

Pol Associates Inc.
Land Use Planning Consultants
94 Rollingwood Circle
London ON N6G 1P7

November 12, 2014

Chair Bud Polhill and Members of Planning and Environment Committee
300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

Dear Mr. Polhill,

RE: Public Meeting for 161 Windermere Road, London November 18, 2014

File 39CD-14501 Draft Vacant Land Condominium and common elements to permit five land lots and privately owned Environmentally Significant Area; and **File Z-8167** Zoning By-law Amendment Residential R6 (R6-4) Zone for single detached, semi-detached and duplex dwellings to a maximum of 30 units per hectare and Open Space Special Provision (OS5()) Zone for private open space.

In principle, the surrounding community strongly believes protecting the Medway Valley Heritage Forest ESA by prohibiting development outweighs the minor residential infilling and is in the interest of all Londoners.

Further to our comments of March 14, 2014, Pol Associates Inc. is submitting the following comments on behalf of the surrounding Corley Drive community and **requesting deferral** of both applications until each of the following issues are addressed to the satisfaction of the appropriate advisory committees, public agencies and City staff or **refusal** of both applications.

Specific Issues:

1. Land Titles process must be finalized to legally ensure (i) that the title to the proposed condominium lands is clear, and (ii) that the zoning by-law boundary is consistent with the land boundaries so as not to create a non-complying lot.
2. Finalize the location of all surface water seeps for the lands above the top of bank through bore holes and on-site inspection by the City's Ecologists and the UTRCA Ecologists to ensure there is no impact on species habitat.
3. Conduct appropriate studies and prepare mitigation strategies to ensure no effect of proposed development on the abutting Corley Drive properties, given long history of drainage issues.
4. Design of a stormwater management system that mimics the natural rate and natural distribution of stormwater to remove the risk of soil erosion and environmental degradation.
5. Completion and adoption of the Medway Valley Heritage Forest South Conservation Master Plan to ensure this development is outside its boundaries and to ensure appropriate environmental management practices.

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6. Provision of a design acceptable to the City for gravity sanitary sewer services for each of the proposed five dwellings connecting to Windermere Road.
7. Obtain required outstanding approval from the Ministry of Natural Resources, including with respect to the protection of the endangered Queensnake species found immediately downstream from the proposed development.
8. Address issues raised by EEPAC and responses to be reviewed and accepted by EEPAC prior to final approval.

Community Support in Part

The community strongly supports the following Development and Compliance Services Recommendations: (i) the dedication of the ESA and surrounding buffer area to the City of London as parkland; (ii) the proposed restrictions on their use (including the provision of fencing without gates) to ensure appropriate environmental management and public safety; (iii) the requirement to restore native plants to the ESA; and (iv) the designation of the existing circa 1890 dwelling at 161 Windermere under Part IV of the Heritage Act. These recommendations must be included in the recommendation of the Planning and Environment Committee and forwarded to Council for approval.

OUTSTANDING ISSUES

Land Titles

The applicant has claimed ownership of the far rear of the backyards of the seven adjoining properties fronting Corley Drive, which claim is disputed by the residents of Corley Drive. The applicant has neglected to deal with this issue for the past 18 months and, as a result, the ownership dispute will not be addressed until after the public meeting. The dispute outcome will establish the zoning boundary and the lot lines for the condominium. If the boundary remains undetermined, the strip of land in dispute will result in a lot area contrary to both existing and proposed zoning.

Natural Environment

The previous developer removed the natural understorey of the subject lands, including on most of the ESA. The applicant is seeking the use of the Medway Valley Heritage Forest ESA for recreational uses by the condominium owners, including a barbecue/fire pit, etc. Any development of this site for dwellings or recreational uses will have an impact on the ESA. Monitoring by the neighbours would be an extraordinary burden to protect the ESA. The condominium and zoning amendment is contrary to the Provincial Policy Statement 2014, the City of London Official Plan policies, and the UTRCA policies to protect and enhance the ESA. Dedication of these lands as parkland to the City of London including a 6.0 m access from Windermere Road to the ESA and hazardous slopes.

Land Use Planning Character

The proposed flag shaped condominium of five units is contrary to the unique residential character of the area and sets an undesirable precedent given the many large estate lots in the area. Existing dwellings are sited on large lots with architecturally designed homes and extensive landscaping. They have presence on a public road, are outside of the ESA thereby establishing the character of the area. The proposed flag shaped lots are small, are hidden behind the existing dwelling, have no public street presence, limited

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landscaping and extensive paved areas. The proposed flag lots are not in keeping with the existing Corley Drive subdivision or with the existing dwelling to the west or with the Elsie Perrin Williams Estate. Any intensification of the site must be limited to the area immediately behind the existing dwelling serviced with gravity sanitary sewers.

Requested zoning by-law R6-3 and OS5 () regulations are contrary to the character of the surrounding area. Permitted uses of proposed zoning allow semi-detached and duplex dwellings; setbacks are reduced, density is 10 times existing; building coverage is increased; paved area is increased and landscaped open space is reduced. Furthermore the proposed private Open Space allows gazebo, benches chairs, trails and barbecue/fire pit in the ESA contrary to sound planning principles. The Community supports the recommendation to prohibit private use of the ESA and dedication of these lands to the City.

Municipal Servicing

The proposed storm water management system will not mimic the forest floor rates of infiltration or distribution because the introduction of roof tops and paved areas runoff concentrates the power of flowing water. Increasing erosion and decreasing infiltration will occur because the system outlet will result in increased volumes of runoff being concentrated at one location (rather than travelling across the entire property). The proposed system of an underground storage tank and surface stormwater system require dedicated management and monitoring to ensure function to the requirements. The underground storage tank will not operate properly during much of the winter when the intake is likely to be blocked with snow and ice. These issues are substantive risks and responsibilities to the condominium corporation and the City.

Secondly, the applicant has not submitted a sanitary servicing solution for the project. Access to Corley Drive is not available because the developer would need to secure a utility easement across private lands. The alternative is access to Windermere Road. A pumping station for the project is a significant risk to the City and the availability of gravity sewers has not been established. It is therefore premature to consider the application without confirmed access and capacity for gravity sewers to the new dwellings.

Other Drainage Issues

Based on existing neighbourhood experience to address significant ground water flows, there is extensive risk in altering these flows with new buildings roofs, pavement, foundations and basements. The construction of features on or near seeps \ subsurface flows, will likely divert already heavy groundwater flows into neighbours' backyards. No studies have been done to determine the impact of these issues on neighbouring properties, much less to mitigate resulting increased groundwater impacts.

Applications Premature Given Status

The Planning Department has acknowledged that a number of key reports have not yet been completed and/or accepted, including the Slope Stability Assessment, Hydrogeological and Stormwater Management technical reports, sanitary servicing report (as noted above), the required second Environmental Impact Study, etc. The MNR has not yet signed off on the proposed development. Until all of these issues have been finally been accepted by the responsible agencies, it is premature to consider the applications.

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The City, UTRCA, EEPAC and the community have committed extensive time and effort to express their value in the Medway Valley Heritage Forest ESA. Prior to any change in the site all of the above items must be addressed or the application must be refused. All agencies must be satisfied that development will have no impact on the ESA; be in character with the surrounding residential areas; be served with gravity sanitary and storm water sewers; and there is no dispute as to the property boundaries of the condominium lands.

The community will be making a presentation at the public meeting. Please ensure these comments are included in the consideration of both the zoning by-law amendment and the draft plan of condominium. We are requesting notice of any further public meeting related to either of the files. Please contact me should you have any questions.

Regards,



William Pol, MCIP, RPP
Principal Planner

cc. Councillor Matt Brown
Mayor Joni Baechler
Craig Smith, Senior Planner
Heather Lysynski, Secretary Planning and Environment Committee
Alan Patton
Patrick and Shannon Ambrogio
Aziz and Irene Gadalla
Alec and Lisa Bildy
Hesham and Amany Abdelsayed
Shih-Fen and Ming-Lin Chen
Jamil and Siham Barakat
Catherine Anne McKenzie
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