the site's constraints, the buildings are located as far from abutting residential uses as possible" – but only because the developer has not adjusted its design to provide more reasonable density levels, given the constraints of this site. **It seems the Developer is intent on maximizing in every way, including their own financial gain. Why should our properties and our neighbourhood be required to make all of the sacrifices when the Developer appears unwilling to sacrifice on their part?**

**Protect the integrity of the surrounding neighbourhood by considering the following:**

- **Reasonable zoning.** If re-zoning is permitted, choose a zoning which allows for increased density over the existing single family homes but at a more reasonable density level. A different R5 zoning (R5-1, -2, or -3) that is more appropriate within the adjacent low-density neighbourhood. Another example, the R6-2 (10) designation at **570 Windermere Road**, increases the density of single family homes while meeting proper setbacks and allowing an adequate buffer between the development and adjacent properties.
- **Adequate and appropriate parking.** Apparently designed for student housing, Z-8945 would need a minimum of 2 parking spaces per unit *plus* handicap and visitor parking. At a density level of 8-10 units, the currently proposed 24 parking spaces should be appropriate.
- **Establish an Easement (minimum 6 m) between the development and 123 Orkney Crescent and 127 Orkney Crescent.** This buffer would protect existing trees and allow for additional landscaping, which would provide adequate separation and privacy between each of these properties.
- **Higher (4m+), more durable fence (pre-cast concrete).** This would help to alleviate elevation differences and privacy issues with adjacent properties on the east, north, and west sides, would preclude more regular maintenance issues, and would prevent possible breaches that would allow for unofficial access to overflow parking on Orkney Crescent, Brussels Road, or Angus Court.
- **Assurances – established as by-law additions to the Re-zoning designation –** that any setbacks, buffers, or other conditions agreed to at the time of Re-zoning will be upheld at the future time of Site Plan approval and construction.

We trust in the City's desire to promote sustainable infill by innovative yet sensible urban design.

**But this proposal feels like a slap in our neighbourhood's face.**

Z-8945 asks for over-intensification without due concern for residents' daily lives – development for development's sake that will create future problems for residents and the City to deal with. This developer may attempt to assure long-term responsibility for potential headaches, but evidence of such situations disrupting the harmony of well-established neighbourhoods proves otherwise.

**Respectfully submitted, October 17, 2018**

**Members of Orkney-Angus Ratepayers Association and concerned residents  
within the Orkney-Angus neighbourhood united in opposition to Z-8945**

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**From:** Brocklebank, Allan  
**Sent:** Wednesday, October 17, 2018 11:00 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** RE: 536 and 542 Windermere Rd.

Hi Melissa:

I do have some additional questions and comments but first I'd like to clarify some points from our earlier correspondence.

In my email of Sept 23, I emphasized that my comments (from Sept. 19) only related to the rezoning (and site specific concessions) application. Items no. 2, 5, and 6, that you have referenced, are not Site Plan Control issues and cannot be dismissed (editorialized?) as they endeavor to refute points Zelinka's has made to rationalize the specific west side yard reduction from 5m to 1.7m.

To your point “The City of London typically relies on the OBC for guidance or standards.....”, I do understand this. In my email from Sept. 19, I attached a sketch having some calculations for percentages of unprotected opening; note that these calculations are referenced below under ‘Other: Ignored OBC Spatial Separation Issues’ and address real issues that cannot be sloughed off (for the ZBA) as they relate to the ‘fit and compatibility’ that you have referred to.

My comment related to the closed guard is not an OBC issue and cannot be dismissed as this again refutes a point Zelinka’s has made to specifically rationalize the front yard reduction from 8m to 2.1m. My objective here was clear, I endeavored to emphasize the need to understand and apply good planning principles as they relate to this significant element (the guard) and the insensitivity (being 200mm from the property line) to the human scale.

I am still looking to understand your position on some issues that I had raised earlier, in my Sept. 19 email:

Density:

- Zelinka has used the larger lot area (incl. boulevard) to determine the proposed density (0.277 ha. x 60 units / ha = 16.62 units). Is this acceptable? and if so, what specific city regulation/requirement allows this? This is of particular significance because Section 9, Residential R5 Zone, General Purpose of the R5 Zone states that the highest permitted density (60 units / ha.) is not intended to be applied ‘adjacent to lower density areas’.

Reduced front yard setback from 8m to 2.1m:

- The definitions provided in the Zoning By-Law for *Setback* and *Structure* are unambiguous and require the setback to be measured to the front face of the window well and not the building face. Are you able to tell me why this is being ignored? If you believe these definitions say otherwise, please advise me as soon as possible; I intend to challenge this seemingly arbitrary interpretation.
- The Site Plan Control Bylaw 2.13.1.(c) states ‘Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge’. In your opinion, does this non-setback reinforce the prevailing street pattern? and what is the precedent for accepting this significant deviation from the norm? Please refer to City of London Site Plan Control By-law 2.4 (a) for this apparent disconnect.

I also have some question related to the recently revised Zoning By-Law Amendment that would permit an encroachment for porches/patios located a minimum 0.2 metres from the front property line.

- The Zoning By-Law defines a ‘porch’. Is this encroachment intended to permit the projection of the entrance stoops beyond the face of the building?
- The Zoning By-Law does not define a ‘patio’. Is this encroachment intended to permit the projection of the window wells beyond the face of the building?
- These window wells are not patios. Please see above ‘Reduced front yard setback from 8m to 2.1m’ and the definitions provided in the Zoning By-Law for *Setback* and *Structure* for a definitive interpretation.

Other important issues related to ‘Fit and Compatibility’

Insufficient 6m (south) rear yard setback:

- The City of London Site Plan Control By-law 2.5 - Multi-Family Residential Setbacks and Separation Spaces (Table 2.1) state clearly that an **8m setback to a building having habitable room windows is required.**
- OBC Spatial Separation Issues – see issue below
- City of Toronto Townhouse and Low-rise Guidelines 4.2 Facing Distances and Setbacks call for ‘a minimum 7.5m rear yard setback from the property line at grade’

- For all intents and purposes this is not a rear yard setback and the proposed 6m setback will have significant impact on the neighbouring properties.

#### Impossible 4.6m distance between opposing building faces

- The City of London Site Plan Control By-law 2.5 - Multi-Family Residential Setbacks and Separation Spaces (Table 2.1) state clearly that an **8m separation between buildings having habitable room windows is required.**
- City of Toronto Townhouse and Low-rise Guidelines 4.2 Facing Distances and Setbacks (Table 1) call for 'a minimum 11m facing distance plus 1m when private below grade amenity spaces are provided'
- OBC Spatial Separation Issues – see issue below
- The sound emanating from this space will have significant impact on the neighbouring properties.

#### Ignored OBC Spatial Separation Issues

- For those that are unfamiliar, the Ontario Building Code limits the amount of doors and windows (area of 'unprotected openings', expressed as percentage) in a building facade ('exposed building face'); the amount of openings permitted is function of the distance ('limiting distance') from a street, a property line or an imaginary line midway between two buildings on the same site. Simply put, the shorter the distance, reduces the amount of openings permitted.
- Some basic calculation using the conceptual (?) Front Elevation (see attached) submitted by Zelinka show a total percentage (of unprotected openings) presently at more than 22%. Zelinka (in the PJR) suggests by the use of window fire shutters, could allow for a greater limiting distance. If the use of shutter is plausible (there would be significant technical and cost issues to overcome) I contend that these would not be permitted on any doors or bedroom windows (incl. basement bedrooms) as exit/egress must be maintained. Presupposing shutter could be used (on living room windows only) a calculation show a percentage (of unprotected openings) at 13%.
- Using OBC Table 9.10.14.4:
  - a) the limiting distance required for the (south) rear yard set back would be more than 7m (to have 22% unprotected openings) **not 6m as being proposed.**
  - b) Based on the conceptual (?) Site Plan submitted by Zelinka, the limiting distance between the two opposing building faces is 2.3m (to an imaginary line midway between two buildings that are 4.6m apart)
- **only 8 to 9% unprotected openings** would be permitted not the 22% (or 13%) proposed.
- a limiting distance of more than 7m would be required to accommodate 22% of unprotected openings, therefore **separation between buildings of more than 14m would be required.**
- a limiting distance of more than 4m would be required to accommodate 13% of unprotected openings, therefore **separation between buildings of more than 8m would be required.**

#### Unresolved parking

- More on this later

#### Inadequate amenity spaces

- More on this later

#### Problematic fire fighting

- More on this later

#### Unaddressed garbage collection

- More on this later

Thank you. That's all for now.

Allan Brocklebank

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**From:** Tony Mara  
**Sent:** Wednesday, October 17, 2018 11:59 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** response to application Z-8945

Hi Melissa,

The following in my response to application Z-8945, related to 536 and 542 Windermere Rd:

My contention is that this application represents significant and egregious over intensification that in NO WAY is compatible with the adjacent Orkney Crescent, Angus Court neighbourhood.

This application requests that the applicable zoning be changed from R1-6, which is the "most restrictive residential zone" intended for single detached dwelling units (London Zoning By-law Section 5.1) to the highest variation of the R5 zoning - R5-7, which allows for townhouses at the highest density level (maximum 60 units per ha). The proposed stacked townhouse buildings total 16 units. After 8m x 32m (256 sqm) frontage of 536 Windermere Rd is re-claimed by the City during this development process, the density calculation with these 16 units over the remaining combined lot size (.25ha) is 64 units per ha - beyond the maximum allowed by the R5-7 zoning.

In addition to the re-zoning requested, the applicant is also requesting MAJOR setback variances on multiple sides of the property.

- From the minimum required setback for the front yard (south side facing Windermere Rd) of 8m to the requested 2.1m

  - The actual setback is 0.2m when including the "lower amenity spaces" which are part of the structure but extend outwards from the building facing

- From the minimum required setback for the interior side yard (west side shared with 123 Orkney Crescent) of 5m (based on the building size greater than 9m) to the requested 1.7m

- While not specifically mentioned in the application, the minimum required setback for the rear yard (north side facing 127 Orkney Crescent) of 6m to the planned 4.1m (when including the "lower amenity spaces" which are part of the structure but extend outwards from the building facing)

  - an additional argument can/should be made that with the proposed townhouse buildings (as presented within the application), there will no true rear side. Each North, South elevation is a front side with primary entrances and significant window presence (glazing), including the building elevation facing Orkney Crescent and 127 Orkney Crescent. Therefore, a front side setback should be required at a minimum of 8m

None of these requested setback variances are minor. These are MAJOR variances and significant in their contribution to the overall negative impact on the adjacent properties, Orkney neighbourhood as well as the Windermere Rd streetscape. The bottom line is that the applicant can NOT fit the proposed townhouse buildings, as designed with the 16 units for maximum density within the available lot space without these MAJOR setbacks variances. There is no additional value to these setback variances other than allowing the developer to cram in buildings whose massing is too large to fit the available space otherwise.

This application fails to demonstrate any level of sensitivity to the adjacent properties and surrounding neighbourhood. This can best be demonstrated by the building positioning so close to the property lines adjacent to 123 Orkney Crescent as well as 127 Orkney Crescent. The applicant states "...locate the buildings as far from abutting properties as possible, given the design intent and constraints of the site" (Urban Design Brief, page 23). In other words, when presented with the challenge caused by the 19m easement along the eastern property line, the developer chose to keep the massing and density the same, but squeeze the buildings as far to the west on the property as possible - rather than reducing the massing and density of the building to allow it more appropriately fit within the remaining lot space

Another example of the poor design choices resulting from trying to maintain the currently proposed massing level is the exceptionally small 4m separation space between buildings. Considering that both building elevations facing each other are primary entrances including porches, steps and include the extended "lower amenity spaces", the actual space between buildings is little more than the 1.5m walkway in between the buildings. That is ridiculous and presents several additional problems for the expected residents of these townhouses.

- I challenge the city planner to provide precedence for similar development with all special considerations required for this application already approved or in existence within the city of London

It is because of the massing level being too large for the available lot space that the other major factors are concerns including:

- privacy
- height transitions
- access to sunlight
- parking
- waste storage and removal
- snow removal / storage
- storm water drainage

While we have been told that many of the identified considerations are site planning related matters, because these concerns are directly impacted by the scale and massing which is made possible by the zoning change requested, they must be considered as part of the zoning decision.

If the buildings were smaller, more appropriately massed for the available lot space, which allows minimum setbacks to be respected and provides for a proper buffer space between the development and adjoining properties to the west (123 Orkney Crescent) and north (127 Orkney Crescent), my concerns may be mitigated.

There are several other variations available for the R5 zoning. "Different intensities of development are permitted through the use of the seven zone variations. Density provisions range from **25 units per hectare** (10 units per acre), designed to accommodate townhousing development **adjacent to lower density areas**, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres (London Zoning By-law Section 9.1). Also, "The middle range zone variations are designed for most suburban town housing developments". Based on the R5 zoning by-law's general purpose statement, a different, lower density variation should be considered for this site, which is adjacent to the most restrictive, low density residential zone.

An additional possible zoning option for consideration, which allows for increased density, but in a form that is more compatible with the surrounding neighbourhood is R6-2, similar to the single story condos recently developed at 570 Windermere Rd.

In summary. Do not place the value of urban intensification and developer enrichment over the value of our properties and our neighbourhoods. Both the 1989 Official London Plan and the recent London Plan provide several policies that speak to the requirement



for balance, along with fit, compatibility and sensitivity for infill intensification development within existing neighbourhoods.

Best regards

Tony Mara

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**From:**  
**Sent:** Tuesday, October 23, 2018 4:02 PM  
**To:** Planning <[Planning@london.ca](mailto:Planning@london.ca)>  
**Subject:** planned townhouses on windermere

Hello. I had a look at the planning proposal image for the townhouse to be built on Windermere and was very disappointed at the appearance. They look just like a student residence and are far from attractive!! I was thinking there might be pretty porches and/or balconies, but they are extremely ugly and certainly don't align with some of the gorgeous nature landscape in that area.

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**From:**  
**Sent:** Thursday, November 1, 2018 12:52 PM  
**To:** Campbell, Melissa <[mecampbell@london.ca](mailto:mecampbell@london.ca)>  
**Subject:** Public Record

I realize that I have missed the deadline for comments, and that in any event, my residence being on Lavender Way, I have no formal rights of protest.

I nonetheless want to sensitize planning staff to the aesthetic aspects of these types of applications. Can any objective person make the case that the front elevation of these proposed units in any way harmonizes with their surroundings? The design is the familiar Contemporary Bunker style that is creeping into every low-mid price residential development in this city.

Even the awful colour tells the tale, and no doubt the material quality, though to code, will follow suit; materials such as wafer board use in joists, walls and (yes) roofing, no doubt exposed for long periods to the elements, thus heightening their urea formaldehyde emissions risk for the ultimate owners.

Such materials, I would argue, have no place in residential buildings, and certainly not as flooring and roofing. The product was never designed for such uses. Ask any home owner how their wafer board roof stood up to re-shingling, or if their floor creaks within five years of ownership.

Another \$50,000 is all it would have taken to make this an acceptable addition to the streetscape, but the developer has chosen to economize, knowing full well that he/she will obtain council approval to build. More power to them. This is a governance issue, not a developer issue.

We need designers who have cultural sensitivity at City Hall because you are the people who should be making the difference between mediocrity and street enhancement. Mediocrity seems to be the default these days.

I would have replied sooner, but have been out of the country for a month and only recently saw the sign on Windermere during one of my runs.

Charles

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**From:** Brocklebank, Allan  
**Sent:** Sunday, November 4, 2018 2:23 PM  
**To:** Campbell, Melissa <mecampbell@london.ca>  
**Subject:** RE: 536 and 542 Windermere Rd.

Melissa:

Thanks for the response, to some of my questions and concerns.

Density:

I was aware of the provision that would allow for the density calculation to include the road widening dedication. The point I was making is that you are willing to accept this application at the highest permitted density (60 units / ha.) which is clearly not intended (in a the R5 zone) to be applied 'adjacent to lower density areas'.

Setbacks and Revised Notice of Application:

Your position becomes clearer now. If you don't get the definition you desire, you will facilitate this concession by moving the goal posts yet again. I'm having difficulty understanding the roll of the Planning Department; is it to acknowledge the concerns of the taxpayer or to do anything to aid the 'applicant' (I believe this is term you use)? From my point of view, the optics are bad, and have been from Day 1.

Prevailing Street Pattern:

You make the argument that a front yard context has not been established because of the adjacent rear facing properties. Hypocritically you have not heard the contention that the (norther most) north facing building is located (only 6m from the property line) using a minimum rear yard setback for a principle façade, which is completely out of context to the adjacent properties. Also, I'm not certain that The London Plan provides for 'bring(ing) the building towards the street' means on the street.

I note that you did not respond my other issues related to 'Fit and Compatibility'. What happens with these concerns?; Do these also become 'part of the public record' and otherwise ignored?

Melissa, this has been a very discouraging process for me (and for others). I naively thought I could be involved in a substantive discourse and to exercise my civic right. I endeavored to avoid nimbyism and thought I had stuck to the issues. I had hoped to engage you in a meaningful discussion that might result in an appropriate development, compatible with the neighbourhood. I feel my concerns have been discounted at every turn.

There is something significantly wrong with this process, in no shape or form, has this been a public consultation.

I'm afraid the fix is in, I don't anticipate any surprizes in your report (which I understand we'll receive just days before the PEC on Jan.7<sup>th</sup>).

Thanks for taking the time.

Allan Brocklebank

**Agency/Departmental Comments**

**September 20, 2018: Development Services (Site Plan)**

Based on the submitted drawings Site Plan offer the following comments for your consideration during the Zoning By-law amendment process for 536 Windermere Road.

- With regards to the easement for water:
  - The existing trees can remain (however there is no guarantee that they will be there in perpetuity – maintenance/emergency could see their removal). We will probably put something in the Development Agreement (“DA”) to this effect.
  - Site plan would seek protection of the existing trees within the easement as the site is within a tree protection area and the existing trees present a feasible option to retain developed treecover.
- With regards to the proposed reduce side yard setback:
  - A 1.7m setback, as requested, does not provide adequate space to provide for the landscaping and screening required under the Site Plan Control By-law. This requested setback is of particular concern as the need for screening is more pronounced in infill developments like the one proposed. Maintaining the buffer of mature trees as requested at Site Plan Consultation cannot be achieved by intruding to the proposed extent into the standard setback and removing those trees, both of which would be the case should the site plan be developed as proposed. Trees currently along the property line, require space to remain healthy long term.
- Further to the issues raised with the proposed setback, issues which could prevent future site plan approval are clearly present with regards to functional amenity space in the proposed site layout.
  - Section 2.5 of the Site Plan Design Manual speaks to daylight/sunlight, visual privacy, quiet and setbacks. Table 2.1 of the SPDM requires an 8m setback between habitable windows. Neither these objectives nor the regulatory standard are met by the less than 4.9m currently proposed between the north and south block of townhomes.
  - OBC requires private outdoor space in association with dwellings which is not contemplated for the units front the central sidewalk as proposed at this time. Furthermore amenity spaces required are to be separated by distance or screening, with the later not proposed and the later impossible given the proposed layout.
- Consideration should be given to alternate site arrangements should the client continue to seek the target density. Site Plan notes that:
  - *The London Plan* on a Civic Boulevard allows for height beyond 2 storeys another configuration which though greater in height allows for greater buffering would be preferable.

**September 20, 2018: Development Services (Environmental and Engineering Services Department)**

*General:*

The following items are to be considered during the site plan application approval stage:

- Based on the proposed access location, the existing streetlight and hydro pole may need to be relocated. The access will need to comply with the City’s Streets by-law.

*Transportation:*

No comments for the re-zoning application.

The following items are to be considered during the site plan application approval stage:

- Road widening dedication of 18.0m from centreline required on Windermere Road.
- Properties to be consolidated, or a joint access, or easement for access is required.
- Sidewalk fronting the property to be relocated to standard location and the boulevard restored with topsoil and sod.
- Access design and details will be discussed in greater detail through the site plan process.

*Wastewater:*

No comments for the re-zoning application.

The following items are to be considered during the site plan application approval stage:

- The sanitary sewer available for the subject lands is the existing 200mm sanitary sewer on Windermere Road. The 2 sanitary p.d.c.'s from the existing houses must be cut and capped as per the demolition permit at streetline.
- A new sanitary p.d.c. adequately sized by the Owner's Engineer and to City Standards will be required for the proposed buildings.
- Please note that there is an existing 7.0m wide sanitary sewer easement located on the adjacent property to the west and along the west limit of the proposed development. Refer to reference plan 33R-7820.

*Stormwater:*

No comments for the re-zoning application.

The following items are to be considered during the site plan application approval stage:

- The Site is not tributary to the existing 1050mm storm sewer on Windermere Road and therefore, the consultant is to confirm available surplus capacity in the 1050mm storm pipe and downstream system by running a storm sewer design analysis. On-site SWM controls should be design for the most restrictive condition between the peak discharge of storm run-off under predevelopment conditions and the available surplus capacity in the storm sewer. LID alternatives should also be explore.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- The owner agrees to provide an erosion/sediment control plan associated with any proposed LID features that will identify all erosion and sediment control measures to be used prior during and after the LID features are implemented. These measures shall be a component of the required Storm/Drainage Servicing Report along with any other identified erosion and sediment control measures for the site, all to the satisfaction of the City Engineer.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.

*Water:*

No comments for the re-zoning application.

The following items are to be considered during the site plan application approval stage:

- A new 19.0m wide municipal water servicing easement from the east property line of 542 Windermere to 19.0m west. The new easement shall be registered on title and shall be subject to the terms and conditions of the agreement.
- No buildings or encroachment for buildings within any part of the new easement will be permitted.
- No trees shall be located within the grassed area of the watermain easement.
- Ensure no impacts to the existing transmission watermain during the demolition of the existing building.

**September 20, 2018: 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.

**September 7, 2018: Upper Thames River Conservation Authority ("UTRCA")**

- The subject lands are regulated and a Section 28 permit may be required. We recommend that the applicant to contact a UTRCA Lands Use Regulations Officer regarding the Section 28 permit requirements for the proposed development.

## Appendix C – Policy Context

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

### ***Provincial Policy Statement, 2014 (PPS)***

Policy 1.1.3.1 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.2 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.3 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.4 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 1.7.1 Building Strong Health Communities, Long Term Economic Prosperity

Policy 2.6.1 Wise Use and Management of Resources, Cultural Heritage and Archaeology

Policy 2.6.2 Wise Use and Management of Resources, Cultural Heritage and Archaeology

### ***1989 Official Plan***

Section 3.1.1 vi) Residential Land Use Designations, General Objectives For All Residential Designations

Section 3.2 Residential Land Use Designations, Low Density Residential, Preamble

Section 3.2.1 Residential Land Use Designations, Low Density Residential, Permitted Uses

Section 3.2.2 Residential Land Use Designations, Low Density Residential, Scale of Development

Section 3.2.3 Residential Land Use Designations, Low Density Residential, Residential Intensification

Section 3.2.3.2 Residential Land Use Designations, Low Density Residential, Residential Intensification, Density and Form

Section 3.2.3.4 Residential Land Use Designations, Low Density Residential, Residential Intensification, Compatibility of Proposed Residential Intensification Development

Section 3.7 Residential Land Use Designations, Planning Impact Analysis,

Section 3.7.2 Residential Land Use Designations, Planning Impact Analysis, Scope of Planning Impact Analysis

Section 3.7.3 Residential Land Use Designations, Planning Impact Analysis, Required Information

Section 19.4.3 Implementation, Zoning, Holding Zones

### ***The London Plan***

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

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

Policy 59\_2., 4., and 8. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 66\_ Our City, Planning for Growth and Change

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

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

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

\*Policy 90\_ Our City, City Structure Plan, The Growth Framework, Primary Transit Area

Policy 154\_8. Our City, Urban Regeneration

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

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

\*Policy 389\_ City Building Policies, Forest City, What Are We Trying to Achieve

Policy 393\_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 394\_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 398\_ City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach

\*Policy 399\_3. and 4. b. City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach, Protect More

Policy 497\_ City Building Policies, Homelessness Prevention and Housing, What Are We Trying to Achieve

Policy 554\_2. and 3. City Building Policies, Cultural Heritage, What Are We Trying To Achieve

Policy 557\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, The Register of Cultural Heritage Resources

Policy 565\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 566\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 567\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 568\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 574\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Individual Heritage Properties

Policy 579\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 581\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 586\_ City Building Policies, Cultural Heritage, Specific Policies for the Protection, Conservation, and Stewardship of Cultural Heritage Resources, Individual Heritage Properties

Policy 608\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 609\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 616\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 617\_ City Building Policies, Cultural Heritage, Archaeological Resources

\*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

\*Table 11 Range of Permitted Heights in Neighbourhood Place Type

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

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

\*Policy 939\_6. Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

\*Policy 952\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Site Plan Approval for Intensification Proposals, Public Site Plan Approval Process

\*Policy 953\_2 a.-f. and 3. Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

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

Policy 1657\_ Our Tools, Holding Provision By-law

Policy 1682\_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

\*Policy 1683\_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

3.7 Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land use is a different housing type than the prevailing land use on the north side of Windermere Road, but is compatible. The intensity and form of development as requested by the applicant is not compatible. The recommended amendment would reduce the intensity development to provide for an alternative development form able to mitigate impacts on adjacent properties in manner that is compatible with the surrounding land use.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	It has not been demonstrated that the requested intensity can be accommodated on the subject lands in a form that is compatible with the receiving neighbourhood. The recommended amendment would reduce the number of dwelling units that can be achieved on the site, and would subsequently have the effect of creating more space for other site functions
The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and	The residential land in the vicinity of the subject lands is largely developed. The designation and the zoning is generally indicative prevailing use of the residential land for single detached dwellings. There are no vacant lands designated and/or zoned for cluster townhouse dwellings in the vicinity of the subject lands.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	N/A – the proposed development is not considered to be medium density residential development or high density residential development.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	As an alternative housing type, the proposed townhouse dwellings may help satisfy a diverse range of housing needs within the community, and would be inherently more affordable than the prevailing single detached dwellings.



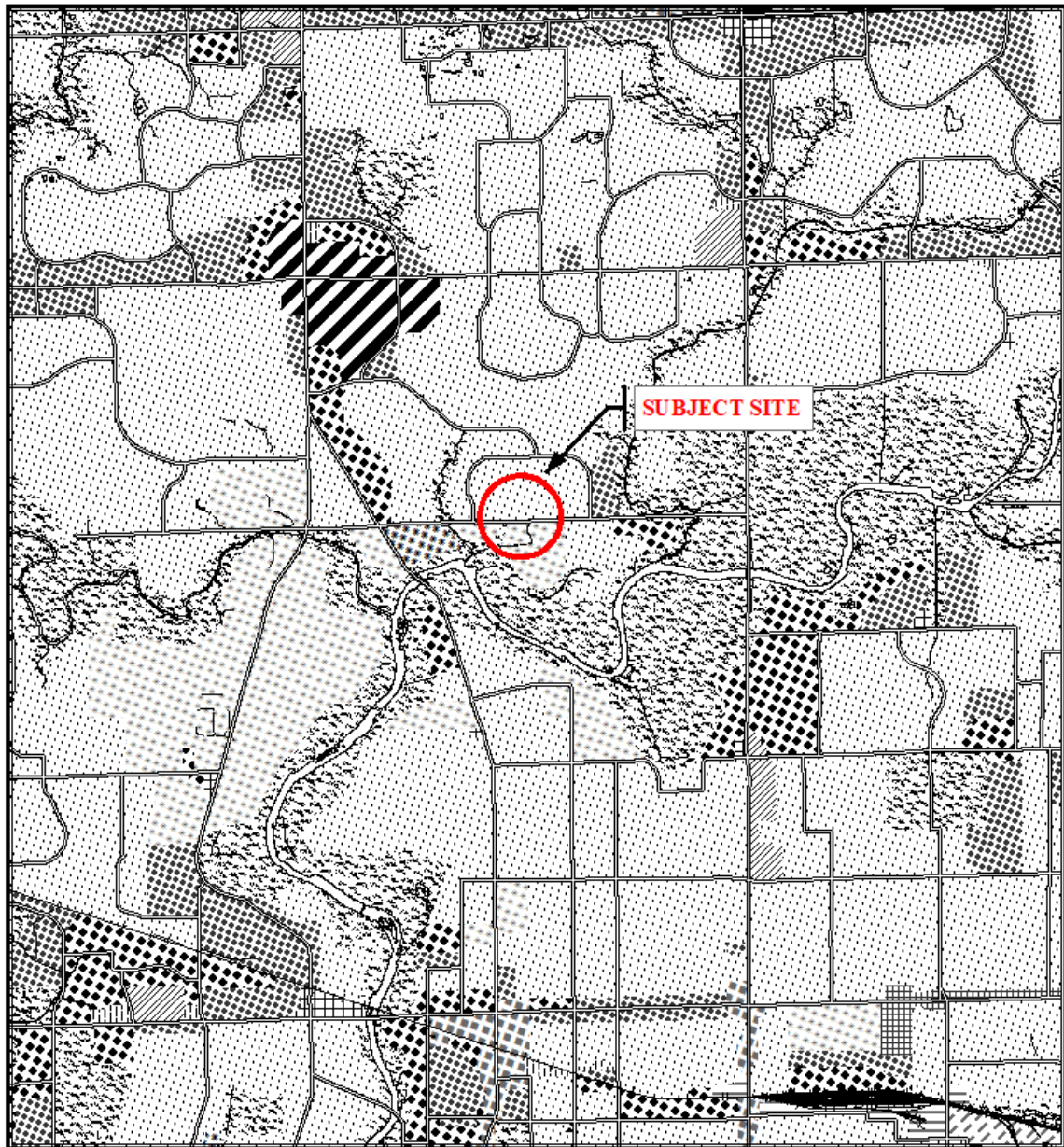
<p>The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</p>	<p>The scale or height of the proposed townhouse dwellings and their positioning on the site through the use of appropriate yard depths or setbacks, would preserve the low-rise, low-coverage character of the receiving residential neighbourhood, and impacts on adjacent properties such as shadow, overlook, noise and light penetration would be mitigated through a combination of yard depth and appropriate space for landscape screening. Reducing the number of townhouse dwellings that would be permitted on the subject lands would provide for an appropriate separation distance between buildings on the subject lands for the provision of daylight, natural ventilation and privacy.</p>
<p>The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;</p>	<p>Through the Site Plan Approval process the number of dwelling units and/or positioning of the dwelling units on the subject lands may need to be revised to accommodate the retention and protection of existing trees along the boundary of the site. The recommended reduction in the number of dwelling units that can be achieved on the site should assist in the goal of maximizing tree preservation and retention on the subject lands.</p>
<p>The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties</p>	<p>Transportation Planning and Design was circulated on the planning application and development proposal and did not comment on the driveway access or traffic to be generated by the proposal. Windermere Road is a high-order street and is intended to move medium to high volumes of vehicular traffic at moderate speeds. The recommended amendment and total number of dwelling units (12), it could add along Windermere Road is not expected to affect capacity of the Windermere Road in a significant way.</p>

<p>The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;</p>	<p>The 2 ½ -storey, approximately 8 metre scale or height of the proposed townhouse dwelling is consistent with the heights that can be achieved on adjacent residential properties. The massing (bulk) of the proposed townhouse blocks is likely to be affected by the recommended reduction in the number of dwelling units that can be achieved on the site. Concerns regarding the layout of the townhouse blocks on site (setback to adjacent properties and separation distances between the buildings on the same site) would be improved by the recommended reduction in the number of dwelling units and recommended increase in the westerly minimum interior side yard depth. The massing (bulk), scale and layout of the proposed buildings will be reviewed and evaluated in greater detail through the Site Plan Approval process.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>Natural heritage features and functions and cultural heritage resources, outside of potential archaeological resources, are not expected to be affected by the proposed development. A holding provision is recommended to ensure that the subject lands are assessed for the presence of archaeological resources prior to development or site alternations that would involve soil disturbance.</p>
<p>Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;</p>	<p>The watermain and associated easement located on the easterly-most portion of the subject lands is a constraint to the location of buildings and permanent structures on the subject lands. The recommended amendment would reduce the number of dwelling units that can be achieved on the site, and would subsequently have the effect of creating more space on the site for other site functions.</p>

<p>Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and</p>	<p>The recommended amendment is expected to result in revisions to the proposed form of development. The proposed form of development will be required to conform to the in force Official Plan policies and comply with the City's regulatory documents prior to approval of the ultimate form of development through the Site Plan Approval process. The requested separation distance of approximately 4.9 metres between the proposed buildings on the subject lands would not be consistent with the City's Site Plan Control By-law. The recommended amendment would permit fewer townhouse dwellings on the subject lands than requested by the applicant, which would provide more space for a greater separation distance between buildings on the subject lands and ultimately improve the form of development. An appropriate separation distance will be determined through the Site Plan Approval process.</p>
<p>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;</p>	<p>Concerns that the requested amendment and conceptual site plan did not do enough to mitigate adverse impacts on adjacent residential properties were addressed by Staff's alternative recommendation. The recommended amendment would reduce the maximum permitted height to the match the standard condition permitted in the Residential R1 Zone variations that surround the subject lands to be compatible with the scale of development that could be achieved on the adjacent residential properties. The recommended amendment would provide appropriate yard depths consistent with the yard depths that would be required for a building of a similar height in the Residential R1 Zone variations that surround the subject lands and provide sufficient space for landscaped screening as a buffer to adjacent residential properties. The recommended amendment would reduce the number of dwelling units that could be achieved on the site creating more space for other site functions.</p>
<p>Impacts of the proposed change on the transportation system, including transit</p>	<p>The residential intensification of the subject lands would support public transit by increasing potential ridership along existing bus routes.</p>

**Appendix D – Relevant Background**

**Additional Maps**

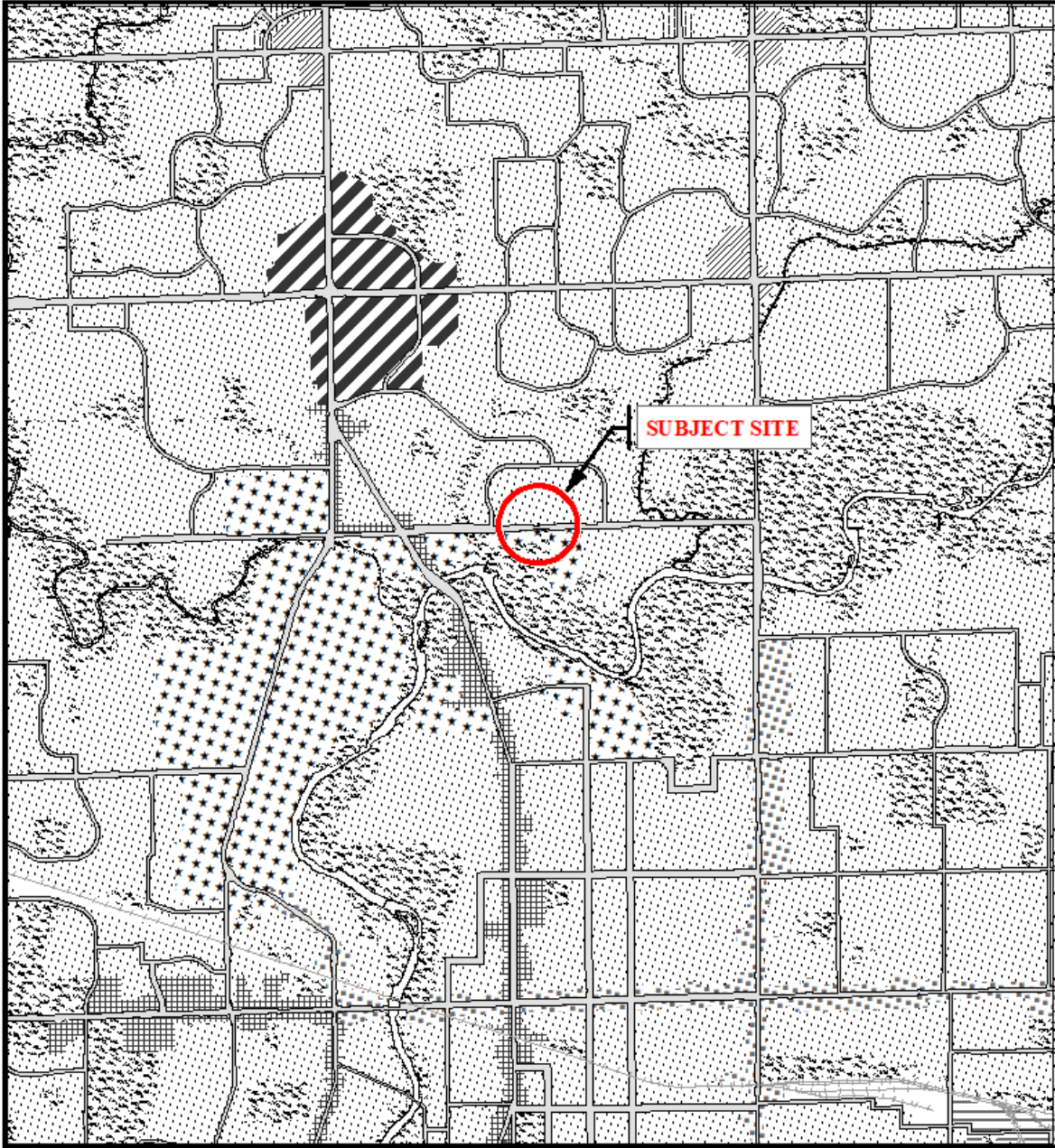


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><b>CITY OF LONDON</b>          Planning Services /          Development Services          OFFICIAL PLAN SCHEDULE A          - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8945</p>
		<p>PLANNER: MC</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/11/14</p>

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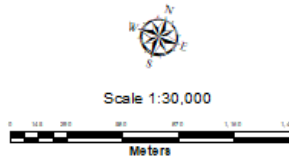
**Legend**

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

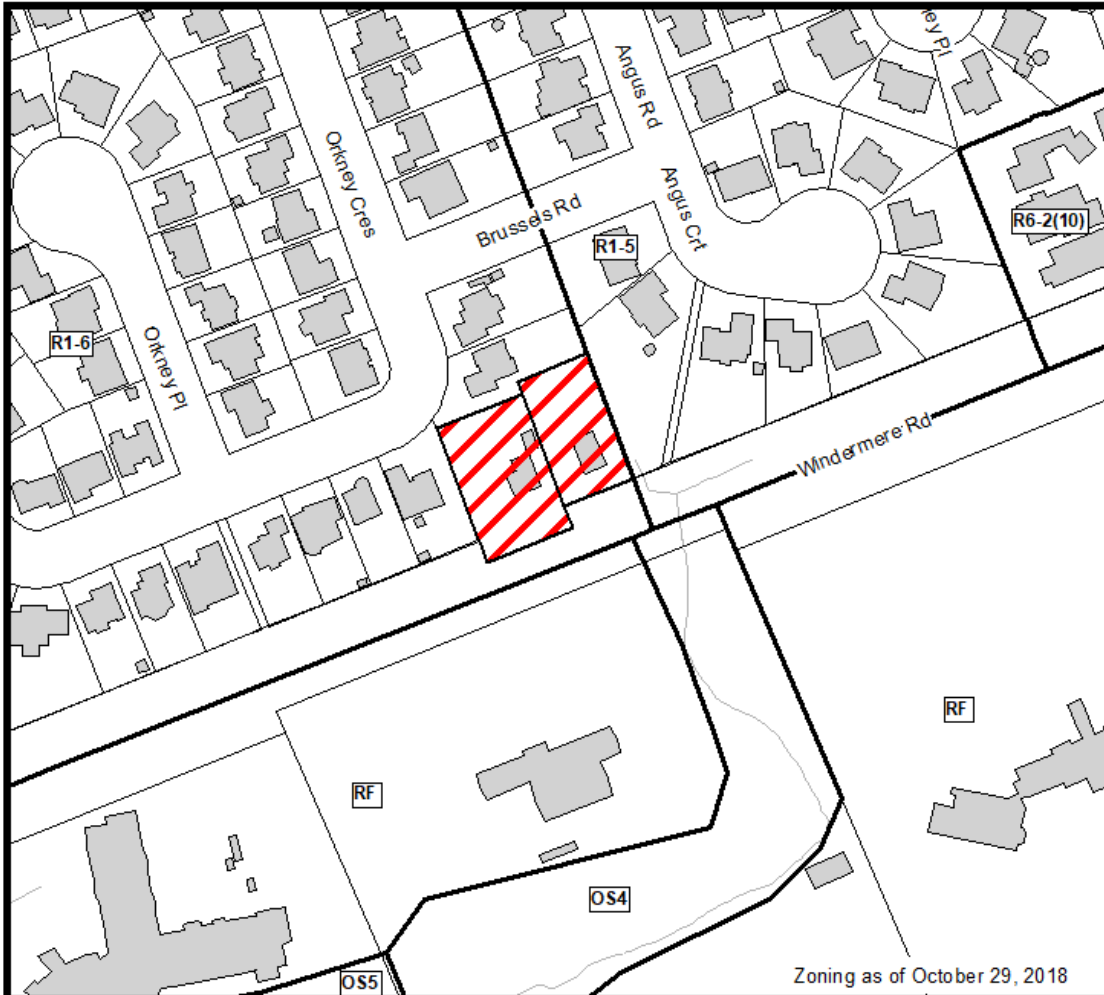
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

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

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



**File Number:** Z-8945  
**Planner:** MC  
**Technician:** MB  
**Date:** November 14, 2018



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-6**

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

R1 - SINGLE DETACHED DWELLINGS  
 R2 - SINGLE AND TWO UNIT DWELLINGS  
 R3 - SINGLE TO FOUR UNIT DWELLINGS  
 R4 - STREET TOWNHOUSE  
 R5 - CLUSTER TOWNHOUSE  
 R6 - CLUSTER HOUSING ALL FORMS  
 R7 - SENIOR'S HOUSING  
 R8 - MEDIUM DENSITY/LOW RISE APTS.  
 R9 - MEDIUM TO HIGH DENSITY APTS.  
 R10 - HIGH DENSITY APARTMENTS  
 R11 - LODGING HOUSE

DA - DOWNTOWN AREA  
 RSA - REGIONAL SHOPPING AREA  
 CSA - COMMUNITY SHOPPING AREA  
 NSA - NEIGHBOURHOOD SHOPPING AREA  
 BDC - BUSINESS DISTRICT COMMERCIAL  
 AC - ARTERIAL COMMERCIAL  
 HS - HIGHWAY SERVICE COMMERCIAL  
 RSC - RESTRICTED SERVICE COMMERCIAL  
 CC - CONVENIENCE COMMERCIAL  
 SS - AUTOMOBILE SERVICE STATION  
 ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

OR - OFFICE/RESIDENTIAL  
 OC - OFFICE CONVERSION  
 RO - RESTRICTED OFFICE  
 OF - OFFICE

RF - REGIONAL FACILITY  
 CF - COMMUNITY FACILITY  
 NF - NEIGHBOURHOOD FACILITY  
 HER - HERITAGE  
 DC - DAY CARE

OS - OPEN SPACE  
 CR - COMMERCIAL RECREATION  
 ER - ENVIRONMENTAL REVIEW

OB - OFFICE BUSINESS PARK  
 LI - LIGHT INDUSTRIAL  
 GI - GENERAL INDUSTRIAL  
 HI - HEAVY INDUSTRIAL  
 EX - RESOURCE EXTRACTIVE  
 UR - URBAN RESERVE

AG - AGRICULTURAL  
 AGC - AGRICULTURAL COMMERCIAL  
 RRC - RURAL SETTLEMENT COMMERCIAL  
 TGS - TEMPORARY GARDEN SUITE  
 RT - RAIL TRANSPORTATION

"H" - HOLDING SYMBOL  
 "D" - DENSITY SYMBOL  
 "H" - HEIGHT SYMBOL  
 "B" - BONUS SYMBOL  
 "T" - TEMPORARY USE SYMBOL

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-8945

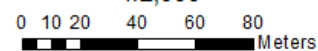
MC

MAP PREPARED:

2018/11/14

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**Response to London PEC**  
**Re: Z-8945**  
**Tony Mara - 127 Orkney Crescent**

This proposed townhouse development is too large for the selected properties (536 and 542 Windermere Rd). The majority of our concerns regarding this application are a direct result of this excessive density and the lack of appropriate setbacks. Issues such as privacy, access to sunlight (shadowing effect), significant height transitions, insufficient on-site parking, inadequate space for proper waste management, loss of trees and more are all impacted by the overall scale (massing) of the proposed townhouse buildings (totalling 16 units) for the development space available. This can be demonstrated by the fact that even with the requested R5-7 zoning by-law (which allows for the maximum level of density for townhouse developments), the developer cannot meet the zoning by-law requirements regarding minimum setbacks. As a result, the proposed buildings in this application will be too close to the public sidewalk to the south (Windermere Rd), too close to the adjacent property to the west (123 Orkney Cres) and too close to each other.

Site specific challenges: An easement runs along the eastern side of 542 Windermere to accommodate a water main that, according to the City engineering department, services 85% of London's water. This easement prevents development for 19m of 57.9m total site width and reduces available site space by 33%. Also, the City is reclaiming 8m x 32m of 536 Windermere for future road widening. **Total available space for development is thus reduced from 0.278ha to 0.16ha – a 42% reduction overall.** If the maximum possible density for this site (without existing constraints) might be 16 units, then based on 60% available space for development a more appropriate density would be 10 units ( $16 \times 0.6 = 9.6$ ), which would equate to 36 units per ha.

The only answer to address all of these concerns is to significantly reduce the density of the proposed development. This can be accomplished through effective application of the established residential zoning by-laws.

**Zoning:**

From zoning by-law documentation, section 9 (R5 zoning)

9.1 General Purpose Of The R5 Zone

*This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. Different intensities of development are permitted through the use of the seven zone variations.*

***Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate townhousing development adjacent to lower density areas, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres. The higher density zone variation has been designed to accommodate stacked townhouses. The middle range zone variations are designed for most suburban townhousing developments.***

The developer's application calls for the use of stacked townhouses (Planning Justification Report pg 31 - section 8.o. Conclusions) near the maximum allowable density level (58 units per hectare) for the requested R5-7 zoning. The area where these properties (536 and 542 Windermere Rd) are located (north side of Windermere Rd, approximately half way between each Doon Dr intersection) is currently zoned R1-6 for single detached dwelling units which represent **low density residential properties.**

From zoning by-law documentation, section 5 (R1 zoning)

5.1 General Purpose Of The R1 Zone

*The R1 Zone is the **most restrictive** residential zone, and...is restricted to only single detached dwelling units. Zone variations R1-4 to R1-9 are zones to be applied to most suburban single dwelling developments.*

**Response to London PEC**  
**Re: Z-8945**  
**Tony Mara - 127 Orkney Crescent**

So, why would the city consider a re-zoning application moving from the most restricted, lowest residential density designation to the R5 zoning variation with the highest possible density designation? Especially when the R5 zoning by-law clearly states that the lower density provisions (R5-1, R5-2, R5-3) are designed for "townhousing developments adjacent to lower density areas".

From the 1989 Official London Plan

3.2.2. Scale of Development

Density of Residential Uses

*The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses, and shall result in net densities that range to an approximate **upper limit of 30 units per hectare***

3.2.3.8. Zoning By-law

*While residential intensification located within the Low Density Residential designation may be allowed up to a maximum scale permitted under the Multi-Family, Medium Density Residential Designation, Zoning By-law provisions will **ensure that new development recognize the scale of adjacent land uses and are compatible with the character of the area.***

From the current London Plan, Neighbourhood Place Type Policies:

935\_ *The following intensity policies will apply within the Neighbourhoods Place Type:*

*Zoning will be applied to ensure an intensity of development that 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 spaces***

Why have these policies and by-laws in place if they are not going to be respected and applied in the manner that they are designed?

*"The City of London's Zoning By-law establishes and regulates the use of land by implementing the policies of the City's Official Plan. It provides the municipality with a **legally enforceable means of regulating land use, scale and intensity of development.** Zoning also serves to protect areas by preventing or limiting incompatible uses, and **establishing appropriate standards for development.**" (City of London zoning by-law web page)*

*"Zoning By-laws regulate how land and buildings are used, the location of buildings, lot coverage, building heights, and other provisions **necessary to ensure proper development.**" (City of London zoning by-law web page)*

We are calling on London's planning department, members of the planning committee and city council to follow your own rules. Protect the integrity of our neighbourhoods, community and our city by enforcing the zoning rules and provisions that are in place and clearly stated.

Based on the current zoning (R1-6) and the nature of the adjacent neighbourhood to the properties at 536 and 542 Windermere Rd, if a re-zoning is to be permitted it should be at a lower, more reasonable density level, by choosing a lower R5 variation (R5-1, R5-2, R5-3). The need for a lower density classification with these properties is even more necessary because of the 19m easement on the east side which restricts building construction to only 2/3 of the total space.



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With whichever R5 zoning variation is chosen for these combined sites, we urge the city to enforce the standards and requirements of that zoning variation without exception. The developer's current application, even with the highest density R5 zoning variation (R5-7) requested, **cannot** meet the zoning requirements. For their design plan to proceed, they require approvals for additional zoning variances

- Front and exterior side yard (South side facing Windermere Rd):
  - Minimum allowable depth/setback: 8m
  - Application setback: 2.1m
  - Actual setback from conceptual site plan: 0.2m (from exterior edge of stairs and lowered patios, which are attached and part of the building structure)
- Rear and interior side yard:
  - No windows (West side):
    - Minimum allowable depth: 5m (based on building height greater than 9m)
    - Application setback: 1.7m
  - With windows (North side):
    - Minimum allowable depth: 6m
    - Application setback: 6m
    - Actual setback from conceptual site plan: 4m (from exterior edge of stairs and lowered patios, which are attached and part of the building structure)

If the developer cannot meet the standards and requirements of the zoning by-law which the city deems appropriate for these combined properties, then the answer to this application should be NO / REJECT!

**Additional concerns:**

Overall fit, compatibility and sensitivity regarding the existing, adjacent properties and surrounding neighbourhood.

From the 1989 Official London Plan

*3.2.3.4. Compatibility of Proposed Residential Intensification Development*

*As part of an application for residential intensification, the applicant shall be required to provide an adequately detailed statement of the compatibility, where it is **clearly demonstrated** that the proposed project **is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood** based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3.1. of the plan.*

From the current London Plan, City Building Policies:

*199\_ All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood's character and **demonstrate how the proposal has been designed to fit within that context.***

253\_ Site layout should be designed to minimize and mitigate impacts on adjacent properties.

From the current London Plan, Neighbourhood Place Type Policies:

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939\_... *All are important to realize our goals of purposeful, **sensitive, and compatible intensification within our neighbourhoods***

953\_ *The City Design policies of this Plan will apply to all intensification proposals. In addition, the following design policies will apply:*

1. *A Planning and Design Report, as described in the Our Tools part of this Plan, shall be submitted for all intensification proposals. This report will **clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood.***
2. *Compatibility and fit, from a form perspective, will be evaluated based on such matters as:*
  - a. *Site layout within the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, **building location, and parking.***
  - b. *Building and main entrance orientation*
  - c. ***Building line and setback from the street.***
  - d. ***Character and features of the neighbourhood.***
  - e. ***Height transitions with adjacent development.***
  - f. ***Massing appropriate to the scale of the surrounding neighbourhood***
3. *The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, **adequate buffering and setbacks**, and garbage storage areas.*

The developer uses glowing terms in relation to their proposal and the impact on the surrounding neighbourhood, such as “enhances”, “activates”, ... They also make statements like “no additional shadowing” and “no loss of privacy”. However, at no time does the developer effectively prove these statements, as required by the guiding policies from the 1989 Official London Plan and the current London Plan. What is demonstrated is how little sensitivity this application shows towards the surrounding neighbourhood and the significant, negative impact this proposed development will have on the adjacent properties.

To the West – 123 Orkney Cres

The western property line of 536 Windermere Rd is adjacent to 123 Orkney Cres, which is a **1 storey**, single family home less than 5m in height.

- Elevation: It should be noted that the elevation difference between 123 Orkney Cres and the property of 536 Windermere Rd, where the proposed buildings are expected to be placed is less than 1m at the front of the house and almost level (zero elevation difference) at the rear of the house. **NO SIGNIFICANT ELEVATION DIFFERENCE** between 123 Orkney Cres and 536 Windermere Rd.

To the North – 127 Orkney Cres

The northern property lines of 536 and 542 Windermere Rd are adjacent to 127 Orkney Cres, which is a **2 storey**, single family home. 127 Orkney Cres and 536 Windermere Rd (where the proposed buildings are planned to be located) is currently separated by a 1.2m single panel wood fence, as well as mature, 12m+ high trees along the fence on the 536 Windermere Rd property side. These existing, mature trees enhance the separation of these properties and provide significant privacy for each side. **ALL OF THESE TREES ARE PLANNED TO BE REMOVED DUE TO PROPOSED CONSTRUCTION.**

- Elevation: The elevation difference between 127 Orkney Cres and 536 Windermere Rd is approximately 2m, where the home at 127 Orkney Cres sits at the higher elevation.

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**Privacy**

1989 Official London Plan

3.2.2. Scale of Development

*Development within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and **loss of privacy***

3.2.3.5. Public Site Plan Review and Urban Design

*ii. Residential Intensification site plan proposals shall address the following matters:*

***Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces***

*Consideration of the following Urban Design Principles:*

***Buildings should be positioned to define usable and secure open space areas on the site and to afford a reasonable measure of privacy to individual dwelling units***

From the Urban Design Brief:

4.0. DESIGN GOALS AND OBJECTIVES

*Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties*

Part 2 5.0 PROPOSED DEVELOPMENT

*Landscaping and fencing along the side and rear yards is proposed to ensure preservation of privacy. Although specific landscape treatments will be refined through the Site Plan Approval process, evergreen plantings (Christina Norway Spruce) are proposed along the north lot line and additional evergreen shrubs are proposed between the buildings and westerly lot line. Street trees will also be added along the Windermere Road frontage.*

Our response:

Because the buildings are being placed so close to the north west corner of the combined lot, and the plan calls for the removal of several large trees along the northern property line, this development in no way maintains the current level of privacy. It will decimate the current standard of privacy enjoyed by the adjacent properties.

127 Orkney Cres

- a. The development plan calls for the removal of several trees of significant height (40+ feet each) and foliage along the property line between 536 Windermere Rd and 127 Orkney Cres. Unless the trees that are being proposed to be planted as replacements (after construction is completed) are planted as fully mature trees in excess of 30 feet, they will be insufficient to replace the lost level of separation and privacy which the current trees provide.
- b. The existing fence along the property line between 536 Windermere Rd and 127 Orkney Cres is proposed to be replaced with a slightly taller 1.8m fence. The current fence provides separation of the properties, but no element of privacy. The proposed replacement will be as ineffective, especially if constructed of single wood panels.
- c. The elevation difference between 536 Windermere Rd and 127 Orkney Cres requires a significantly higher level of fencing and tree line to provide an effective separation/buffer between the properties.
- d. The size of the townhouse building, as well as the significant amount of glazing (ie. Windows) on the south building's side facing 127 Orkney increases the need for higher level of separation and buffering between

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the properties. 127 Orkney Cres' home has bedroom bathroom windows that will be directly facing this townhouse building and all of its windows.

- a. From page 13 of the Urban Design Brief: *The design allows for views into and out of the building, allowing for **passive surveillance** of the street*
- b. This mention of "passive surveillance of the street. Considering that the northern face of the building (directly facing 127 Orkney Cres) is almost identical to the southern facing (facing Windermere Rd), how does this "surveillance" term apply to the property at 127 Orkney Cres when the same level of glazing is applied?

There is NO WAY that this development, as currently planned will **not** significantly and detrimentally impact the current level of separation and privacy enjoyed by the residents of 127 Orkney Cres

#### 123 Orkney Cres

- a. The eastern sides of these townhouse buildings will be 1.7m from the fence separating 123 Orkney.
- b. The proposed 1.8m fence will not be sufficient to provide effective separation and privacy, even with the minimal elevation difference between 123 Orkney and these townhouse buildings. Consider that the interior faces of each building will have a clear view of 123 Orkney Cres and its property and that these townhouse buildings will be 2.5 stories (9m+ in height), compared to a single storey home.
- c. The walkway between the two townhouse buildings, and two of the entrances will also be located very closely to the house at 123 Orkney Cres, increasing the likeliness of noise pollution for the residents of 123 Orkney
- d. The proposed outdoor "amenities" for the townhouse residents (ie. lowered patios) also will be in very close proximity with the home and property of 123 Orkney property
- e. From the Urban Design Brief: *It is noted that no windows are proposed on the east or west elevations to enhance privacy*
  - a. This statement is correct, however what it failed to mention is the location of the walkway and entrances in proximity to the 123 Orkney Cres property. With the proximity of the buildings to the adjoining property, and the significant amount of "glazing" (ie. Windows) proposed on the interior sides (north side of the south building and the south side of the north building), there will still be a significant privacy issue, which can not be elevated by a 1.8m single panel wood fence.

There is NO WAY that this development, as positioned so closely to the property line shared with 123 Orkney will NOT negatively impact the level of privacy currently enjoyed by the residents of 123 Orkney Cres.

#### Windermere Rd

- a. As per figure 17 of the Urban Design Brief, and the similar site plan: if you include the attached, external lowered patios jutting outward from the building, there appears to be very little (almost zero) setback from the property line (see the south east corner of the building), and **possibly only 1m setback from the public sidewalk!** At greater than 9m in height, this building will tower over pedestrians and will feel right on top off pedestrians walking on the sidewalk. Also, with these lowered patio areas being even closer to the sidewalk, there will be very little separation for pedestrians, as well as very little privacy for residents enjoying this "outside amenity".
- b. from page 13 of the Urban Design Brief: *The design allows for views into and out of the building, allowing for passive surveillance of the street*
  - a. With such significant "glazing" (ie. windows) on the front/south side of the building, and the building positioned so closely with the sidewalk and road way, what privacy will be enjoyed by the residents? And how does this design provide an improvement for pedestrians and

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travellers along Windermere Rd? It seems the purpose is to allow for more active surveillance rather than passive surveillance of the streetscape.

**Access to sunlight (shading)**

1989 Official London Plan

3.2.3.5. *Public Site Plan Review and Urban Design*

*The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets*

From the Urban Design Brief:

*No shading on abutting lands is expected beyond which would otherwise be present with a two-storey single detached dwelling, especially given the lower elevation of the subject lands relative to lands to the north and west.*

Our response:

- a. This statement is completely false. A two story, single family house is currently situated on the property of 536 Windermere Rd. It is situated in the middle of the lot, several metres from the western property line and the home at 123 Orkney Cres. The shading effect caused by the proposed townhouse development - where the buildings are substantially higher AND located MUCH closer to the adjacent property and home at 123 Orkney (1.7m) MUST be significantly increased over the current shading effect from the existing two story home at 536 Windermere Rd.
- b. There is NO substantial elevation difference between 536 Windermere Rd and 123 Orkney Cres to the West. Meaning that the full height difference between these two buildings will be "felt" as well as the resulting increased shading.
- c. With the proximity of the proposed townhouse buildings so close to the western property line, several of the trees (many not represented on the developer's images presented within this application) will be directly within the permanent shadow of these buildings and whose health could be negatively impacted as a result.

From the Urban Design Brief:

*Existing off-site mature trees to the north already shadow the interior side yard of the single detached dwelling to the north.*

Our response:

- a. The majority of trees being referenced as "off-site" to the north are in fact on the premises of 536 Windermere and based on the current development plan, are expected to be removed during construction. While these mature trees currently offer a good amount of shading, it is not complete shading and is not comparable to the shading effect of a large 9m high building extending approximately 28m in length along the shared property line.

From the Urban Design Brief:

*Appropriate glazing is proposed on all north and south elevations, maximizing the amount of natural light that will enter each unit. The buildings are sufficiently separated to exceed Ontario Building Code requirements. Interior units (facing the opposite building) are provided with ample windows to allow for natural light penetration (Section 11.1.1 ix);*

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Our response:

- a. The developer makes a point in mentioning the “appropriate” amount of glazing (windows) on all of the north and south elevations. They fail to point out that the building elevations facing each other, which will only be 4m apart, will have limited access to sunlight. Especially the northern elevation of the southern building, which will have NO direct access to sunlight. Because no windows are planned for the east and west elevations of the buildings, some units will be significantly limited in their access to sunlight.
- b. They will see the residents in the other building up close and personally, but will not see much of the sun. This situation is similar for the northern elevation of the northern building facing 127 Orkney Cres.

**Height transition**

From the current London Plan:

*287\_ Within the context of the relevant place type policies, the height of buildings should have a proportional relationship to the width of the abutting public right-of-way to achieve a sense of enclosure.*

*298\_ An appropriate transition of building height, scale and massing should be provided between developments of **significantly different intensities**.*

From the Urban Design Brief:

3.0 SPATIAL ANALYSIS

*The housing stock within the “Low Density Residential” areas are primarily large single detached dwellings, 1 to 2.5-storeys in height...*

4.0 DESIGN GOALS AND OBJECTIVES

*Appropriately integrate the built form into the existing context, specifically in terms of massing, height, and articulation*

Part 2 5.0 PROPOSED DEVELOPMENT

*The buildings are proposed to be approximately 9m in height, generally consistent with proximate single detached dwellings in the area*

6.0 RESPONSE TO OFFICIAL PLAN DESIGN POLICIES

*The height is similar to adjacent single detached dwellings to the north, alleviating privacy concerns that are common with higher buildings.*

From the 1989 CITY OF LONDON OFFICIAL PLAN

6.2.2 Additional Urban Design Considerations for Residential Intensification

*As per Section 953, the proposed development is compatible and fits within the existing context as follows:*

*The proposed intensity (i.e. massing, height, scale) and design is compatible with character and features of the surrounding neighbourhood.*

8.0 COMPATIBILITY REPORT

*The height of the buildings is consistent with the upper end of typical low-density residential buildings heights, being 2-3 storeys. However, due to the grade differential between the subject lands and lands to the north and west, the proposed buildings will appear approximately 2m shorter, when viewed from the north or west*

Our response:

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- a. The northern property lines of 536 and 542 Windermere Rd are adjacent to 127 Orkney Cres, which is a **2 storey**, single family home.
- b. The western property line of 536 Windermere Rd is adjacent to 123 Orkney Cres, which is a **1 storey**, single family home less than 5m in height.
  - a. What examples are there of 3 storey residential buildings in the area?
  - b. What % of residential homes in the area are 3 storey?
- c. The grade differential between 536 Windermere Rd and 123 Orkney Cres is from less than 1m to zero / level. There is NO significant grading differential that will help offset the height differences between the **1 storey** home and adjacent **2.5 storey** townhouses.
- d. The height transition will appear **EVEN MORE EXTREME** by the proposed townhouse buildings being positioned so closely (1.7m) from the shared property line.

**Parking**

Application Urban Design Brief:

*Vehicular access to the site is provided by a single driveway from Windermere Road. **Ample parking is provided within the surface parking lot.***

Our Response:

- a. The proposed development in this application is for 16 townhouse units, with each unit being approx. 1,500sqft and including four bedrooms. The application specifies only 25 parking spaces for these 16 units. If they are required to provide handicap parking spaces (isn't this required by law?), the available parking spaces is reduced by two spots for every handicap space created (to accommodate the larger spacing requirements).
  - a. So, if even one handicap space is created, they are only providing **23** parking spaces for these 16 units – which is less than 1.5 spaces per unit!
- b. With the proximity of these townhouses to the university, and relatively small sized units for four bedrooms, it is very likely that the majority of these units will be rented to university students. From recent and local neighbourhood experiences, it is also likely that these students will bring with them more cars than can fit in the expected 23 parking spaces. Considering the close proximity of walkways to Angus Crt and Orkney Cres, it is very reasonable to expect that our adjoined neighbourhoods will end up being affected by this parking overflow.
  - a. In fact, on page 21 of the Planning Justification Report as part of the transportation Impacts section, the developer indicates "***Given that there is no on street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.***"

Bottom line is – this is another indication of how this proposed development is **too big, too dense** for the available space, including parking. Either more parking spaces are required, or less units!

**Waste Management**

From the 1989 Official London Plan, Residential Land Use Designations:

*Residential Intensification-site plan proposals shall address the following matters*

*Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces*

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From the current London Plan

*266\_ Loading, garbage and other service areas will be located where they will not detract from pedestrian connections and where they will not have a negative visual impact from the street*

*953\_ The City Design policies of this Plan will apply to all intensification proposals. In addition, the following design policies will apply:*

*The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and **garbage storage areas**.*

Our Response:

- a. While this is typically a matter for the site plan approval process, I believe it is important that the developer be required to provide some level of detail as to how and where waste will be stored and removed. It relates directly to the zoning by-law approval process as it contributes to the argument regarding a development too large for the available space – affecting many factors which influence the livability of the property as well as the total impact on the adjacent properties.
  - a. Storage: With so much of the lot space already built on or accounted for, it may not be an easy task to locate an outdoor storage “tank” on the property in a suitable location – not too close and obvious from Windermere, and not too close to the abutting properties to the north and east.
  - b. Disposal: If the developers do envision a centralized garbage collection system with contracted removal services, the question becomes how well will the garbage truck be able to access the site to retrieve the garbage and the exit the site back on to Windermere? If you look at the submitted site plan, and consider the setup of the parking lot, filled by the 25 tenant spots, there is not a lot of room for additional manoeuvring for a large garbage truck. If this is not the approach planned by the developers, and it is expected that residents will put their garbage curbside each week for garbage removal by the city, this poses additional issues. This site will be increasing garbage removal requirements from two single family type homes to 16 four bedroom units. This can add up to a significantly larger waste removal process for the city each week. Consider Windermere Rd, which has been described as an “arterial” road, but is one lane in each direction. How badly will traffic get backed up with a garbage truck having to potentially pick up 48 bags/cans of garbage EVERY WEEK, plus an additional trip (with stops) to pick up 32 recycling bins!

**Play Areas**

From the 1989 Official London Plan:

*Residential developments that are likely to house families should include an appropriately sized outdoor children's play area that is **safely** accessible from all units in the development*

- a. The fact that the developer, in their application does not make any mention of a play area designed for children further re-enforces the purpose of this proposed townhouse development. If townhouses with four bedroom units are not built with families in mind, what other type of resident will be most likely to be interested in these types of units? Students. I understand that the city cannot accept or decline a development application based on the type of resident that will live there. However, understanding the type of resident will allow for consideration of important conditions which may affect design, planning and zoning decisions, including:
  - a. Increased noise
  - b. Waste management



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- c. Additional parking requirements
- d. From recent, local experience, it is reasonable to expect that a townhouse unit housing four unrelated students will require more than 1.5 parking spaces per unit, which is the MINIMUM amount of parking spaces required. Please, require that either the developer reduce the size and density of their townhouse development to a more suitable level or require them to build additional parking spaces – sufficient for expected needs.

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**Conclusion:**

The application has failed to meet several of the stated design goals and objectives

- Provide a development that utilizes high-quality materials in a built form **compatible with proximate low-density residential dwellings**
- Appropriately **integrate the built form into the existing context**, specifically in terms of **massing, height, and articulation**
- **Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties**

The majority of the issues and concerns regarding this application, including zoning variances are directly caused by the oversized nature of the development in relation to the available lot space. Site challenges are a reality with this property, considering the 19m easement on the east side of 542 Windermere Rd, which the developer must contend with. We, the neighbours of the adjacent neighbourhood should not be required to pay the price and make these significant sacrifices so the developer does not have to sacrifice his financial gains by reducing the density of this development, including an adjustment in scale and density (massing) of the building(s) to a more reasonable level.

**Recommendations from Staff Report (dated December 19, 2018):**

While London's planning department acknowledges that the R5-7 zoning is too egregious in density for this site and recommends that the planning committee reject this part of the application, it does not address the issues identified within this document or the concerns raised by the neighbourhood residents.

- Planning staff are recommending a reduction to 12 units (R5-5) but is also recommending that the developer re-design for 5 bedrooms per unit to accomplish the stated goal of 60 total bedrooms. This recommendation results in **NO reduction in actual residential density**
  - Based on 60 bedrooms on this site (applicant's requested R5-7 or city staff's R5-5), the actual density will be **214 bedrooms per ha** (60 over .28ha)! Waterloo recently updated their residential zoning and established a density limit of 150 bedrooms per ha for similar development situations. The density level is even worse when considering the site limitations reducing available space by 40%. The real density of this development will be **the equivalent of 375 bedrooms per ha!!!** The proposed density level for this site @ 60 bedrooms is EGREGIOUS!
- Planning staff are continuing to accept the applicant's requested minimum setbacks which are well below the zoning by-law standards
- Planning staff don't even indicate any issues with the fact that the rear setback is allowed even though there is planned a front building façade complete with primary entrances and extensive windows on to habitable spaces. This façade directly faces an adjacent single family residence (127 Orkney Cres).
- Planning staff recommendations include "the recommended reduction in the number of units that can be achieved on site should also assist with the goal of maximizing tree preservation and protection on the subject lands."
  - We refute this directly. With the excessively minimal setbacks still being allowed, no additional trees are demonstrated to be preserved. Including the row of existing, mature trees along the northern property line of 536 Windermere Rd which provides privacy screening with 127 Orkney Cres and the Orkney Cres walkway and roadway, which will still be removed for construction purposes.

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**What we are asking for:**

Protect integrity of the surrounding neighbourhood by

- A. Make them fit a more reasonable R5 zoning (R5-1, R5-2, R5-3) that allows for the proper setbacks as well as a designed buffer between adjacent properties and the Orkney Cres neighbourhood to the north.
- B. Require more appropriate setbacks that more closely align with current zoning requirements.
  - 5.5m westerly side yard setback towards 123 Orkney Cres
  - 8m setback towards the northern property line to account for the front building façade with primary entrances and extensive windows on to habitable spaces
- C. Requirement an **appropriate** number of on-site parking spaces. Based on a design that appears designed for student housing, a minimum of two (2) parking spaces per unit plus additional spaces for handicap and visitor parking. With a more appropriate density of 8-10 units, the currently proposed 24 parking spaces should be appropriate.
- D. Establish an easement (minimum 5m) along the property lines of 536 and 542 Windermere Rd shared with 127 Orkney Cres, which requires the protection of existing landscaping as well as planting additional landscaping that provides for a buffer space between these adjacent properties and the new development.
- E. A Higher (4m min due to elevation differences) and a more solid fencing (minimum double panel wood) along the property lines of 536 and 542 Windermere Rd shared with 123 Orkney, 127 Orkney and 6 Angus Court.

Mr. Tony Mara  
127 Orkney Cres.  
London, ON N5X 3R9

December 31, 2018

Dear Mr. Mara:

You and your neighbours have asked me to provide an independent review of zoning by-law amendment Z-8945. I am providing this letter for you to use as you see fit as you engage with city staff and councillors in this planning process.

#### Summary of Opinion

Based on my review, which is detailed below, I support the professional planning opinion of London staff that the applicant's request of R5-7(□) with site-specific provisions for 536 and 542 Windermere Road (Z-8945) is an over intensification of the site and should be refused.

I disagree with the London staff recommendation of h-5•h-•R5-5(□) with the site-specific provisions noted be introduced at Council on January 14, 2019. Instead, I recommend that the Planning and Environment Committee direct staff to negotiate with the applicant and local residents to create a development and associated regulations that address the concerns noted by staff in their report as well as concerns about the front yard setback raised by residents.

#### Basis of Opinion

The opinion I am providing is based on the review of the applicant's submissions, the staff report to the Planning and Environment Committee, your submissions to London planning staff, the site context, the London Zoning By-Law No. Z.-1, and similar by-laws from other Ontario municipalities as they relate to implementing residential intensification policies in low-density residential designations.

This opinion is not a professional planning opinion; however, it is an opinion based on both my planning education (MA in Planning, University of Waterloo) and my practical experience with residential intensification planning (eight years as a Waterloo City Councillor in a rapidly intensifying suburban ward).

#### Summary of Review of Other Municipal By-laws

Given zoning by-laws in London will be updated to conform to the London Plan at a future date with the expectation that different standards from current zoning are appropriate for this site, I reviewed zoning regulations for townhouses, back-to-back, and stacked townhouses in a number of Ontario municipalities. Specifically, I reviewed by-laws in Hamilton, Mississauga, Windsor, Guelph, Kitchener, Cambridge, Waterloo, Barrie, and Oakville.

Most municipalities are still operating under old zoning. Some municipalities have an Official Plan very recently passed (Mississauga, Cambridge) or, like London, under appeal (Kitchener). Others are updating their zoning by-laws in stages, leaving residential until last (Hamilton, Kitchener). Among those reviewed, only Barrie, Oakville, and Waterloo have passed an updated zoning by-law, though they may not yet be in effect or only partially in effect.

Generally, the existing by-law in London is consistent with the other noted municipalities for these uses with two exceptions. Recently adopted bylaws in Barrie, Oakville, and Waterloo have lower interior side yard setbacks (1.2m-1.8m) and parking requirements (1.1-1.5/u). These uses are typically located adjacent to more intense uses and are transit-oriented. The provision of greater rear yard setbacks for taller buildings when adjacent to low-rise residential, typically single- or semi-detached dwellings, would be an important mechanism to manage transition and facilitate compatibility. Notably, front yard setbacks are similar with London's current bylaw, which are substantially greater than the setbacks requested by the applicant or recommended by London staff.

#### Review of the Applicant's Request and Staff Report

The staff recommendation to refuse the applicant's request for a zoning amendment to R5-7( ) in their Report to the Planning and Environment Committee (Z-8945) is based upon their professional planning opinion that the amendment "does not conform (to) the residential intensification policies in the 1989 *Official Plan* or *The London Plan*." After reviewing staff's rationale and the applicant's planning submissions, I prefer and support the opinion of London staff for the reasons they have provided.

The staff recommended by-law requests Council consider instead h-5•h-•R5-5( ), which provides for reduced density (45uph v. 60uph, or 12 units v. 16 units) and a more significant but still reduced westerly interior side yard setback (3m v. 1.7m) than requested by the applicant. It also agrees with the applicant's request for a lower front yard setback (2.1m with the patio encroaching 1.9m into the setback). Staff also express concerns with the tree preservation plan, stating it does not demonstrate sensitivity to the character of the neighbourhood, and the separation distance between buildings, stating it is evidence of over-intensification of the site.

#### *Westerly Interior Side Yard Setback*

On the westerly interior side yard setback, staff have considered what setbacks would be required for the as-of-right zoning (R1-6) the applicant already possesses if they were to build within the height limits. For the proposal as submitted, this would be 2.4m. If the proposed building increased to the staff recommended 10.5m height limit by adding another storey, the interior side yard setback would be 3m. The 3m dimension is the minimum requirement in R5 zones where there are no windows on that façade. I do not object to this setback given the site context.

#### *Front Yard Setback*

On the front yard setback, staff have considered the street wall and streetscape character of Windermere Rd, particularly the fence line that predominates the northern streetscape. In their view, the proposal would enhance the streetscape and would be consistent with the fence line with this reduced setback.

While I agree that the fence line is a predominant part of the existing street wall, it is not the entirety of it. Mature trees, mostly on adjacent private property, are also an important component of the street wall. These private trees provide a sense of enclosure to pedestrians today and will provide a sense of enclosure to drivers when the street widens. Allowing the applicant to construct buildings to the property line means there are no trees on the north side of the sidewalk. The only trees planted will be on public land intended for a future road widening. This is inconsistent with the existing street wall. While it may be appropriate for dense urban environments such as main streets to permit building to

the property line, it is not appropriate for suburban contexts as they will not attract the same municipal resources to design and plant streetscapes.

**In my view, the staff recommended front yard setback is not sufficient. Instead, it should be sufficient to provide the soil volume for tree planting and tree growth entirely on private land, which the staff recommendation does not permit.** A compromise between the proposed setback and the existing 6-8m setback in the bylaw is reasonable here given the context of the fence line as long as the private realm makes the appropriate contribution to the tree canopy.

*Height, Density, Tree Preservation, and Building Separation*

On the height and density recommendations of staff, I do not object to either the reduced height or the reduced density, provided the applicant can demonstrate a development of this intensity and scale can address staff and community concerns around building separation and tree preservation.

While staff are hopeful that the proposed regulations will permit this, it is not clear how the applicant will achieve this. Specifically, **the development envelope provided does not address the tree preservation for building separation concerns of staff**, as nowhere mature trees are removed due to construction is removed from the developable area of the site. The developers comments as presented in the staff report about achieving a comparable bedroom yield with 12 units to their original 16 units should not provide the committee with confidence that concerns will be addressed if these regulations are approved.

**A reduced density may therefore be required to achieve staff and community concerns**, which may also be more consistent with the constraints of the site and its location outside of major activity centres and the inner city.

Conclusion

The Planning and Environment Committee should refuse the application and defer consideration of the staff recommended bylaw until the applicant, staff, and residents had an opportunity to design a site that addresses the concerns raised in this process. Development regulations to ensure the city and community's objectives are achieved through site plan control can then be written and considered by the Planning and Environment Committee.

Please let me know if I can be of any further assistance.

Sincerely,

Jeff Henry, MA (Planning)

# Tree Assessment 536-542 Windermere Rd.

To: Tony Mara  
127 Orkney Cres.  
London, Ont

Jan. 2, 2019

This letter is a short discussion in response to Michelle Peeters' Memorandum dated Nov. 1, 2018. Specifically, this will address the recommended removal of trees 22-29 of the Tree Preservation Report.

Michelle states 3 mandates;

1. Preserve all trees beyond subject site
2. Maintain the buffer of mature trees
3. Preserve as many healthy trees as possible within the subject site - particularly because the site is within a City of London Tree Protection Area, and because we are aiming to retain as much existing vegetation as we can for the purpose of visually buffering the site from neighbouring properties

Michelle then describes 3 Coniferous buffers which are significant to neighbouring properties. 2 are recommended to be preserved while the 3<sup>rd</sup> is recommended for removal (trees 22-29). Reasoning for removal is stated as 'Removal due to overall health and condition, and conflict with the proposed site plan'. A note is then made that this buffer will be replaced with a dense planting of Norway spruce to provide immediate and year round screen to the neighbouring property.

I would like to offer my reasoning for the preservation of these trees in the following discussion

## Current Tree Health

The Tree Preservation Report (TPR) indicates the overall health is fair to good. There are 2 trees in question with less than 4 out of 5 rating for condition.

Tree #22: is rated as 2/3 in crown condition and fair structural condition; with a note that it has been limbed up to 30', there is no leader (removed?), Typ. Interior dieback, tip dieback, general decline

After onsite inspection, I saw that the leader of the tree had been broken off in a wind event and there was healthy growth repairing the damaged top of the tree. I saw minimal interior dieback, limbing was measured as under 20' and there was ZERO decline to this tree. It is healthy with a history of injury!

Tree #26: I agree with assessment of Michelle Peeters, the decline of this tree is likely and construction activities will most likely hurry this tree's demise!

Replacement trees to be planted if these trees were to be removed are an inadequate replacement for a number of reasons. There is no stated size to these replacement trees, death rates for new plantings are high due to lack of care, lack of sunlight (building obstructs) and suitability. My concerns for suitability are because the grade of the property slopes towards this row of trees and the ground is generally very wet around them. With a new building structure directly South, little sunlight will reach the ground (and tree canopy) to help evaporate water. Not only will new trees have difficulty taking root here, the current trees that are here thrive in the wet condition and are actively helping soak up the water in the area. **I have calculated how much water these trees divert each year it is an eye opening 15,868.57 L of water annually. (appendix A)** The replacement trees will not have nearly the same capacity to divert water, resulting in longer periods of oversaturation for new plantings. The current trees are easily large enough to have sunlight reach their canopy. I believe it will be very difficult to replace the buffer in this location, any trees that do get planted and survive will have a very slow growth rate and will not replace the physical buffer. Also, the recommended species to be replanted is singular, Norway Spruce, creating a monoculture. Currently there are multiple species of tree which reduces the risk of a single disease killing all of the specimens, such as the spruce gall currently effecting tree # 26.

In summary, 7 of 8 trees recommended for removal have no health or condition that would necessitate their removal. These trees are being removed **FOR CONSTRUCTION PURPOSES ONLY**. This is stated in the tree preservation report under rationale and is outside the mandate to preserve 'Buffer Zones' and 'as many healthy trees as possible'. I would instead recommend retaining these trees within this property as is. To do so would require a larger buffer zone in this area to ensure the critical root zone isn't damaged during construction. Using the DBH measurement of each tree in question we can use the formula 10 cm of protection for every 1 cm in DBH. 3 trees have a DBH of +40 cm and would require a minimum protection buffer of 4 m, the largest is 46 cm DBH and would require 4.6 m of protection. I would recommend the full 4.6 m of protection along this row of trees. Replanting is not a reasonable solution to replace this buffer as outlined above.

Regards,

Alex Morrison  
Conservatree Inc.



## Appendix A

### MyTree Benefits

Serving size: 8 trees

Total benefits for this year

**\$669.54**

<b>Carbon Dioxide (CO<sub>2</sub>) Sequestered</b>	<b>\$9.93</b>
Annual CO <sub>2</sub> equivalent of carbon <sup>1</sup>	193.64 kg
<b>Storm Water runoff avoided</b>	<b>\$3.89</b>
Runoff avoided	1649.71 liters
Rainfall intercepted	14218.86 liters
<b>Air Pollution removed each year</b>	<b>\$0.79</b>
Carbon monoxide	22.77 grams
Ozone	1980.05 grams
Nitrogen dioxide	345.91 grams
Sulfur dioxide	397.01 grams
Particulate matter < 2.5 microns	181.00 grams
<b>Energy Usage each year<sup>2</sup></b>	<b>\$485.77</b>
Electricity savings (A/C)	1299.80 kWh
Fuel savings (Natural Gas, Oil)	23.94 MMBtu
<b>Avoided Energy Emissions</b>	<b>\$169.16</b>
Carbon dioxide	3268.48 kg
Carbon monoxide	1016.47 grams
Nitrogen dioxide	824.00 grams
Sulfur dioxide	4314.39 grams
Particulate matter < 2.5 microns	51.60 grams
<b>Carbon Dioxide (CO<sub>2</sub>) Stored to date<sup>3</sup></b>	<b>\$126.48</b>
Lifetime CO <sub>2</sub> equivalent of carbon <sup>3</sup>	5438.29 kg

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Benefits are estimated based on USDA Forest Service research and are meant for guidance only: [www.itreetools.org](http://www.itreetools.org)

<sup>1</sup>Large trees: sequestration is overtaken by CO<sub>2</sub> loss with decay/maintenance.

<sup>2</sup>Positive energy values indicate savings or reduced emissions. Negative energy values indicate increased usage or emissions.

<sup>3</sup>Not an annual amount or value.

[www.itreetools.org](http://www.itreetools.org)

i-Tree MyTree v1.5

*powered by the i-Tree Eco engine*

We, the concerned residents and neighbours of the Orkney / Angus neighbourhood are speaking out in opposition of re-zoning application Z-8945 related to 536 and 542 Windermere Rd.

This proposed townhouse development is too large for the selected properties (536 and 542 Windermere Rd). The majority of our concerns regarding this application are a direct result of this excessive density and the lack of appropriate setbacks. Issues such as privacy, access to sunlight (shadowing effect), significant height transitions, insufficient on-site parking, inadequate space for proper waste management, loss of trees and more are all impacted by the overall scale (massing) of the proposed townhouse buildings ( 16 units) for the development space available. This can be demonstrated by the fact that even with the requested R5-7 zoning by-law (which allows for the maximum level of density for townhouse developments), the developer **cannot** meet the zoning by-law requirements regarding minimum setbacks.

November 23, 2018

*sent via email*

Mrs. Melissa Campbell  
Planning Services  
The Corporation of the City of London  
206 Dundas Street  
London, ON  
N6A 1G7

**Re: Zoning By-law Amendment Application Z-8945  
536 & 542 Windermere Road  
London, ON**  
**Our File: TSI/LON/16-01**

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Further to our discussions regarding the above noted Zoning By-Law Amendment application, including a meeting with yourself and other City staff on November 12, 2018, we hereby propose a modification to the requested zone and site-specific special provisions being sought.

As discussed, we understand that City staff are recommending that the “*Residential R5 (R5-5(\_)) Zone*” zone be implemented on the subject lands to permit a modified version of the proposed stacked townhouse development, with special provisions as follows:

- Minimum front yard setback of 2.1m;
- Minimum interior side yard setback (west) of 3.0m;
- Maximum building height of 10.5m; and,
- Maximum front yard encroachment to permit a porch/patio located at a minimum of 0.2m from the front lot line.

We are agreeable to the above noted special provisions, including the 3.0m westerly side yard setback.

The R5-5 zone permits a maximum residential density of 45 units per hectare (UPH) and would have the effect of permitting twelve (12) stacked townhouse units, each containing 5 bedrooms, for a total of 60 bedrooms. This equates to a difference of four (4) bedrooms from the original, 16-unit proposal which contained 4-bedroom units (total of 64 bedrooms); the original requested R5-7 zone permits a maximum density of 60 UPH, thereby permitting 16 units.

We believe a more appropriate implementing zone would allow for the same total number of bedrooms, but in more units with fewer bedrooms each. This arrangement is preferable from a property and building management perspective, and reduces the number of residents per unit, allowing for more functional and appropriate living arrangements. Additionally, 4-bedroom units are more desirable than 5-bedroom units for a broader range of residents, expanding the demographics that are likely to reside in the proposed development, such as young professionals and families. It is our strong preference to allow for 16 units with a maximum of 60 bedrooms, providing a mix of 3- and 4-bedroom units, with the same special provisions as noted above.

City staff have provided that there is no policy basis for regulating the number of bedrooms per unit in the zoning by-law. Indeed, there is a policy basis for doing so, as set out in the policies for *Near Campus Neighbourhoods* (Section 3.5.19.8), and site-specific policies for *Richmond Street – Old Masonville* (Section 3.5.26). While the subject lands are not within the *Near Campus Neighbourhoods* area, parallels can be drawn between the intent of bedroom limit regulations, and the intent of limiting bedrooms per unit on the subject lands. Site-specific policies for the *Richmond Street – Old Masonville* apply to an area outside of the *Near Campus Neighbourhoods* area.

In addition, zoning for specific bedroom limit caps has been implemented (2 bedrooms/unit) for the apartment building at 1235 Richmond Street (Luxe apartment building).

As such, we propose that the subject lands be re-zoned to a site-specific, “*Residential R5 (R5-7(\_)) Zone*” with the following special provisions:

- Maximum of 60 bedrooms;
- Minimum front yard setback of 2.1m;
- Minimum interior side yard setback (west) of 3.0m;
- Maximum building height of 10.5m; and,
- Maximum front yard encroachment to permit a porch/patio located at a minimum of 0.2m from the front lot line.

Alternatively, we are agreeable to a site-specific *R5-5* zone with the above special provisions, plus a regulation permitting a total of 16 units.

It is our belief that the proposed development, and the surrounding neighbourhood, would be better served by allowing for 16 units with a total of 60 bedrooms, rather than 12 units with a total of 60 bedrooms. The total number of persons occupying the development would be the same, but the provision of more units and fewer bedrooms per unit allows for better living arrangements and is desirable from a property and building management perspective.

Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Matt Campbell, BA, CPT  
Planner

cc. 2492222 Ontario Inc.

**From:** William Fisher

**Sent:** Friday, January 04, 2019 7:09 AM

**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>; Campbell, Melissa <[mecampbell@london.ca](mailto:mecampbell@london.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>; Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>; Turner, Stephen <[sturner@london.ca](mailto:sturner@london.ca)>; Helmer, Jesse <[jhelmer@london.ca](mailto:jhelmer@london.ca)>; Squire, Phil <[psquire@london.ca](mailto:psquire@london.ca)>;

**Cc:** City of London, Mayor <[mayor@london.ca](mailto:mayor@london.ca)>; William Fisher

**Subject:** Re: Request to Reject Application Z-8945, Construction of High Density Housing on Windermere Road

Dear Ms. Lysynski, Ms. Campbell, and Members of the Planning Committee:

My family lives on Orkney Crescent, very close to the high density apartment development proposed for Windermere Road, referenced above, for which approval is being sought. This letter is to outline my family's objection to the proposed development project and to request that the request for Application Z-8945 be denied.

There are a number of reasons for rejection of Application Z-8945—including the dramatic over-intensification and over-densification of the proposed development, the overuse of the small available space on which to situate it, its violation of a host of requirements of the London Official Plan, and the planned destruction of trees and streetscape—but I will focus on a single pivotal objection from my family's point of view.

**We live in a single family neighbourhood and the construction of approximately 16 four bedroom apartments abutting our neighbourhood, situated between two foot paths that connect the project directly in to our neighbourhood, is completely incompatible with the single family neighbourhood in which we live.** That there is no green space or play area for children and families anywhere near the proposed development, and it is clear that these four bedroom apartments will be multiple single young adults. The Orkney and Angus single family streets are the shortest direct walking route to the Masonville entertainment area and will be traversed at all hours by young revelers en route to and from the multiple alcohol dispensing entertainment venues at this mall. The single family residents in our neighbourhood do not want the noise, garbage, rowdy street behavior, public urination, and other such chronic public disturbance that are will follow and that characterize many similar intrusions in the northern part of our city. We all built houses in a quite single family neighbourhood, we would very much like it to stay that way, and we respectfully request that you vote to reject any form of Application Z-8495. The proposed development is over-intense, it occupies far too much of the available land, it will clear cut trees and be an eyesore, and critically, *it is completely incompatible with our single family neighbourhood.*

I would like to be added to the list of speakers at the upcoming meeting to address these points.

Thank you very much.

William Fisher

Professor William A. Fisher  
143 Orkney Crescent  
London, Ontario, Canada  
N5X3R9

Dear Chair and Members of the Planning and Environment Committee,

Our BIAs play an important role in economic development but the smaller ones struggle due to the fact that most of the levy is required to cover basic administration costs and less is available for projects and marketing. Other funding models may be possible, such as providing a base amount from the city to cover the fixed costs of administration while the levy portions, which scale appropriately to the size of the BIA, are used for the projects.

My request is to have staff consider some other strategies and come back with a recommendation that addresses this issue of size.

Sincerely,

Michael van Holst