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File #OZ-7912
M. Tomazincic

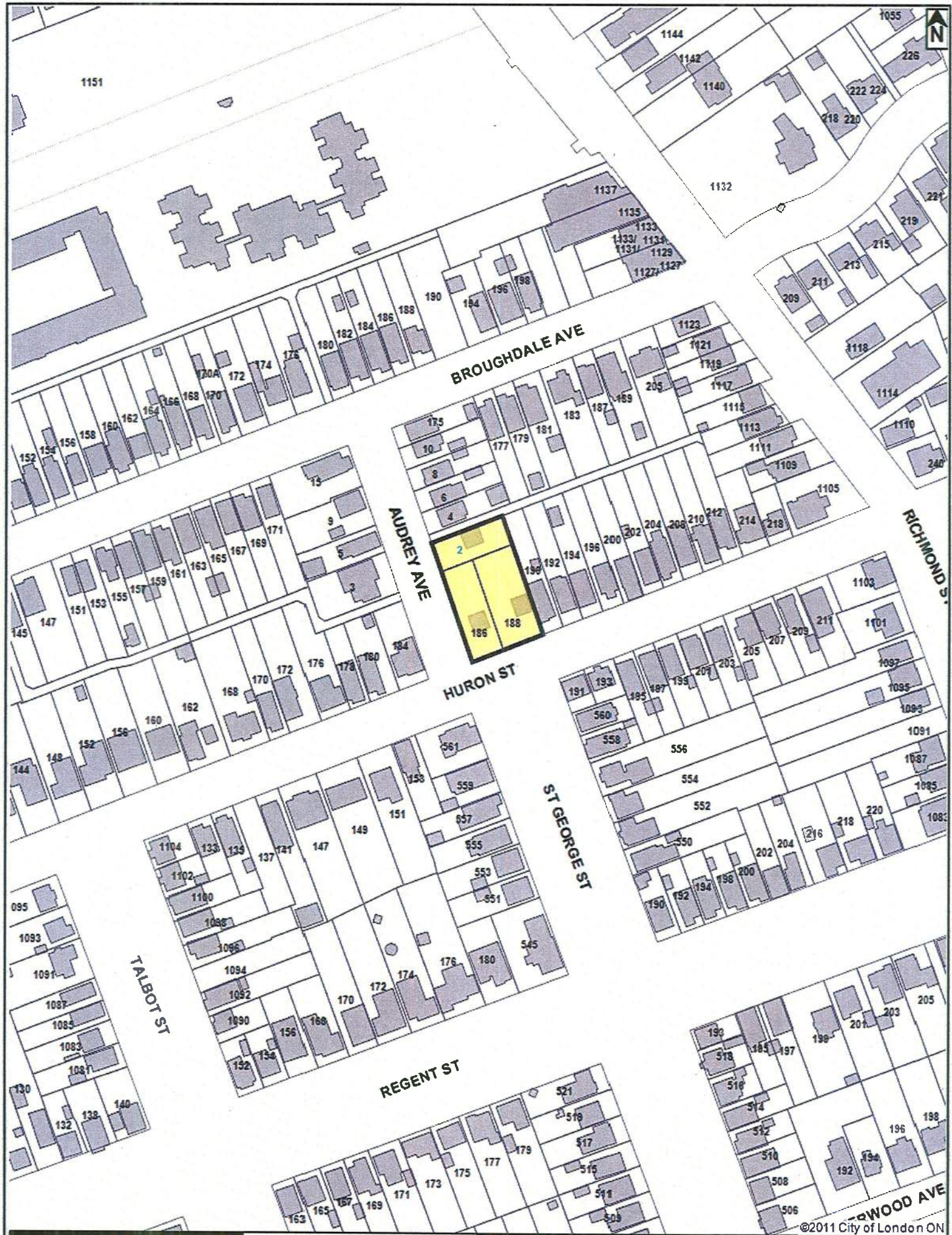
TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: KAP HOLDINGS INC 186-188 HURON STREET AND 2 AUDREY AVENUE PUBLIC PARTICIPATION MEETING ON MONDAY, SEPTEMBER 26, 2011 @ 8:30PM

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the application of KAP Holdings Inc relating to the properties located at 186-188 Huron Street and 2 Audrey Avenue:

- (a) the request to amend the Official Plan to change the designation of the lands at 186-188 Huron Street and 2 Audrey Avenue **FROM** Low Density Residential which allows single detached dwellings, semi-detached dwellings, duplex dwellings, and converted dwellings (to a maximum of 2 dwelling units) **TO** a Policy for Specific Area (Chapter 10) to permit stacked townhouses with a maximum of 56 bedrooms in addition to the permitted uses in the Low Density Residential designation **BE REFUSED** for the following reasons: the requested amendments are not consistent with the policies of the *Provincial Policy Statement, 2005* which encourage efficient development and land use patterns which sustain the financial well-being of the municipality; ii) the requested amendments are not consistent with the Residential Intensification policies of the Official Plan; iii) the requested amendments are not consistent with the intent of the North London/Broughdale Neighbourhood Special Official Plan Policies which exist in this area to promote neighbourhood stability; iv) the requested amendments a constitute "spot" designation for a site that is not unique and does not have any special attributes which would warrant a site specific amendment; and, v) the requested amendments are contrary to a decided matter of Council and an OMB ruling; and,

- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the lands at 186-188 Huron Street and 2 Audrey Avenue **FROM** a Residential R1 Special Provision (R1-5(3)) Zone which permits one single detached dwelling per lot subject to a special provision which restricts: maximum floor area; maximum floor area ratio; the minimum rear yard depth; and, the location of parking areas **TO** a Residential R5 Special Provision (R5-7()) Zone to permit Cluster Stacked Townhouse dwellings subject to a special provision to: restrict the maximum number of bedrooms to 4 per dwelling unit; reduce the minimum parking space requirements to permit a total of 14 spaces; increase the maximum density to permit 82 units per hectare; and, reduce the maximum front yard and exterior side yard setbacks to 4.5 metres **BE REFUSED** for the following reasons: i) the requested amendments are not consistent with the policies of the *Provincial Policy Statement, 2005* which encourage efficient development and land use patterns which sustain the financial well-being of the municipality; ii) the requested amendments are not consistent with the Residential Intensification policies of the Official Plan; iii) the requested amendments are not consistent with the intent of the special Zoning regulations which exist in this area to regulate residential intensity; iv) the requested amendments constitute "spot" zoning for a site that is not unique and does not have any special attributes which would warrant a site specific amendment; and, v) the requested amendments are contrary to a decided matter of Council and OMB ruling.








0 metres 100 200 300 400

LOCATION MAP

Subject Site: 186-188 Huron St
 Applicant: KAP Holdings Inc.
 File Number: OZ-7912
 Planner: Michael Tomazincic
 Created By: Michael Tomazincic
 Date: 2011-05-19
 Scale: 1:2000

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



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PREVIOUS REPORTS PERTINENT TO THIS MATTER

December 12, 2005 Report to Planning Committee – 186 & 188 Huron Street – This report recommended that the request to amend the Official Plan and Zoning By-law to permit 2 duplexes and 2 triplexes on the subject site be refused.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The requested amendment is to facilitate the demolition of the 3 existing single detached dwellings and construct seven, 2-unit stacked townhouses with four bedrooms in each (14 total units with 56 total bedrooms). The recommendation is to refuse the requested amendments.

RATIONALE

1. The requested amendments are not consistent with the policies of the *Provincial Policy Statement, 2005* that encourage efficient development and land use patterns which sustain the financial well-being of the municipality; accommodate an appropriate range and mix of land uses; and, promote cost-effective development standards to minimize land consumption and servicing costs.
2. The requested amendments are not consistent with the Residential Intensification policies of the Official Plan which require that residential intensification proposals in this area be sympathetic to the existing context and adhere to the North London/Broughdale Special Policies.
3. The requested amendments are not consistent with the North London/Broughdale Special Official Plan Policies and special Zoning regulations which have been adopted to direct residential intensity toward the arterial corridors and promote neighbourhood stability.
4. The requested amendments to the Official Plan and Zoning By-law would constitute “spot” designation/zoning and are not considered appropriate in isolation from the surrounding neighbourhood. The subject site is not unique nor does it have any special attributes which would warrant a site specific amendment to the Official Plan and Zoning By-law.
5. The requested amendments to facilitate the construction of a 14-unit stacked townhouse development are contrary to a decided matter of Council and an OMB ruling which stated that a previous 10-unit residential development proposal represented an “over-intensification of the site”.

BACKGROUND

Date Application Accepted: 09 May 2011

Agent: IBI Group (Wil Pol)

REQUESTED ACTION: Possible amendment to the Official Plan **FROM** a Low Density Residential Designation which permits single detached dwellings, semi-detached dwellings, duplex dwellings, and converted dwellings (to a maximum of 2 dwelling units) **TO** a Special Policy (Chapter 10 – Policies for Specific Areas) to permit stacked townhouses with a maximum of 56 bedrooms in addition to the uses permitted in the Low Density Residential designation.

Possible amendment to the Zoning By-law Z.-1 **FROM** a Residential R1 Special Provision (R1-5(3)) Zone which permits one Single Detached dwelling per lot subject to a special provision which: restricts the maximum floor area and floor area ratio; limits the minimum rear yard depth; restricts where parking areas are permitted; and, provides alternative parking standards **TO** a Residential R5 Special Provision (R5-7()) Zone to permit Cluster Stacked Townhouse dwellings subject to a special provision to: restrict the maximum number of

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bedrooms to 4 per dwelling unit; reduce the minimum parking space requirements to permit 14 spaces; increase the maximum density to permit 82 units per hectare; and, reduce the maximum front yard and exterior side yard setbacks to 4.5 metres.

SITE CHARACTERISTICS:

- **Current Land Use** –Single Detached Dwelling
- **Frontage** – 186 Huron – Approximately 13.4 metres(44.0 feet)
 – 188 Huron – Approximately 18.3 metres (60.0 feet)
 – 2 Audrey – Approximately 13.1 metres (43.0 feet)
- **Depth** – 186 Huron – Approximately 41.2 metres (135.2 feet)
 – 188 Huron – Approximately 41.2 metres (135.2 feet)
 – 2 Audrey – Approximately 31.7 metres (104.0 feet)
- **Area** – 186 Huron – Approximately 543.0 square metres (5,844.8 square feet)
 – 188 Huron – Approximately 760.0 square metres (8,180.6 square feet)
 – 2 Audrey – Approximately 415.0 square metres (4,467.0 square feet)
- **Shape** - Rectangular

SURROUNDING LAND USES:

- **North** – Single Detached Dwelling
- **South** – Single Detached Dwelling
- **East** – Single Detached Dwelling
- **West** – Single Detached Dwelling

OFFICIAL PLAN DESIGNATION: (refer to map on page 5)

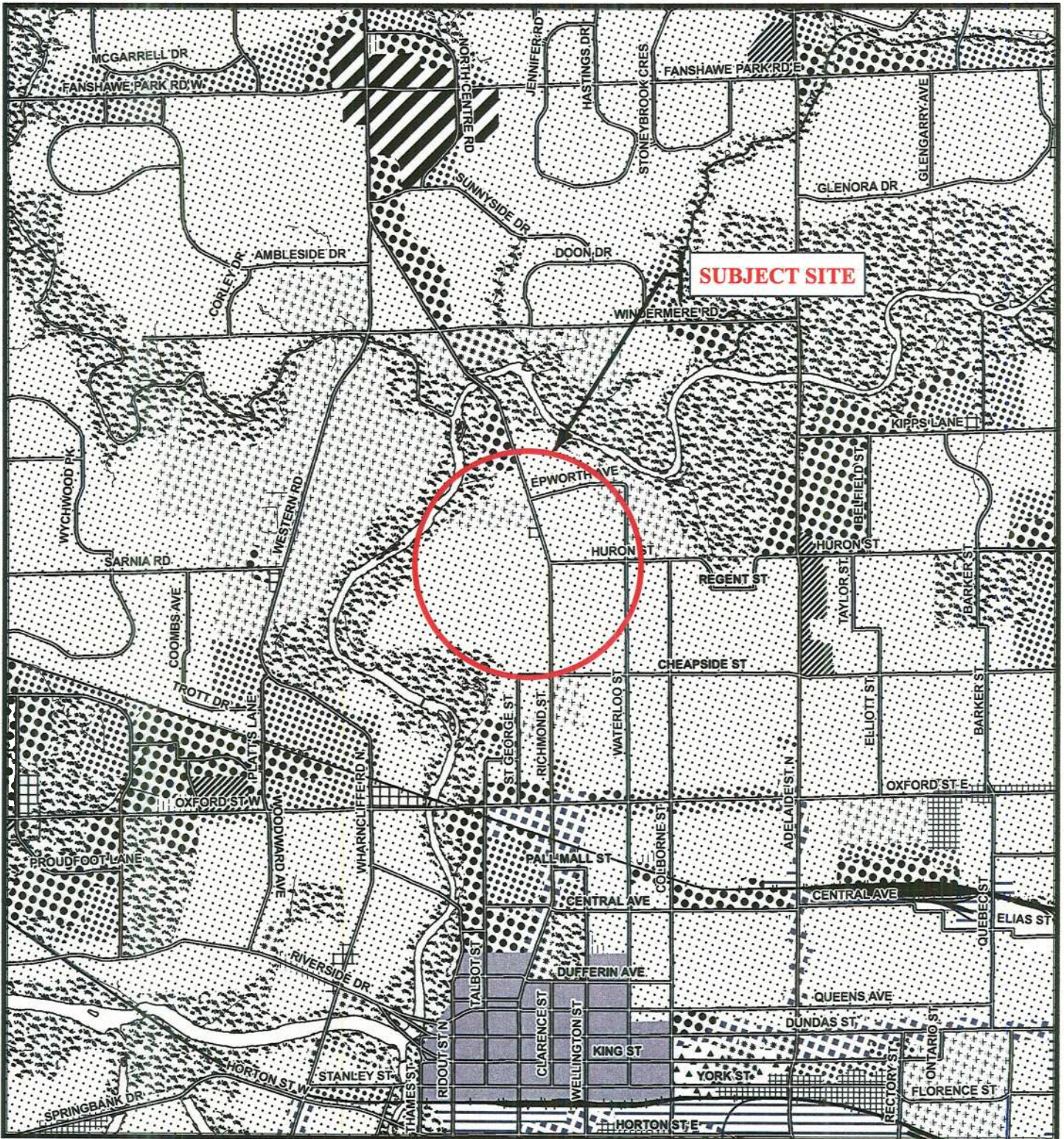
LOW DENSITY RESIDENTIAL – The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of the Official Plan and provided they do not exceed a density of 30 units per hectare.

NORTH LONDON/BROUGHDALE SPECIAL POLICY AREA – Multiple unit residential development is directed to those areas within the Oxford, Richmond and Adelaide Street North corridors that are designated Multi-Family, High and Multi-Family, Medium Density Residential. For Low Density Residential areas located outside of the Richmond and Adelaide Street North corridors, conservation and rehabilitation of the existing housing stock shall be encouraged. In keeping with the low-rise, low density character of these areas, residential uses will be restricted to single detached, semi-detached, duplex and converted dwellings (to a maximum of 2 units).

EXISTING ZONING: (refer to map on page 6)

RESIDENTIAL R1 SPECIAL PROVISION (R1-5(3)) ZONE– The R1 Zone is the most restrictive residential zone, and provides for and regulates single detached dwellings. The variations which comprise the zone are differentiated on the basis of site requirements in order to provide for a range of lot sizes and dwelling styles. Zone variations R1-4 to R1-9 are zones to be applied to most suburban single dwelling developments.

The special provisions restrict the maximum floor area and floor area ratio for all dwellings; require that the minimum rear yard depth be 30% of the actual lot depth or 7.0 metres (whichever is greater); restrict parking to the required rear-yard depth where access is obtained from a lane and where there is no garage or carport located in the rear or side yard; and, require one parking space per 100m² of gross floor area (minimum 2 spaces).



Legend

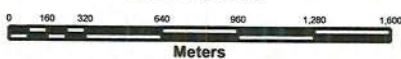
- | | |
|--|-----------------------------------|
| Downtown Area | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community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

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

PREPARED BY: Graphics and Information Services



Scale 1:30,000

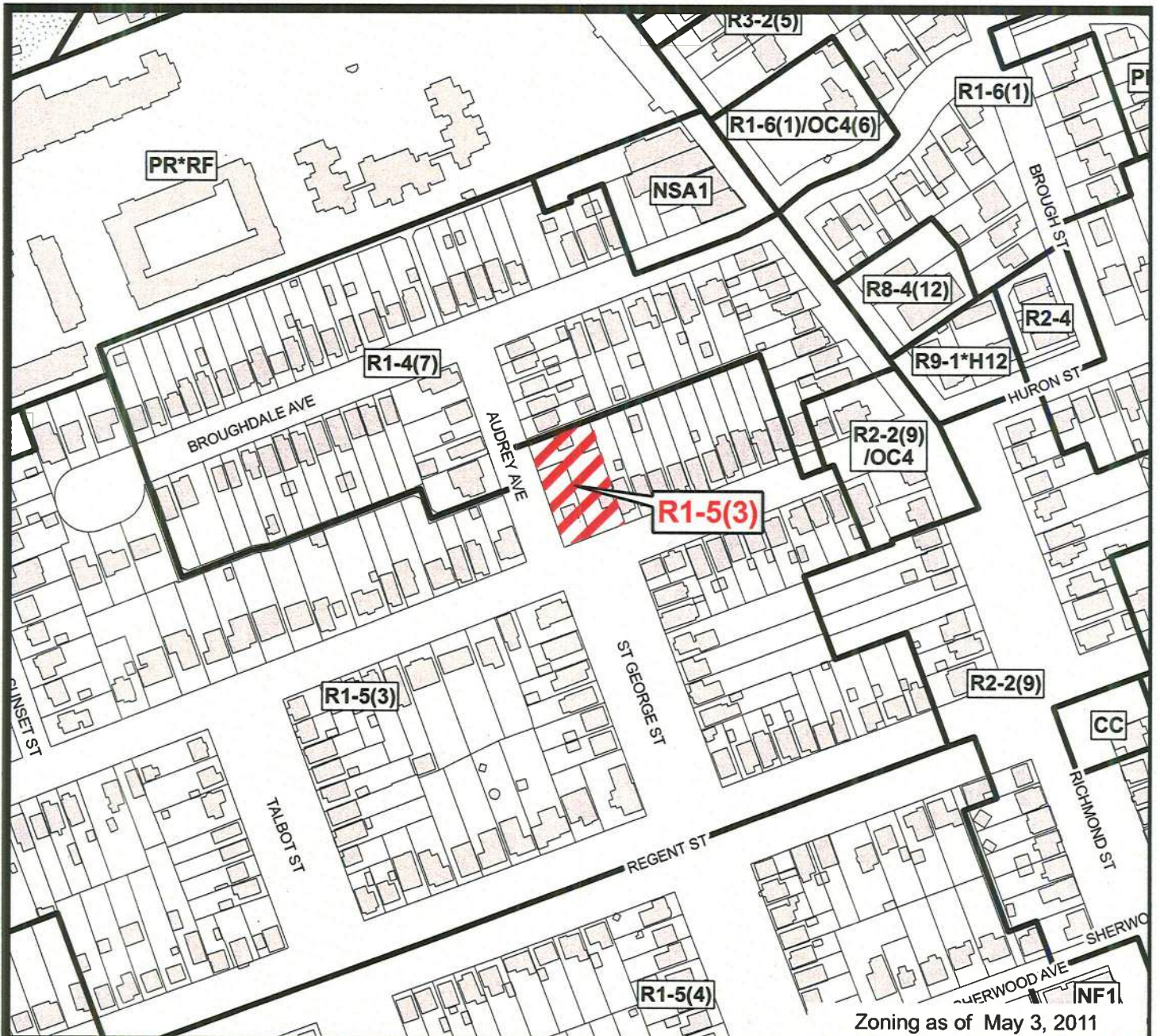


FILE NUMBER: OZ-7912

PLANNER: MT

TECHNICIAN: CK

DATE: 2011 May 20



Zoning as of May 3, 2011



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-5(3)

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

2)  **ANNEXED AREA APPEALED AREAS**

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z-1

SCHEDULE A



FILE NO:

OZ-7912

MT

MAP PREPARED:

2011/05/20

CK

1:3,000

0 15 30 60 90 120

Meters

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PLANNING HISTORY

188 Huron Street – Request to Create 2 Residential Lots – November 1994

On December 21, 1994, the London Committee of Adjustment issued a Final Decision for 188 Huron Street refusing to grant variances that would facilitate the severance of this single residential lot into 2 residential lots. The requested variances were to permit 2 new lot frontages measuring 9.14 metres each, whereas the Zoning By-law requires 12.0 metres, and interior side lot setbacks measuring 1.2 metres each, whereas the Zoning By-law required 3.0 metres (see figure 1 below). In its decision, the Committee of Adjustment was of the opinion that the variances requested were not minor and not desirable for the appropriate development of the land and were not in keeping with the general intent and purpose of the Zoning By-law or the Official Plan.

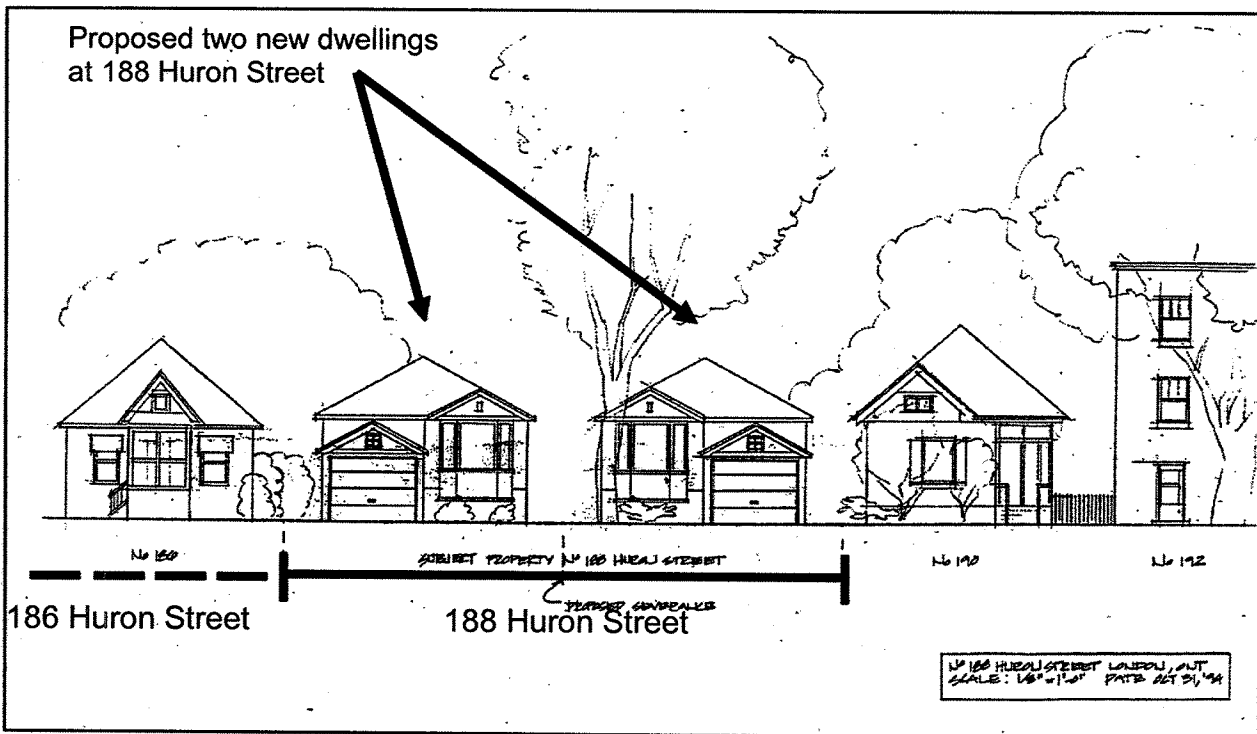


Figure 1 – Proposed two new dwellings at 188 Huron Street

186-188 Huron Street – Request to Create 4 Residential Lots – July-August 2005

On August 8, 2005, the London Consent Authority issued a Notice of Final Decision for the lands at 186 and 188 Huron Street to conditionally grant consent (severance) for the creation of four residential lots. The proposed lot fabric was to consist of 2 new residential lots fronting Audrey Avenue and 2 retained lots fronting Huron Street and the creation of a right-of-way to establish a mutual driveway between the Audrey Avenue lots (see figure 2 below).

The policies of the Official Plan require that any new lots created through consent in the North London/Broughdale Neighbourhood shall be in conformity with the minimum zoning requirements and in keeping with the established lot pattern (in terms of frontage, depth, and overall size) of the surrounding area. The dimensions and lot pattern of these proposed residential lots conformed to the minimum regulations of the Zoning By-law and therefore met the intent of Official Plan policy. As a result, the Planning Division did not oppose the creation of these proposed lots, under the assumption that the lots would be developed for Single Detached Dwellings which conformed to the specific Zoning regulations that limited the maximum floor area and floor area ratio.

The severance of 2 residential lots into 4 lots effectively facilitated intensification by a factor of 100%.

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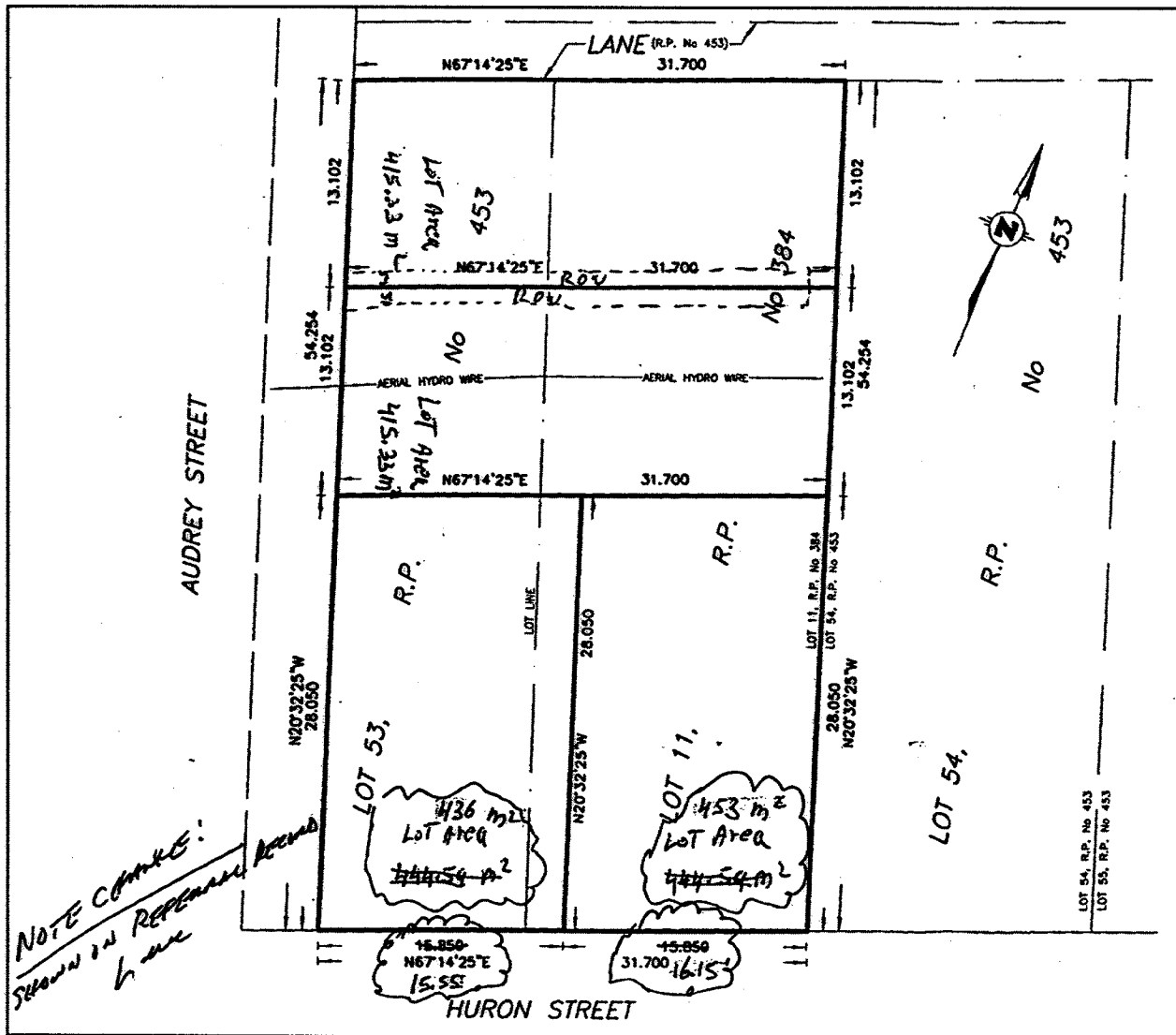


Figure 2 – Proposed lot fabric of 4 new residential lots

The final creation of the 4 proposed residential lots was subject to the applicant satisfying twelve conditions. Subsection 53(41) of the *Planning Act* requires that the conditions be fulfilled within a period of one year otherwise the application for consent shall be deemed to be refused.

Application for Official Plan & Zoning By-law Amendment – September-December 2005

In September 2005, the applicant submitted requests to amend the Official Plan and Zoning By-law to permit the development of 2 duplexes and 2 triplexes on the newly approved lots for a total of 10 new residential dwelling units where 2 had previously existed. The duplexes were proposed to be constructed on the 2 new Audrey Avenue lots and the 2 triplexes were proposed to be constructed on the 2 retained Huron Street lots.

The Official Plan special policies for this area (North London/Broughdale Neighbourhood) anticipate that there will be demand for residential intensification and infill in this area and seek to direct future residential development to suitable locations to protect the low rise, low density character of this residential community. The special policies limit the form of new residential development to single detached, semi-detached, duplex or converted dwellings (maximum 2 dwelling units).

The requested Official Plan amendment sought to modify the North London/Broughdale Neighbourhood special policies by adding a sentence which read, "Within the portion of the community at the northeast corner of Huron Street and Audrey Avenue, triplex dwellings in a single family house form may also be permitted." The requested Zoning By-law amendment sought to apply the standard R2-6 Zone for the Audrey Avenue properties and the standard R3-

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4 Zone for the Huron Street properties to facilitate the development of the duplexes and triplexes, respectively. The significance of the request to apply the standard zones (aside from the request to change the permitted uses) is that the special regulations which have been applied to the North London/Broughdale area to promote neighbourhood stability, such as maximum floor area and floor area ratios, were requested to be deleted from these lands.

Planning Staff recommended refusal of the requested amendments and on December 19, 2005 Council resolved that the requested Official Plan and Zoning By-law amendments be refused for the following reasons:

- The subject properties are located a block west from the Richmond Street corridor, are well within the interior of the neighbourhood, and have frontage and access on local streets. There is nothing particularly unique nor are there any special attributes which would warrant a site specific amendment to the Official Plan policies for this area.
- The requested amendments to the Official Plan and Zoning By-law would constitute "spot" zoning, and are not considered appropriate in isolation from the surrounding neighbourhood.
- The current Official Plan policies and zoning for this area are appropriate, promote neighbourhood stability, and allow redevelopment of residential properties in a manner which is compatible with the surrounding neighbourhood.

Ontario Municipal Board Appeal & Lapsing of Consent – March-August 2006

On March 3, 2006, the solicitor for the applicant appealed to the Ontario Municipal Board (OMB) Council's refusal to amend the Official Plan and Zoning By-law. The hearing commenced on July 16th, 2006 and the decision was rendered on August 4th, 2006.

The OMB dismissed the appeals, thereby upholding Council's decision, and agreed with the City of London Planning Staff opinion that, "...the contemplated development [of two duplexes and two triplexes for a total of 10 residential units] is an over-intensification of the site". In its decision, the OMB highlights three key findings:

- The floor area ratios which apply to the lands around UWO are intended to apply to a variety of developments including the duplex and triplex dwellings proposed by the applicant. To permit the proposed development without floor area ratios established by the City would be entirely inconsistent with the City's attempt to promote neighbourhood stability.
- There was considerable discussion concerning the precedent setting nature of the proposed development and whether there would be an impact to the neighbourhood as a result of the proposed development. In the view of the OMB, if the proposed development were approved, reasonable expectations would be created in the minds of many investors that developments similar to or identical with the proposal would be approved in the future. In other words, the proposed development would effectively rezone the entire area without the level of public participation required by the *Planning Act*.
- In the view of the OMB, the proposed development will generate additional safety and privacy issues.

(Ontario Municipal Board – PL060185. Decision/Order No.: 2218 p. 4-5.)

On August 8th, 2006, four days after the OMB issued its decision and one year from the date the Notice of Final Decision for the consent to sever 186 and 188 Huron Street was issued, the consent for the lands at 186 and 188 Huron Street lapsed as a result of the conditions remaining unfulfilled.

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186-188 Huron Street – Request to Create 3 Residential Lots – December 2006-April 2007

On April 17, 2007, the London Consent Authority issued a Notice of Final Decision for the lands at 186 and 188 Huron Street to conditionally grant consent (severance) for the creation of three residential lots. The proposed lot fabric was to consist of 1 new lot fronting Audrey Avenue and 2 retained lots fronting Huron Street (see figure 3 below).

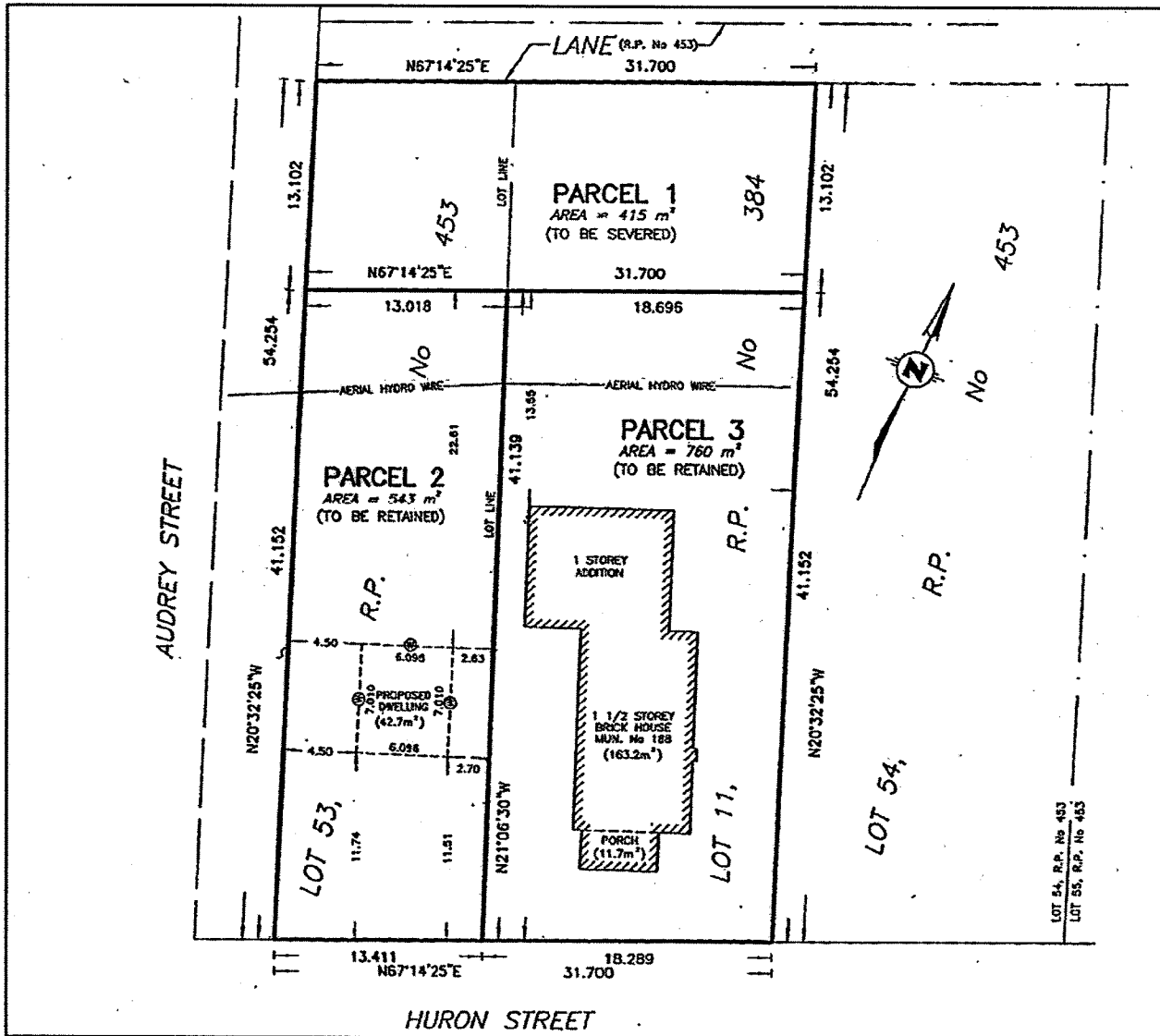


Figure 3 – Proposed lot fabric of 3 new residential lots.

Similarly to the previous request for consent to sever, the dimensions and lot pattern of the proposed lots conformed to the minimum regulations of the Zoning By-law. As a result, the Planning Division also did not oppose the creation of these 3 proposed residential lots. The conditions of consent were subsequently fulfilled and these 3 residential lots now form the lot fabric that exists to date.

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Building Construction – October 2006-April 2007

Between October 2006-April 2007 a total of 3 building permits were issued for the construction of 1 single detached dwelling on each of the newly created lots. Although the dwellings were constructed in conformity with the regulations of the Zoning By-law, their architectural style, building footprint, height, siting on the lot, and building orientation were not consistent with the character of the existing built form of the surrounding neighbourhood (see figure 4 below). These buildings were constructed to serve as a single unit within a future multi-unit development such as duplexes or triplexes (Ontario Municipal Board–PL070569.Issue Date Feb 4, 2009 p.9).



Figure 4 – Existing single detached dwellings (view facing north at the terminus of Saint George Street)

Request to Create Additional Residential Lot & Request for Minor Variances – June 2007

On June 25, 2007, the London Consent Authority issued a Notice of Final Decision for the lands at 186 and 188 Huron Street and 2 Audrey Avenue to *refuse* the consent (severance) for the creation of an additional residential lot (for a total of 4 residential lots from the original pre-2005 lot fabric) between the dwellings at 186 and 188 Huron Street (see 'B' in figure 5 below) as well as a right-of-way and servicing easement from Audrey Avenue along the rear of the Huron Street lots to accommodate a parking area associated with all of the existing and proposed structures as well as for potential future development. The reasons for refusal were based on the following criteria:

- The proposal is contrary to the Official Plan policies under section 3.5.9 regarding Residential Intensification and Infilling
- The proposal is contrary to the Official Plan policies under section 19.7.1 as the Ontario Municipal Board's decision for the Zoning By-law Amendment was appealed to the Ontario Divisional Court (Superior Court)

The latter criterion was based on the fact that the OMB decision issued on August 4th, 2006, had been appealed by the applicant to the Ontario Divisional Court. As a result, Planning Staff believed that any land use decisions on the subject site was premature until the Ontario Divisional Court rendered a verdict.

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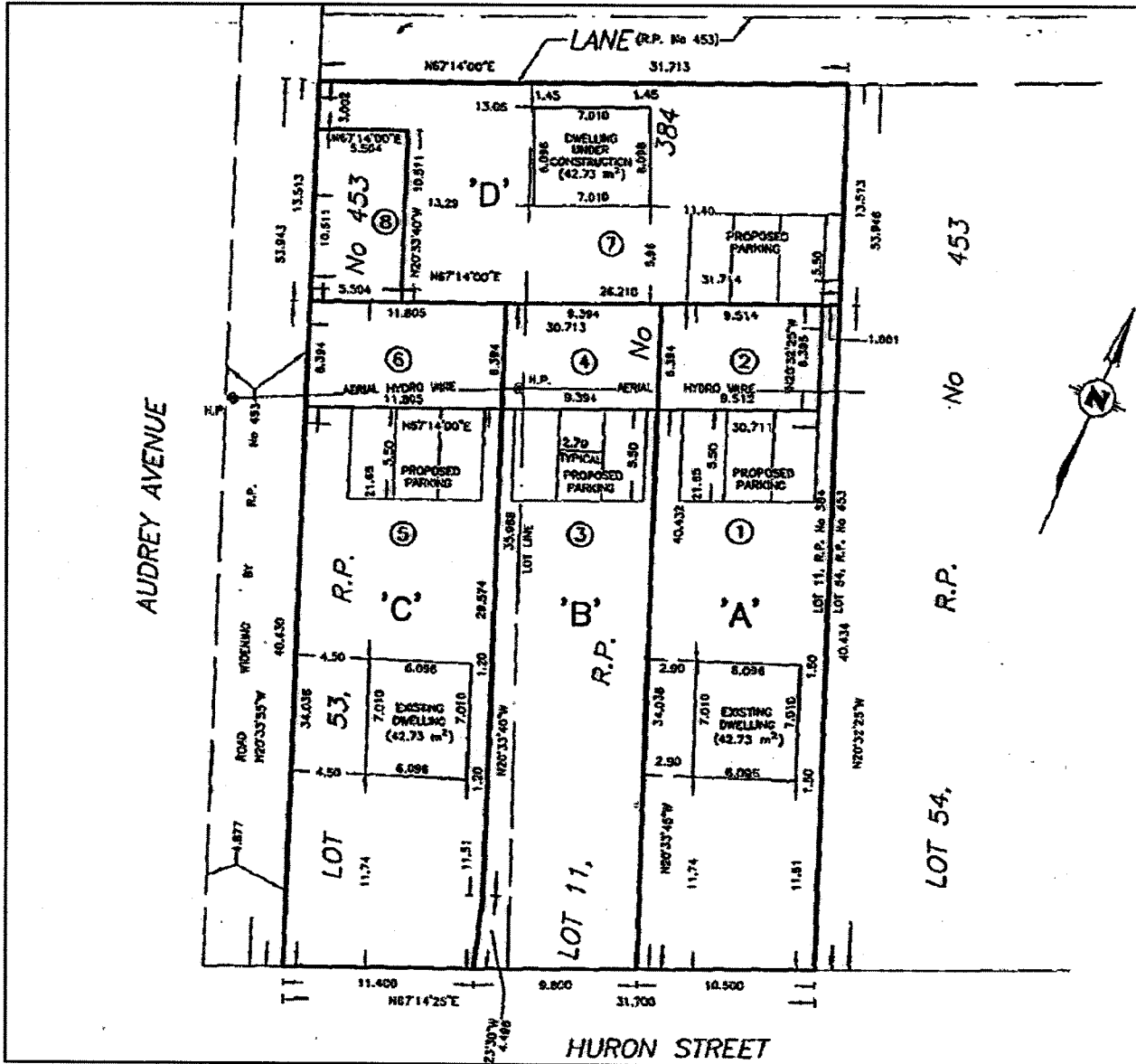


Figure 5 – Proposed lot fabric of 1 new additional residential lot (depicted as lot 'B')

Unlike the previous requests for consent to sever, the dimensions and lot pattern of the proposed residential lots did *not* conform to the minimum regulations of the Zoning By-law and required several minor variances in order to conform. This was inconsistent with Official Plan policy which requires that any new lots created through consent will be in conformity with the minimum zoning requirements, and in keeping with the established lot pattern in the surrounding area. As a result, the Planning Division did not support the creation of this additional residential lot.

Furthermore, this request for the creation of an additional lot was submitted after the construction of the existing dwellings had commenced. It was the opinion of Planning Staff that the construction of an additional similar dwelling on a newly created lot would further detract from the surrounding residential built form and aesthetics of the area and would exacerbate the concerns resulting from the construction of the existing dwellings.

To facilitate the creation of the proposed additional residential lot, the applicant required minor variances to reduce the minimum lot frontage of the existing Huron Street lots. This further deviated from the existing lot pattern by attempting to reduce 2 residential lots that conformed to the regulations of the Zoning By-law to create 3 lots that did not.

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The requested minor variances were to permit a lot frontage of 11.4 metres for 186 Huron Street (Parcel 'C'), a lot frontage of 9.8 metres for the new proposed lot (Parcel 'B'), and a lot frontage of 10.5 metres for 188 Huron Street (Parcel 'A') whereas the Zoning By-law requires a minimum lot frontage of 12.0 metres for each. A variance was also required to permit a lot area of 380 m² for the new proposed Lot 'B', whereas the Zoning By-law requires a minimum of 415m², in addition to the variances required for a right-of-way easement from Audrey Avenue and a servicing easement to service potential future development.

On June 25th, 2007 a Notice of Decision was issued by the London Committee of Adjustment refusing the requested minor variances on the basis that the request fails to meet the four tests of a minor variance as prescribed by the *Planning Act*.

It is noteworthy that the applicant had previously demonstrated that 4 residential lots could be created on the subject site in conformity to the regulations of the Zoning By-law without the benefit of a minor variance and in conformity to the policies of the Official Plan (see figure 2 above).

Ontario Municipal Board Appeal – January-February 2009

On July 6, 2007, the solicitor for the applicant appealed to the Ontario Municipal Board (OMB) the refusal to grant consent to sever as well as the refusal to grant the accompanying minor variances required to create the new residential lot. The hearing was scheduled to commence on November 7th, 2007 but the matter was adjourned on September 20th, 2007. The OMB Hearing was subsequently rescheduled to commence on January 14th, 2009 and the decision was rendered on February 4th, 2009.

The OMB dismissed the appeals, thereby upholding the decisions of the London Consent Authority as well as the London Committee of Adjustment. The OMB accepted the evidence of the City of London Planning Staff that, "...the built form recently constructed on the site is not in keeping with the character of the built form found in the immediate area." In its decision, the OMB highlights four key findings:

- The request for a consent for a servicing easement is not consistent with sound municipal infrastructure planning and should not be approved given that piped services are available on both Huron Street and Audrey Avenue and the request is contrary to the City's connection policy found in its Drainage By-law.
- The request for consent to create a parking right-of-way easement is not good planning given that individual driveways servicing individual single detached dwellings would be more in keeping with the character of the neighbourhood.
- In assessing the impacts and conformity of the proposed new lot, the built form for the proposed new lot is not compatible with or in conformity with the Official Plan objective to see intensification take place that would promote an attractive and cohesive neighbourhood.
- There is no merit in the proposal that would require the reduction in the minimum frontage requirements of the Zoning By-law for 2 existing lots on Huron Street and the creation of a new lot between them when 4 single detached lots could be developed on the site in full compliance with the requirements of the Zoning By-law.

(Ontario Municipal Board–PL070569.Issue Date Feb 4, 2009 p.12-13)

The OMB found that the variances did not meet the tests set out in the *Planning Act* in that they do not maintain the general intent of the City of London's Official Plan and the Zoning By-law regulations covering the North London/Broughdale Neighbourhood. If the variances were granted, they would result in inappropriate development that is not in keeping with the established character of this part of the City.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro

This site is presently serviced by London Hydro. The new building is to be sub-fed from the existing service. Contact Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense.

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An easement was prepared April 2007 by KAP Holdings over this development but never registered. London Hydro has no objection to this proposal on the condition that the blanket easement for this property is completed.

Note: Transformation lead times are minimum 16 weeks.
Contact L.H. Engineering Dept. to confirm requirements & availability

Upper Thames River Conservation Authority (UTRCA)

AREA OF VULNERABILITY	VULNERABILITY SCORE	THREATS & CIRCUMSTANCES
Highly Vulnerable Aquifer (HVA)	6	Moderate & Low Threats

NOTE: At this time, certain activities on this property may be considered Moderate or Low Threats to drinking water.

Provincial Policy Statement (PPS, 2005)

Section 2.2.1 requires that:

“Planning Authorities shall protect, improve or restore the quality and quantity of water by: d) 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”

“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. This information is provided for the City’s consideration in moving forward on this application.

Urban Forestry

Urban Forestry has no comments on this application.

Urban Design Peer Review Panel (UDPRP)

Thank you for taking the time to meet with the Urban Design Peer Review Panel to discuss your company’s proposal for two multi-family residential buildings at 186/188 Huron Street & 2 Audrey St.

The Panel noted that this review forms part of the applicant’s Official Plan Amendment and Zoning Bylaw Amendment submission and that there are no area plans or urban design guidelines specific to the area of this application. The Chair noted that the applicant’s Design Brief as submitted did not meet the submission requirements of the Urban Design Brief Terms of Reference dated January 2009 in that no Site Plan, Elevations, Building Sections or Landscape Plan were submitted. The Applicant confirmed that a complete Urban Design Brief containing these illustrated materials would be submitted for review by the Panel at the time of Site Plan application.

The Panel noted that the location of the two proposed buildings and the resultant front yard setbacks from Huron Street and Audrey Street defines a strong pedestrian and urban design realm. The Panel further applauded the applicant’s intention conserve resources by donating the three existing residential buildings on the site to Habitat for Humanity in order that they may be deconstructed and their building materials reused.

The Panel has the following comments regarding the proposed development based on the documentation submitted to date:

1. Consolidate all 14 vehicular parking stalls to the rear of the two buildings and consider flipping the layout such that the parking stalls abut the existing east privacy fence. This

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revised layout a) is easier to access from Audrey Street via the laneway; b) relocates the vehicles away from the lower unit windows thus improving unit indoor air quality; c) eliminates vehicular overhang at the sidewalk proposed for the rear of the two buildings; and d) reduces damage to vehicles from pedestrian cross-site traffic

2. Add landscaping to provide a transitional buffer between the north and east end units of the proposed Huron and Audrey Street buildings respectively, and the building plane established by the existing neighbouring residential buildings on Huron and Audrey Streets;
3. Ensure that the existing wooden privacy fences to the east and northerly property lines do not extend forward of the limit of the proposed Huron and Audrey Street building planes;
4. Consider re-location of all lower unit entrances to the Huron and Audrey Street elevations to simplify wayfinding;
5. Further develop the front porches/terraces to encourage activities of daily living such as social interaction and street surveillance. Consider introduction of a low wall in lieu of the wooden guard to facilitate sitting;
6. Develop the pedestrian realm between the proposed buildings to encourage safe passage of residents from vehicular parking to unit streetscape entrances. Consider development of this area as an amenity space for unit tenants via the use of an open gated separation (in line with the Audrey streetscape building line), hard pervious paving, wood pergola and benches;
7. Consider incorporation of secure bicycle storage rooms within the entrance area of each stacked pair of units;
8. Consider the addition of a covered exterior secure bicycle storage area for visitors possibly in the vicinity of the amenity area outlined in item 6; and
9. Introduce sustainability measures such as pervious pavement to the vehicular parking area.

Parks Planning and Design

Parkland dedication has not been fully collected for the subject lands. It is to be noted that the applicant, at the time of building permit, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-9.

Transportation Advisory Committee

The TAC indicated its support, in principle, of the intensification of the proposed development, and would encourage bicycle parking be provided with any future development of the area.

Environmental and Engineering Services Department (EESD)

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Official Plan and Zoning By-law amendments application:

- EESD will require that all garages that face the front or exterior side yards to be located a minimum distance of 5.5 metres from the respective road allowance. This will ensure that the vehicles do not overhang and block the sidewalks on Huron Street and/or Audrey Avenue.
- The applicant will be required to cut and cap the existing water services at the municipal watermain as part of the demolition. Further, the applicant will be required to provide a new water service and new water meter for each new building, all to the satisfaction of the Water Engineering Division and to the satisfaction of the City Engineer.

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The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

PUBLIC LIAISON:	<p>On May 20, 2011, Notice of Application was sent to 111 property owners in the surrounding area. Notice of Application was also published in the "Living in the City" section of the London Free Press on Saturday, May 21, 2011. On September 7, 2011, Notice of Public Meeting was sent to 115 property owners in the surrounding area. Notice of Public Meeting was published in the "Living in the City" section of the London Free Press on Saturday, September 10, 2011.</p>	<p>54 Responses 48 Opposed 2 Conditionally Support 1 Support 3 Requested Additional Info</p>
<p>Nature of Liaison: Possible amendment to the Official Plan FROM a Low Density Residential Designation which permits single detached; semi-detached; and duplex dwellings as primary permitted uses and multiple attached housing, such as row housing, as secondary permitted uses up to a maximum density of 30 units per hectare TO a Special Policy (Chapter 10 – Policies for Specific Areas) to permit stacked townhouses with a maximum of 56 bedrooms in addition to the uses permitted in the Low Density Residential designation. Possible amendment to the Zoning By-law Z.-1 FROM a Residential R1 Special Provision (R1-5(3)) Zone which permits one Single Detached dwelling per lot subject to a special provision which: restricts the maximum floor area and floor area ratio; limits the minimum rear yard depth; restricts where parking areas are permitted; and, provides alternative parking standards TO a Residential R5 Special Provision (R5-7()) Zone to permit Cluster Stacked Townhouse dwellings subject to a special provision to: restrict the maximum number of bedrooms to 4 per dwelling unit; reduce the minimum parking space requirements to permit 14 spaces; increase the maximum density to permit 82 units per hectare; and, reduce the maximum front yard and exterior side yard setbacks to 4.5 metres.</p>		
<p>Responses: 54 Responses Received (See Appendix "A")</p> <p>48 Opposed to the proposed application. Reasons cited in opposition include:</p> <ul style="list-style-type: none"> • Concerns about the over-intensification of the subject site • the ability of the site to accommodate the requested level of intensity • Concerns were raised about the request to reduce parking for a development that is expected to accommodate 56 people • Concerns were raised about the ability of the municipal infrastructure to accommodate the requested development proposal • Residents were concerned about the impact to the character of the Broughdale community • The requested amendments constitute "spot" zoning on lands that are not unique within this neighbourhood • The proposed development could result in a precedence being set for the remaining properties that have similar characteristics as the subject site • Residents were concerned about the neighbourhood impacts that may result from the proposed development including noise, garbage, and traffic • Concerns were raised about the lack of an on-site property manager to address impacts related to property maintenance, noise, garbage • Questions were raised regarding the legitimacy of this application considering that a less intense form of residential development had previously been refused by Council and the Ontario Municipal Board 		

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2 Supportive (Conditionally) of the proposed application. Reasons cited include:

- Replacing the existing development with an attractive new development may be more beneficial to the community
- A development that is attractive, contains underground parking, and is professionally managed may empty the supply of substandard housing in the area and improve living conditions for the community

1 Supportive stating that the University should be supporting the development of new, quality housing for students

3 Callers requested General Information

Given the significant number of responses during the public consultation period, all written responses have been attached to this report as Appendix "A" to allow Municipal Council the opportunity to view the wide breadth of comments verbatim which cannot be sufficiently captured in the above summary.

ANALYSIS

Subject Site

The subject site is located on the northeast corner of the intersection of Huron Street and Audrey Avenue, which are both classified as Local Roads. Average Daily Traffic Volumes are not available for these portions of corridors.

The subject site is comprised of 3 residential lots having a combined approximate Huron Street frontage of 31.7 metres (104.0 feet), an approximate Audrey Avenue flankage of 54.3 metres (178.2 feet), and an approximate total lot area of 1,718.0 square metres (18,492.4 square feet). The site is designated Low Density Residential on Schedule A to the City of London Official Plan – Land Use – and is also located within the North London/Broughdale Neighbourhood special policy area.

The subject site is zoned to permit 1 single detached dwelling per lot and the subject site and surrounding land uses are consistent with this zone. The area also consists of a few legal non-conforming land uses such as a low-rise apartment building located 192 Huron Street (constructed in 1920) as well as two-unit converted dwellings that were permitted as a result of Bill 120, introduced in Ontario in 1994, which required municipalities to permit secondary units as-of-right in all single detached, semi-detached, and townhouse dwellings. The provincial government introduced Bill 20 in November 2005, which restored the municipalities' rights to regulate secondary units. However, these legal non-conforming land uses should be regarded as anomalies and should not be portrayed as being representative of the built form in the area.

Nature of the Application

The intent of this application is to demolish the existing 3 single detached dwellings to facilitate the construction of a cluster townhouse development comprised of 7 stacked townhouses, each with an upper and lower residential unit, with a maximum of 4 bedrooms in each (see figures 6 and 7 below). The requested development will result in a total of 14 new residential units with a total of 56 bedrooms.

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Figure 6 – Proposed Huron Street elevations (foreground) and Audrey Avenue elevations (background)

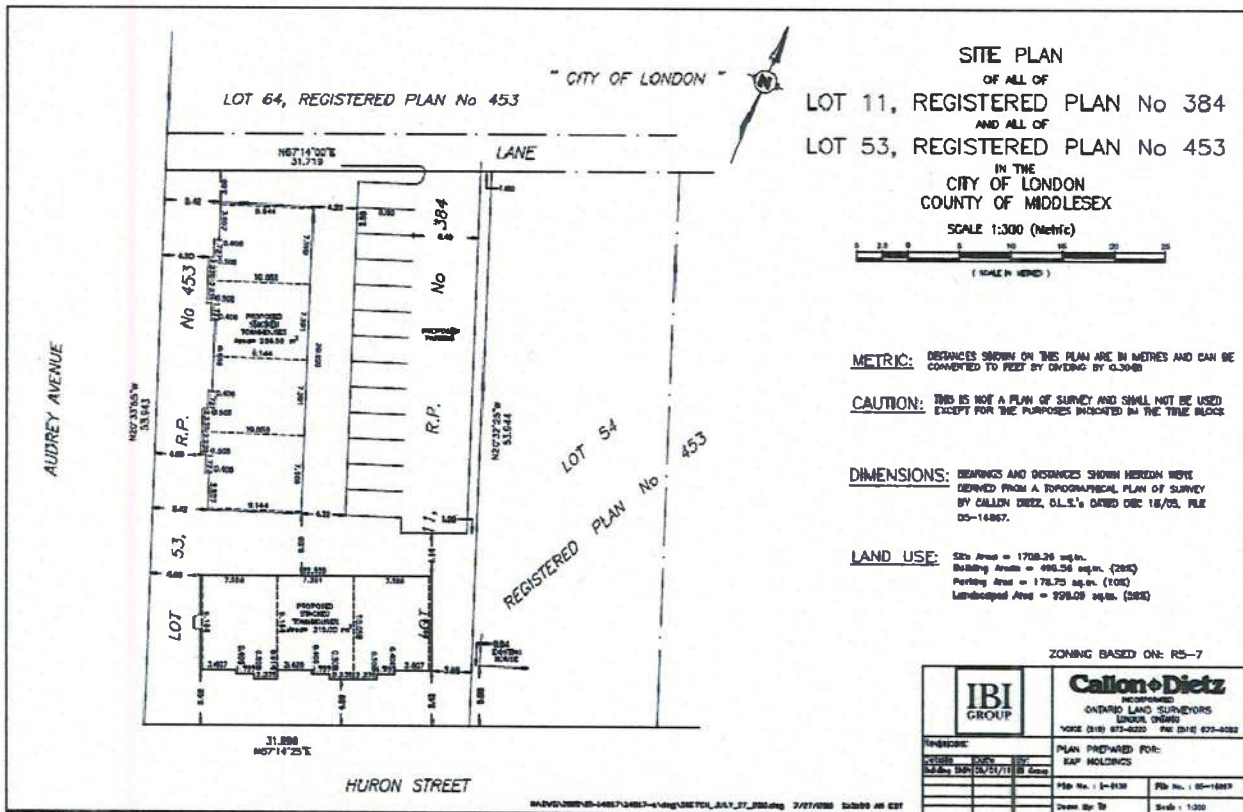


Figure 7 – Conceptual Site Plan proposed for the subject site

In order to facilitate the proposed development, Official Plan and Zoning By-law amendments have been requested to add a site specific Official Plan policy in addition to four site specific Zoning regulations to modify the current restrictions to the permitted uses and built forms which preclude the proposed development. The requested special Zoning regulations include: a reduction in the maximum number of bedrooms from 5 to 4 per dwelling unit; a reduction in the minimum parking space requirements to permit 14 spaces (whereas 21 spaces are required); an increase the maximum density to permit 82 units per hectare; and, a reduction in the maximum front yard and exterior side yard setbacks to 4.5 metres.

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Access to the proposed development is intended to be provided from the unassumed municipal laneway abutting the property to the north. The parking area is intended to be located in the rear yard of the subject site and screened by the proposed built form which is intended to be located in the front and exterior side yards, generally maintaining the existing street wall.

Provincial Policy Statement

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides some direction to this matter.

The policies of the PPS promote healthy, liveable and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodating an appropriate range and mix of land uses; and, promoting cost-effective development standards to minimize land consumption and servicing costs. However, the requested amendments to intensify the subject site do not promote healthy, liveable, and safe communities. Residential intensification in the interior the Low Density Residential areas near the University of Western Ontario have resulted in significant costs being borne by the Municipality. The Municipality allocates resources toward pro-active By-law Enforcement patrols in these neighbourhoods, there are increased demands for garbage removal, and the London Police Services undertakes Project LEARN twice a year in the near-campus neighbourhoods, which is the most expensive initiative in the London Police budget. These are due to the increasing pressures for maximizing the intensity of dwellings in the area.

The policies of the PPS require municipalities to *identify and promote* opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. It is important to note that this policy allows municipalities to use their own discretion to “*identify and promote*” the areas where intensification is to be directed and should not be interpreted as a requirement for municipalities to hastily approve all intensification proposals.

The City of London has fulfilled this PPS requirement by adopting special Official Plan policies for this area which identify and promote opportunities for intensification along the Richmond, Oxford, and Adelaide Street corridors and away from the low-rise, low density interior of the neighbourhood (see Official Plan Policies below) such as the subject site. Therefore, the Staff recommendation to refuse this request for Official Plan and Zoning By-law amendments is not inconsistent with the policies of the PPS. It is noteworthy that Planning Staff did support an application to double the permitted density of the subject site when an application to grant consent to sever the original 2 residential lots into 4 residential lots was approved in 2005. Planning Staff also supported an application to grant consent to sever the original 2 residential lots into the current 3 lot configuration. Planning Staff relied upon the City’s Official Plan policies which *identified and promoted* opportunities for intensification on the subject site in conformity with the policies of the PPS to support the creation of these 3 residential lots.

Lastly, the PPS requires that municipalities promote appropriate development standards which facilitate intensification, redevelopment, and compact form while maintaining appropriate levels of public health and safety. Official Plan Amendment No. 438 introduced significant modifications to the residential infill and intensification policies in conformity to this PPS policy. The Official Plan intensification policies introduce development standards which require that intensification proposals are appropriate by establishing criteria which ensure that the form, intensity, and character are compatible with the surrounding established neighbourhood.

While the PPS is generally supportive of residential infill and intensification, the policies of the PPS largely require that intensification goals and objectives be developed at the municipal level and are not intended to be used to justify all intensification proposals indiscriminately.

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Recent Policy Amendments and Council Resolutions

As part of the submission of a complete application, the applicant was asked to articulate the changing circumstances that would justify support for the current request for 14 stacked townhouse units whereas a previous request for 10 residential units was refused by Municipal Council, and the subsequent appeal to the OMB was dismissed on the basis that the proposed development represented an over-intensification of the site.

The applicant cited three significant policy changes since 2005 that would now merit the approval of the current application. These three policy changes, as articulated by the applicant, consist of:

- new Official Plan intensification policies which are intended to make more efficient use of existing municipal infrastructure, create more liveable, active and dense neighbourhoods and reduce the demand and pressure for greenfield development;
- the Great Near-Campus Neighbourhoods Strategy which was adopted with *“the goal of improving the behaviours of surrounding transient renters and improving maintenance, safety and design of dwellings/buildings near the college and university”*; and,
- a focus and priority on urban design with the purpose of creating building forms which are visually attractive, create pedestrian amenity at the ground level and complement surrounding built forms.

However, it should be noted that since 2005, when the previous request for an amendment to the Official Plan and Zoning By-law to permit 10 residential units was refused, Municipal Council has adopted the aforementioned policies and guidelines to further direct residential intensification projects toward appropriate forms and appropriate areas and not to support a development that has previously been deemed to be over-intensification. These policy changes are summarized below.

2006 Official Plan Review (Official Plan Amendment No. 438)

As part of the comprehensive Official Plan review, Council adopted new residential intensification policies that are intended to ensure that new residential intensification projects are compatible with the surrounding neighbourhood. The new policies now define *“residential intensification”* and *“underutilized lots”* to clarify that the goal of intensification is not to categorically approve of all development proposals ad-hoc, but is contextually based and implemented to complement the existing surrounding neighbourhood. The new residential intensification policies also clarify that where the subject site is within a specific residential area identified under policy 3.5, such as the North London/Broughdale Neighbourhood special policies, the residential intensification policies will supplement the specific policies, but will not supersede them. The former Official Plan policies did not make this distinction.

Great Near-Campus Neighbourhoods Strategy

On March 3, 2008, Council resolved that the report entitled *“Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges”* be received and be circulated to various stakeholders and interested parties for review. This initiative was subsequently rebranded to the Great Near-Campus Neighbourhoods Strategy.

The premise of this report is that there is a *“gap”* between the collective vision for the Near-Campus Neighbourhoods and the current state of affairs impacting these neighbourhoods. The Strategy is aimed at closing this gap.

The shared vision for these neighbourhoods includes:

- Neighbourhoods that are occupied by a balanced mix of long-term and short term residents
- A strong sense of social connectedness amongst neighbours
- Protection of residential amenity and character
- Reasonable expectations of quiet enjoyment of property
- Reasonable expectations of entertainment, expression, and diverse activities on private property

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However, the current state of affairs in the Near-Campus Neighbourhoods includes:

- Loss of residential amenity
- Over-intense use of single detached structures
- Over-intense development of 2,3,and 4 unit structures
- Poor maintenance of properties, vandalism, garbage, and other deteriorating conditions leading to disrespect of the neighbourhood
- Loss of balance between the composition of long-term and short-term residents on various streets
- Significant pressures on Municipality, Police, and University/College to solve problems
- Community fatigue as a result of continuously dealing with ongoing issues

Urban Design

Since 2005, the Municipality has placed more emphasis on the role Urban Design serves in adapting planning policy permissions to specific locational conditions. This application of Urban Design has become more prevalent given the provincial and municipal goal of intensifying existing urban areas to ensure that new residential developments located within established neighbourhoods enhance the surrounding area. However, Urban Design is contextually based to ensure that any new development is compatible with the existing built form and is not intended to be a substitute for an otherwise inappropriate development proposal.

Official Plan Policies

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The subject site is designated Low Density Residential and is located in the North London/Broughdale Neighbourhood special policy area which provides additional guidance for the development of lands in this neighbourhood. The applicant has applied for an amendment to Chapter 10 (Policies for Specific Areas) which, if approved, will effectively remove from the subject site the specific requirements of the current Low Density Residential and North London/Broughdale Neighbourhood special policies.

Low Density Residential Policies

The Low Density Residential designation is generally applied to lands that are primarily developed or planned for low-rise, low density housing forms including detached, semi-detached, and duplex dwellings. Where appropriate, some multiple-attached dwellings at densities similar to neighbouring detached units may be permitted. Policies in the Plan promote development which shall enhance the character of the surrounding residential area.

The policies contemplate the development of multiple attached dwellings, such as row houses or cluster houses provided they do not exceed a maximum density of 30 units per hectare. The policies also contemplate the development of multiple attached dwellings as part of an application for residential intensification provided the maximum density does not exceed 75 units per hectare and provided the development is in conformity with the Residential Intensification policies of the Official Plan. However, the application of these policies is contextually based and the maximum density is not intended to be permitted as-of-right.

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The request to construct the proposed cluster stacked townhouse development at a density of 82 units per hectare exceeds the uppermost limit prescribed by the Official Plan. In the Planning Justification Report submitted as part of this application, the applicant justifies the request for a density of 82 units per hectare on the basis that a 12-unit stacked townhouse development with 5-bedrooms in each unit would conform to the maximum density requirement of 75 units per hectare while creating a total of 60 bedrooms. Conversely, the request for a 14-unit stacked townhouse development with 4-bedrooms in each unit increases the proposed density to 82 units per hectare while reducing the total number of bedrooms to 56. However, this justification is somewhat spurious because it implies that a 12-unit stacked townhouse development is a permitted form of development and the proposal for a 14-unit stacked townhouse development is simply a minor modification to a proposal that would otherwise be permitted.

Although the applicant states that, *"The density proposed is aligned with the intensification policies of the Official Plan"*, the proposed density in fact exceeds the maximum. Furthermore, the residential intensification policies require that the *"Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area"* and, as a result, the maximum densities identified in the Official Plan are not intended to be interpreted to be an as-of-right entitlement.

Residential Intensification Policies

Residential intensification refers to the development of a property, site or area at a higher density than currently exists on the site through:

- redevelopment, including the redevelopment of brownfield sites;
- the development of vacant and/or underutilized lots within previously developed areas;
- infill development, including lot creation;
- the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- the conversion or expansion of existing residential

Clearly, the proposed development cannot be characterized as one of the latter three categories. Therefore, this analysis assumes that the proposed development is being categorized by the proponents as a "redevelopment" project or the development of an "underutilized site".

As previously mentioned, the Official Plan policies define *"underutilized lots"*, whereas the previous policies did not. This is an important factor given that the applicant cites as the basis for the requested amendments that, *"[The requested amendments] fulfill the definition of residential intensification...by redeveloping an existing underutilized lot in a developed residential area."* [Emphasis added] (IBI Group – Planning Justification Report).

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Figure 8 – Aerial photo of subject site in context to the with the surrounding established residential neighbourhood

The Official Plan definition of “*underutilized sites*” refers to “...*sites that can reasonably accommodate more residential development than what currently exists on the site within the context of the surrounding established residential neighbourhood.*” [Emphasis added].

The lot fabric that comprises the subject site is not unique to this portion of the North London/Broughdale neighbourhood. The surrounding context consists of single detached dwellings constructed on lot depths equal to that of the subject site. The fact that the subject site is comprised of 3 single detached dwellings with a total lot depth of 54.3m and a total lot area of 1,718m² is entirely consistent with the abutting 3 residential lots which collectively have comparable lot dimensions (see figure 9 below).

Despite the fact that the *form* of development on the subject site is very different from the surrounding neighbourhood, the subject site is developed at an *intensity* that is similar to the established residential neighbourhood. Therefore, the subject site cannot be considered “*underutilized*” as per the policies of the Official Plan and the proposed development is not consistent with the residential intensification policies.

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Figure 9 – Subject site (left hand side), a consolidation of 3 individual lots, is consistent with the lot fabric of adjacent 3 residential lots and is therefore not unique within the local neighbourhood context

Should the applicant wish to abandon the notion the subject site is “*underutilized*” as the basis for these requested amendments and choose to pursue the notion that this development proposal simply represents a “*redevelopment*” of the subject site the proposal is still inconsistent with Official Plan Policy.

The Residential Intensification policies state that residential intensification will be considered in a range up to 75 units per hectare. As previously stated, the request to permit a density of 82 units per hectare exceeds the maximum density permitted by Official Plan policy. Therefore, the proposed development does not fulfill the intensification policies.

Furthermore, the Residential Intensification policies state that, “*Where the subject lands are within a specific residential area identified under policy 3.5, the application of the following residential intensification policies will supplement those specific policies, but will not supersede them*”. The subject site is located within a specific residential area identified under policy 3.5 (North London/Broughdale Neighbourhood) and the proposed development is inconsistent with these policies.

North London/Broughdale Neighbourhood Special Official Plan Policies

The North London/Broughdale Neighbourhood special policies were adopted by Council to promote neighbourhood stability given the demands for residential intensification in this area. These policies anticipate that there will be continued demand for residential intensification in this neighbourhood and list a series of policies which direct intensification to appropriate areas while protecting the low-rise, low-density character of the surrounding residential area. Recognizing that the proposed development for a cluster stacked townhouse development can be classified as a multiple unit residential development, the North London/Broughdale special policies state:

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Multiple unit residential development is directed to those areas within the Oxford, Richmond and Adelaide Street North corridors that are designated Multi-Family, High and Multi-Family, Medium Density Residential.

Given that the subject site is not located on the Oxford, Richmond, or Adelaide Street North corridors that are designated Multi-Family High or Multi-Family, Medium Density Residential, the proposed development is not appropriate at this location.

Furthermore, the North London/Broughdale Neighbourhood special policies provide additional guidance for development of lands within the interior of the neighbourhood. These policies state:

For Low Density Residential areas located outside of the Richmond and Adelaide Street North corridors, conservation and rehabilitation of the existing housing stock shall be encouraged. In keeping with the low-rise, low density character of these areas, residential uses will be restricted to single detached, semi-detached, duplex and converted dwellings (to a maximum of 2 units).

The prescribed uses and maximum number of units permitted in the North London/Broughdale Neighbourhood special policy area represent an exhaustive list. The proposed cluster stacked townhouse development and the proposed number of units are not permitted by the policies of the Official Plan. As a result of the inconsistencies of the proposed development with the policies adopted for the North London/Broughdale Neighbourhood, the applicant has requested an amendment to the Official Plan to permit "...in addition to the permitted uses in the Low Density Residential designation, stacked townhouses with a maximum of 56 bedrooms..." on the subject site. (IBI Group – Combined Official Plan and Zoning By-law Amendment Application Form)

The North London/Broughdale Neighbourhood special policies also include a list of objectives to guide the implementation of Low Density Residential policies for the Old North/Broughdale neighbourhood. These objectives include:

- the height, bulk and placement of buildings will be in keeping with that of existing development in the surrounding area;
- all required parking will be accommodated on site and limited in area; and,
- development will be sensitive to the orientation of adjacent dwellings and to the continuity of the existing residential streetscape.

Although the placement of the buildings is generally in keeping with that of the existing development in the surrounding area, the height and bulk of a 14-unit stacked townhouse development is inherently larger than the surrounding low-rise, low density single detached dwelling neighbourhood. While the proposed parking is accommodated on site and is limited in area, the proposed development does not meet the required parking as per the objectives of the Official Plan. While the proposed development is generally sensitive to the orientation and continuity of the existing residential streetscape, the above-listed objectives are conjunctive such that all of these must be achieved in order for the proposed form development to conform to the North London/Broughdale special policies. Given that the proposed development fails several objectives, it is not consistent with the objectives of the Official Plan.

The application of the Residential Intensification policies is contingent on a proposed development being consistent with the North London/Broughdale Neighbourhood special policies. Therefore, the inconsistencies of the proposed development with the special policies outlined above further renders the proposed development to be inconsistent with the infill policies as well.

As a result of the inconsistencies between the proposed development and the policies of the Official Plan, the applicant has applied for a site specific Official Plan amendment that would

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effectively remove from the subject site the requirements of the Official Plan in order to proceed with the proposed development.

Chapter 10 – Policies for Specific Areas

The purpose of Chapter 10 (Policies for Specific Area) of the Official Plan is to permit specific uses that would otherwise not be permitted by the more general land use policies of the Official Plan. The policy states that:

Notwithstanding the other land use policies contained in...this Plan, policies for Specific Areas may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land. [Emphasis added]

The Policies for Specific Areas list criteria which are to be used to evaluate the appropriateness of the request for an amendment. The adoption of Policies for Specific Areas may be considered where one or more of the following conditions apply:

- *The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.*

Although the proposed amendment to permit stacked townhouses within the North London/Broughdale Special Policy Area is site specific, it is not appropriate given the low-rise, low-density residential uses in the area that Council wishes to preserve. The proposed use can be accommodated within other more appropriate land use designations, such as the Multi-Family, Medium Density Residential areas, along the Oxford, Richmond and Adelaide Street North corridors, without having a negative impact on the surrounding uses. The North London/Broughdale Neighbourhood special policy was adopted to specifically direct the form development proposed in this application to these other more appropriate designations. The North London/Broughdale Neighbourhood special policy accurately reflects the intent of Council and, therefore, the request to amend the Official Plan does not fulfill this condition.

- *The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.*

The change in land use is site specific and is located in an area where Council wishes to maintain the existing land use designation. However, the existing land uses that Council wishes to maintain are comprised of single detached, semi-detached, duplex, and converted dwellings and preclude the form of development requested by the applicant. The North London/Broughdale Neighbourhood special policies explicitly direct the form of development requested by the applicant away from the subject site, therefore permitting this form of development would be contrary to this condition.

- *The existing mix of uses in the area does not lend itself to a specific land use designation for directing future development and a site specific policy is required.*

The existing mix of uses in the area does lend itself to fulfilling the current Low Density Residential designation and special policy applied to the area. These policies have been applied to promote neighbourhood stability and list specific policies for directing future development. Therefore, a site specific policy is not required and the request to amend the Official Plan does not fulfill this condition.

- *The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints.*

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A site specific special policy for the subject site is *not* required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in the current designation, in order to protect other uses in the area given that the North London/Broughdale Neighbourhood special policies have already been applied to the subject site to achieve this objective. The applicant is *not* requesting a special policy to restrict the range of permitted uses, as is contemplated by this condition, but is in fact seeking a special policy to broaden the range of permitted uses which are currently prohibited by the existing special policy. Therefore, the request to amend the Official Plan does not fulfill this condition.

The intent of the Policies for Specific Areas (Chapter 10) is to facilitate the development of an appropriate and compatible use in those instances where the current Official Plan designation no longer reflects Council's intent for the area or where the existing policies are not adequate to provide guidance with regard to a specific development proposal. However, this is not the case with regard to the stacked townhouse development proposed for the subject site. The existing policies accurately reflect the intent of Council for this area which precludes the form of development proposed by this application and the existing policies adequately provide guidance with regard to the preferred location for the proposed development. The proposed development is not consistent with these policies.

Planning Impact Analysis

A Planning Impact Analysis is evaluated on the basis of criteria relevant to this request for residential intensification. Where an Official Plan amendment and/or zone change application is being reviewed, the following criteria may be considered:

- *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.*

In July 2001, the applicant submitted an application for Official Plan and Zoning By-law amendments for the lands at 1166 and 1170 Richmond Street, located 250 metres away from the subject site (see figure 10 below), to allow a Residential R5 (R5-7) Zone to permit the development of stacked townhouses. This request for amendments was refused by Council and the applicant subsequently appealed the matter to the Ontario Municipal Board (OMB). In its October 2002 decision, the OMB stated that:

*In the Board's view, a townhouse development, as proposed is not compatible with its surroundings as required by the general policies found in 2.3 Planning Principles, 2.4 City Structure Policies nor the more specific policies of policy 3.2.3 or policy 3.5.9...Simply put, the bulk of the townhouse building as exhibited is too large, the length of its continuous face is out of character with the length of the existing buildings. It is out of scale with its surroundings.
(Ontario Municipal Board – PL020039, PL020277, PL020380. Decision/Order No.: 1415 p. 17-18.)*

It is the opinion of Planning Staff that the above decision of the Ontario Municipal Board regarding the compatibility of stacked townhouses to their surrounding built form is relevant to the current application as well. The development proposed for the subject site will result in the construction of an anomalous use within an area comprised of single detached dwellings. The impact will be a development that is not compatible in its use and is out of scale with the character of the surrounding single detached dwellings. There is also a concern that the requested development will set precedence for similar requests for development in the future (see Precedent section below).

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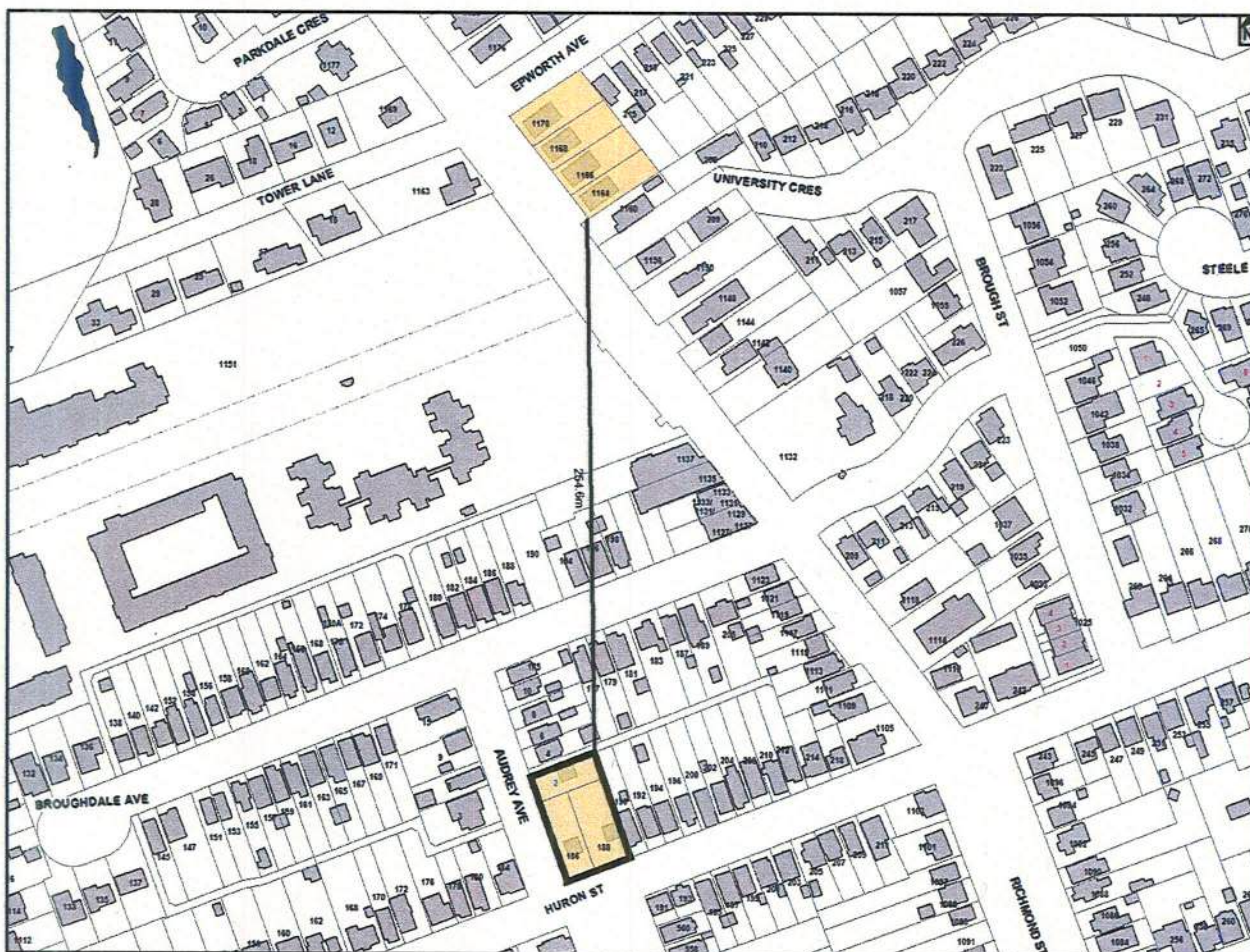


Figure 10 – Depicting the proximity of additional lands owned by the applicant (at the southeast corner of Richmond Street and Epworth Avenue) to the subject site where in 2002 the OMB ruled that a previous stacked townhouse development proposal at that site was not compatible and was out of scale with its surroundings

- *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;*

The subject site meets the minimum lot requirements for the requested zone. However, the Zoning regulations require that a minimum of 21 parking spaces be provided and the applicant has requested that this requirement be reduced to a maximum of 14 parking spaces. It is unknown whether the subject site can physically accommodate the required number of parking spaces. Furthermore, the request for 14 units can be viewed as over-intensification given the size of the subject site which results in an overall density of 82 units per hectare. The maximum density permitted by Official Plan policy, when a development proposal is consistent with the residential intensification criteria, is 75 units per hectare (thereby triggering the applicant's request for a site specific special policy) and the maximum density permitted by the Zoning regulations for the R5 zone requested by the applicant is 60 units per hectare (thereby triggering the applicant's request for special provision to the Zoning By-law). The requirement for a site specific special policy and a site specific special zoning provision are indicative of the subject site lacking the ability to accommodate the intensity of the proposed use.

- *The supply of vacant land in the area which is already designated and/or zoned for the proposed use.*

There is no supply of vacant land in the area which is already designated and/or zoned for the proposed use. However, the absence of sites zoned for this use is a deliberate response to protect the low-rise, low-density character of this North London/Broughdale neighbourhood. Municipal Council has zoned lands located along the Western/Wharncliffe

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Road North corridor to direct this form of multi-unit residential development to that corridor where the lands are appropriately sized, appropriately located, and serviced by transit.

- *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.*

The subject site is located approximately 500 metres from local public open space areas and is approximately 200 metres away from Richmond Street, a transit corridor. A regional facility (the University of Western Ontario) is located within 150 metres from subject site.

- *The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.*

The height of the proposed form of development will be consistent with the height of the current buildings on the subject site and is intended to conform to the maximum height permitted by the current Zoning. Notwithstanding this fact, the proposed height is greater than the general height of dwellings in this area and while the Zoning may be permissive, the proposed height is not in keeping with the character of dwellings in the area.

The location and spacing of the proposed buildings are generally consistent with the preferred location and spacing of buildings constructed in the R5 zone when this zone is applied to lands that are appropriately located. However, the location of the subject site in the interior of a low-rise, low density residential neighbourhood, the requested use (i.e. stacked townhouses) and the intensity of the requested use proposed for the subject site are contrary to the policies of the Official Plan. Therefore any concerns related to height, location, and spacing are secondary.

The potential impacts associated with the proposed development include increased garbage, noise, (including noise from garbage collection and snow removal) and other activities that are inherent with increasing the intensity of a site by a factor of 5. During the 2006 Ontario Municipal Board hearing, which refused the applicant's request to construct 2 duplexes and 2 triplexes on the subject site, a number of area residents came forward and gave evidence in opposition to the proposed development. Collectively they put forward a litany of concerns and problems which have been experienced in the neighbourhood. In its decision, the OMB believed that, "*Although the impacts which they fear, are not necessarily conventional planning impacts, ...there is no doubt, in this panel's mind, that the proposal will generate additional safety and privacy issues.*" (Ontario Municipal Board – PL060185. Decision/Order No.: 2218 p. 5.) It is the opinion of Planning Staff that those "safety and privacy issues" which would have been prompted from the development of a 10-unit development proposal on the subject site in 2006 will also result with the development of a 14-unit development proposal at the present time.

- *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.*

There is insufficient information to assess this criterion. A Landscape Plan was not required to be submitted as part of the Official Plan and Zoning By-law amendments application. The applicant was requested by the Urban Design Peer Review Panel to add landscaping to provide a transitional buffer between the north and east end units of the proposed Huron and Audrey Street buildings respectively, and the building plane established by the existing neighbouring residential buildings. These landscape plans would typically be more fully assessed during the Site Plan review.

- *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.*

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The proposed development envisions that access be provided from a public laneway abutting the property to the north (see figure 11 below). While this facilitates a more seamless pedestrian environment, this public laneway is unassumed and was intended to accommodate traffic from the surrounding single detached dwellings – not a 14-unit stacked townhouse development in conjunction with subsequent services such as garbage removal. It is anticipated that the property immediately to the north will be most impacted from the increase in vehicular traffic.

Additionally, the impacts may be compounded exponentially if the proposed development sets precedence for future similar development proposals among the properties located along the Huron Street corridor which have similar lot frontage and area to the subject site (see Precedent section below).



Figure 11 – A view of the public laneway which the applicant proposes to be used as the access for the proposed development

- 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;

As previously mentioned, the requested amendment proposes to construct an anomalous stacked townhouse use within an area comprised of single detached dwellings. The proposed form of development is out of character to the surrounding forms of development. Therefore, the bulk, scale, and layout of the buildings will be out of character with the low-rise, low-density character of the surrounding built form. The integration of the bulk, scale, and layout of the proposed development may prove to be challenging given the low-rise, low-density character of the surrounding neighbourhood.

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- *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.*

The proposed development is inconsistent with the various policies of the Official Plan and regulations of the Zoning By-law. The proposed development is contrary to the North London/Broughdale Neighbourhood special policies adopted for this area which do not contemplate stacked townhouses as a permitted use. The proposed development also exceeds the maximum density permitted for residential intensification projects. Therefore, the applicant has requested that a site specific special policy be applied to the subject site to permit stacked townhouses at a density of 82 units per hectare because they do not comply with existing applicable policies. The R5-7 zone variation requested by the applicant restricts the maximum allowable density to 60 units per hectare. However, the proposed development seeks a density of 82 units per hectare which exceeds the maximum permitted by the zone thereby requiring a special Zoning regulation. Therefore, the requested amendment does not comply with the provisions of the City's Official Plan and Zoning By-law.

- *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.*

Mitigation measures have not been identified by the applicant.

- *Impacts of the proposed change on the transportation system, including transit.*

No impacts to the transportation system are anticipated should the proposed development be permitted to proceed.

Great Near-Campus Neighbourhoods Strategy

As previously stated, Council adopted the Great Near-Campus Neighbourhoods Strategy and Implementation Plan in November 2008 and gave direction for Staff to initiate the strategies listed in the Implementation Plan. The Strategy is a multi-faceted approach to establish a collective vision for Near-Campus Neighbourhoods, which will further clarify Council's long-term intent for these Neighbourhoods. The intent of the Great Near-Campus Neighbourhoods Strategy is to close the gap between the collective vision for the Near-Campus Neighbourhoods and the current state of affairs impacting these neighbourhoods. It is important to note that the land use goals included in the Great Near Campus Neighbourhoods Strategy are *not* intended to "...improve the behaviours of surrounding transient renters..." as indicated in the applicant's supporting materials given that the Zoning By-law and other land use planning tools cannot regulate behaviour.

The intention is to establish policies and planning tools that will be used in the review of planning applications for lands within Near-Campus Neighbourhoods and provide guidance for appropriate locations, forms, and intensity of residential infill and intensification projects within these neighbourhoods.

To achieve this, the land use strategies adopted by Council include:

- Modify Zoning By-law to regulate the number of bedrooms by structure type – possible recommendations to the Zoning By-law include reductions in the maximum number of bedrooms per dwelling type from the current 5-bedroom maximum to 3-bedrooms per unit for multi-unit developments such as duplexes, triplexes, fourplexes, converted dwellings, townhouses, and apartments.
- Establish policy framework for revised Zoning regulations – possible amendments to the Zoning regulations include modifications to the parking area requirements, landscaped open space requirements, regulations pertaining to mutual driveways, and outdoor living area requirements.

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- Explore Floor Area Ratio regulations for all zones – possible amendments to the Zoning Regulations to continue to expand the areas of the City where the floor area ratio regulations are applied to protect neighbourhood stability by ensuring that new dwellings are constructed in proportion to the size of a given lot.
- Identify opportunities for Multi-Family, High Density and Multi, Family, Medium Density residential development – possible amendments to the Official Plan and Zoning By-law to identify additional areas which facilitate the development of multi-unit residential developments that are purpose-built to accommodate the anticipated level of intensity, located along arterial roads that are serviced by transit, and are professionally managed.
- Establish new Official Plan policies which describe the Vision for the Near Campus Neighbourhoods and providing a context for planning applications – this is intended to establish a level of expectation regarding the types of planning applications that may be supported and those that may be refused based on the notion that applications may be supported because they are consistent with the collective Vision and others may be refused because they deviate from the collective Vision and perpetuate the current state of affairs.

Through extensive consultation with the public, students and administration of the University of Western Ontario and Fanshawe College, Police Services, Fire Department, Landlords, and various departments within the City of London, the preferred forms of residential intensification within areas near the University and College have been identified as higher density forms of multi-unit housing, such as mid-rise and high-rise apartment buildings, located in the appropriate designations that accommodate on-site, professional management.

In general, the Great Near-Campus Neighbourhoods Strategy promotes intensification in the form of medium and large scale apartment buildings, in areas designated Multi-Family, Medium Density or Multi-Family, High Density Residential, located along transportation nodes or corridors, and which are professionally managed, consistent with public consultation. The requested amendments to facilitate the proposed development in the interior of the neighbourhood, on lands designated Low Density Residential, and in a form that is not conducive to on-site management, are not consistent with the goals of the Great Near-Campus Neighbourhoods Strategy.

Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal. The use of Zoning to implement the policies of the Official Plan is achieved by applying various zones to all lands within the City of London which identify: i) a list of permitted uses; and, ii) regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the appropriateness of a site to accommodate a development proposal.

As it relates to the subject site, the only use permitted under the current zoning is 1 single detached dwelling per lot. In addition, there are special zoning regulations applied to the subject site to regulate the intensity of residential development in this area including limitations on the maximum gross floor area, maximum floor area ratio, minimum rear yard depth, and alternative parking requirements. The proposed amendment seeks to rezone the subject site to a Residential R5 zone to permit the development of cluster stacked townhouses and add a special provision which seeks to eliminate the current special Zoning regulations in order to increase the level of residential intensity permitted in this area.

Section 9.1 – General Purpose of the R5 Residential Zone – describes the rationale behind the Residential R5 zone variations. This section states that the Residential 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

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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 most intense form of development permitted under the Residential R5 zone is 60 units per hectare. The applicant has requested an increase to the maximum density limit to permit 82 units per hectare, representing an increase of 37% above the maximum permitted by the zone. At this density, the proposed development exceeds the medium density residential range as stated in the General Purpose of the R5 Residential Zone and is more akin to the intensity of development permitted within the Multi-Family, High Density Residential designation, which generally ranges between 75-150 units per hectare.

The requested amendment seeking to delete the existing special Zoning regulations in order to permit a more intensive form of development attempts to effectively eliminate one of the vital safeguards that has existed in this area to prevent inappropriate residential intensification. Whereas the current Zoning regulations limit the Floor Area Ratio at 35%, the proposed development will comprise a Floor Area Ratio of 102% representing an increase of 300%.

It should be noted that in 2006, the applicant also requested that the existing zoning regulations be eliminated on the subject site to permit the development of 10-residential units in the form of 2 duplexes and 2 triplexes. The applicant suggested at that time that the floor area ratio should not be applied to the proposed development because such ratios cannot be determined from the street and because a number of homes in the immediate vicinity have floor area ratios similar to or greater than what is proposed. However, the Ontario Municipal Board disagreed with this position. In its decision to dismiss the applicant's appeal, the OMB was of the opinion that the floor area ratios applied to this area, "*...were intended to apply to a variety of developments, including the [applicant's]...To permit the proposed development without floor area ratios established by the City would be entirely inconsistent with what the City of London has been doing in this area...*" (Ontario Municipal Board – PL060185. Decision/Order No.: 2218 p. 4). It is the opinion of Planning Staff that the OMB's rationale is as relevant to this recommendation to refuse an amendment to permit the construction of 14 residential units as it was during its refusal to permit the development of 10 residential units in 2006.

It is the opinion of Planning Staff that the request to permit 14 stacked townhouse units, where currently a total of 3 single detached dwellings are permitted, does not represent an appropriate use for the subject site. Furthermore, the requested special zoning provision effectively attempts to omit the subject site from the existing special zoning regulations which have been applied to protect this area from inappropriate levels of residential intensification. The applicant has applied for a special zoning provision that would not only exceed the level of intensity permitted by the current special zoning regulations but would also exceed the maximum level of intensity permitted in the Residential R5 zone. Additionally, the OMB had previously ruled that the application of the current special Zoning regulations "*...were intended to apply to a variety of developments...*" and not simply to the single detached dwellings permitted by the current zoning.

Therefore, it is the opinion of Planning Staff that the request to replace the current special zoning regulations with new special zoning regulations that effectively eliminate the floor area controls and facilitate a more intense form of development is not appropriate for the subject site and is contrary to previous decided matter of Council and OMB ruling.

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Urban Design Peer Review Panel (UDPRP)

The proposed development was vetted at the Urban Design Peer Review Panel (see Significant Department/Agency Comments above) where the UDPRP noted "...that the location of the two proposed buildings and the resultant front yard setbacks from Huron Street and Audrey Street defines a strong pedestrian and urban design realm."

The UDPRP included other comments regarding the proposed development based on the applicant's submission including:

- Consolidate all 14 vehicular parking stalls to the rear of the two buildings and consider flipping the layout such that the parking stalls abut the existing east privacy fence;
- Add landscaping to provide a transitional buffer between the north and east end units of the proposed Huron and Audrey Street buildings respectively;
- Develop the pedestrian realm between the proposed buildings to encourage safe passage of residents from vehicular parking to unit streetscape entrances;
- Consider re-location of all lower unit entrances to the Huron and Audrey Street elevations to simplify wayfinding;
- Further develop the front porches/terraces to encourage activities of daily living such as social interaction and street surveillance.

Overall, the UDPRP was pleased with the proposed development. However, in evaluating an application for a change in land use, Planning Staff must weigh a project's Urban Design merits within the context of the local policy regime, by-laws, and neighbourhood issues. As previously mentioned Planning Staff evaluate applications for Zoning By-law amendments on the appropriateness of the requested: use of land; intensity of the use; and, proposed built form. While there may be Urban Design merit in the proposed development, Urban Design is not a substitute for an inappropriate use of land and over-intensification of proposed use.

Precedent

As previously stated, during the 2006 Ontario Municipal Board hearing in response to Council's refusal to rezone the subject site to permit a total of 10 residential units, there was considerable discussion concerning the precedent setting nature of that proposed development and whether the neighbourhood would be impacted by the proposed development.

In the view of the OMB, if the previously proposed 10-unit residential development were approved, it would set precedent for future similar development proposals:

*It is this panel's view that if the proposal were approved, reasonable expectations would be created in the minds of many investors that developments similar to or identical with the proposal will be approved on a go forward basis.
(Ontario Municipal Board – PL060185. Decision/Order No.: 2218 p. 5)*

The Ontario Municipal Board agreed that the proposed development would effectively rezone the entire area without the level of public participation required by the *Planning Act*.

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Figure 12 – An aerial photo depicting the consolidation of the subject site in comparison with other lands that have been consolidated along this corridor

As previously mentioned, the subject site is *not* unique among this portion of Huron Street. There are similarly sized parcels that can be consolidated and accessed from the public laneway as proposed for the subject site. In fact, the lands outlined above at 208, 210, and 212 Huron Street currently share common ownership. There is a concern that an amendment to approve the requested Official Plan and Zoning By-law amendments would create the level of expectation that future applications for the abutting lands to the east of the subject site would also be approved given their similar characteristics.

CONCLUSION

The requested amendments are not consistent with the policies of the *Provincial Policy Statement, 2005* which promote healthy, liveable and safe communities by encouraging efficient development and land use patterns which sustain the financial well-being of the municipality. Residential intensification in the interior of the Low Density Residential areas near the University of Western Ontario have resulted in significant costs being borne by the Municipality.

The requested amendments are not consistent with the Residential Intensification policies of the Official Plan which require that residential intensification proposals in this area be sympathetic to the existing context and adhere to the North London/Broughdale Neighbourhood special policies. The lot fabric that comprises the subject site is not unique to this portion of the North London/Broughdale neighbourhood. The surrounding context consists of single detached dwellings constructed on lot depths equal to that of the subject site. The requested density exceeds the maximum allowable density permitted for intensification projects located in the Low Density Residential designation.

The requested amendments are not consistent with the North London/Broughdale Neighbourhood special Official Plan policies which have been adopted to promote neighbourhood stability. These policies preclude this form of development from being




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constructed in the interior of the low-rise, low-density Broughdale neighbourhood. Furthermore, a 2002 OMB ruling, with regard to a proposal to develop stacked townhouses on a site located 250 metres away, stated that a stacked townhouse development is not compatible and is out of scale with its surroundings.

The requested amendments to the Official Plan and Zoning By-law would constitute "spot" zoning and are not considered appropriate in isolation from the surrounding neighbourhood. The subject site is not unique nor does it have any special attributes which would warrant a site specific amendment to the Official Plan and Zoning By-law. The existing North London/Broughdale Neighbourhood special policies accurately articulate the intent of Council for this area and a site specific Official Plan amendment is not warranted. The existing special zoning provisions have been applied to protect this area from inappropriate levels of residential intensification and, as such, the request to omit the subject site from the current zoning regulations to construct a more intense form of development is also not warranted.

The requested amendments to facilitate the development a 14-unit stacked townhouse development are contrary to a decided matter of Council and an OMB ruling which stated that a previous 10-unit residential development proposal represented an "over-intensification of the site".

PREPARED BY:	SUBMITTED BY:
	
MICHAEL TOMAZINCIC, MCIP, RPP PLANNER II, COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER – COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
	
J.M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

September 16, 2011
MT/mt

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\7912OZ – Final Report to BNEC

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Responses to Public Liaison Letter and Publication in "Living in the City"

<u>Telephone</u>	<u>Written</u>
Joseph Stepaniuk 555 Saint George St	Joseph Stepaniuk 555 Saint George St
Beth Srahulek 161 Broughdale Ave	
	Glen Tymchuk 184 Huron Street
John Millard 193 Regent Street	
Beth Buffet 709 Colborne St	
Yaga McInnes 115 Huron Street	
Anne Murphy 561 Saint George St	Anne Murphy 561 Saint George St
	Jason Recker 195 Cromwell St
	Lorna Macaulay 161 Victoria St
	David Bratton 816 Talbot St
	Paul Beechey 1033 Waterloo St
	Bing Siang Gan & Pearl Langer 20 Gibbons Pl
	Christa Engelmeyer 17 Willingdon Ave
	Carol Leslie 1025 Brough St
	Christine Guptill & Christopher Byl 1034 William St
	Ian Leech 385 Huron St
	Fernand Fontaine & Meredith Fontaine 298 Huron St
	Jill Wright 1075 The Parkway
	Chris McDonell 525 Huron St
	Paul Inwood & Sarah Inwood 275 Regent St
	Steven Ross 866 Wellington St

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M. Tomazincic

Responses to Public Liaison Letter and Publication in "Living in the City"

<u>Telephone</u>	<u>Written</u>
	Wyn Gidney & Robert Gidney 551 & 553 Saint George St
	Jason Haladyn & Miriam Jordan 165 Sherwood Ave
	Betty Duffield & Bill Duffield 369 Saint George St
	Marjorie Ratcliffe & Rodney Millard 193 Regent St
	Francine Lacroix 312 Huron St
	John Paul Bracey 15 Harrison Cr
	Richard Yake 190 Regent St
	Dale Holt 1085 Richmond St
Huo Lun Xiong 192 Huron St	Huo Lun Xiong 192 Huron St
	Jackie Farquar 383 Saint George St
	Sandra Boersen 310 Huron St
	Doug Bale 776 Colborne St
	Kevin Langs President, St. George/Grosvenor Neighbourhood Association 199 Saint James St
	Marie Blosch 43 Mayfair Dr
	Jan Devereux & George VanOstrand 926 Colborne St
	Louise Bhatia & Kul Bhatia 326 Saint George St
	Cathy Cave 220 Saint George St
	Diana Coates & Charles Coates 321 Saint George St
	Wilson Rodger & Judith Rodger 323 Saint George St
	Johanna Clarke & David Clarke 195 Huron St

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Responses to Public Liaison Letter and Publication in "Living in the City"

<u>Telephone</u>	<u>Written</u>
	Brenda Murphy & David Murphy 272 Huron St
	Andrew Forigone President, University Students' Council University of Western Ontario
	Gitta Kulczycki Vice President, Resources & Operations University of Western Ontario
Graham Smith 1130 The Parkway	
Louis Ferreira 509 Saint George St	
Marjorie Cunningham 554 Saint George St	
Mike Backx 192 Sherwood Avenue	
	Dorothy Sample 1041 Patricia Street
(Heather on behalf of her mother) Marilyn Gregory 545 Saint George Street	
	John Diesbourg 4 Grosvenor Street
	Ben Lansink 507 Colborne Street
	Bill Pilot 144 Sherwood Avenue
	Bruce Thomas [No Address Provided]

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Bibliography of Information and Material – OZ-7912

Request for Approval

City of London Official Plan and Zoning By-law Amendment Application Form, completed by William Pol.

City of London. Record of Pre-Application Consultation (signed by William Pol)

IBI Group. Summary Cover Letter – 06 May 2011

IBI Group. Urban Design Brief – May 2011

IBI Group. Planning Justification Report – May 2011

City of London. Zoning Referral Record – 12 September 2011

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Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005

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City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended

Previous Reports/Resolutions Pertinent to this Matter

December 12, 2005 Report to Planning Committee – 186 & 188 Huron Street

Correspondence: (located in City of London File No. OZ-7912 unless otherwise stated)

City of London

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IBI Group

Pease, Mike. Planner. E-mail to M. Tomazincic. 27 July 2011

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London Hydro

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Upper Thames River Conservation Authority (UTRCA)

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Ries S., Chair. Memo to A. Kaplansky. 04 July 2011

City of London Parks Planning and Design

Page B., Senior Planner. Memo to M. Tomazincic. 05 July 2011

Transportation Advisory Committee

Mercier B., Committee Secretary. Memo to M. Tomazincic. 27 July 2011

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Environmental and Engineering Services Division (EESD)

Abushehada I., Acting Division Manager. Memo to M. Tomazincic. 03 August 2011

Public Responses

Written

Joseph Stepaniuk – 555 Saint George St
Glen Tymchuk – 184 Huron Street
Anne Murphy – 561 Saint George St
Jason Recker – 195 Cromwell St
Lorna Macaulay – 161 Victoria St
David Bratton – 816 Talbot St
Paul Beechey – 1033 Waterloo St
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Paul Inwood & Sarah Inwood – 275 Regent St
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University of Western Ontario
Dorothy Sample – 1041 Patricia St
John Diesbourg – 4 Grosvenor St
Ben Lansink – 507 Colborne St
Bill Pilot – 144 Sherwood Ave
Bruce Thomas – [No Address Provided]

Telephone

Joseph Stepaniuk – 555 Saint George St
Beth Srahulek – 161 Broughdale Ave
John Millard – 193 Regent Street

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Beth Buffet – 709 Colborne St
Yaga McInnes – 115 Huron Street
Anne Murphy – 561 Saint George St
Huo Lun Xiong – 192 Huron St
Graham Smith – 1130 The Parkway
Louis Ferreira – 509 Saint George St
Marjorie Cunningham – 554 Saint George St
Mike Backx – 192 Sherwood Ave
(Heather on behalf of her mother) Marilyn Gregory – 545 Saint George St

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Appendix "A"

Tomazincic, Michael

From: Glen Tymchuk [REDACTED]
Sent: Saturday, June 04, 2011 7:43 PM
To: Tomazincic, Michael
Subject: 186-188 Huron Street (File OZ-7912)

To Whom it may concern:

I've just recently received notice by mail of a "Notice of Application by KAP Holdings Inc." to build Seven, 2-unit stacked townhouses with 4 bedrooms per (14 total units with 56 total Bedrooms) at 186-188 Huron Street. This property has a direct impact on mine as I currently own 184 Huron street on the corner and directly across from the above mentioned property.

I must first comment that I rarely object to anyone trying to improve the area through new construction or major renovations but in this case I take great objection. A few years back the same property was recently developed with 3 pardon the expression, unattractive tall narrow structures. Despite the odd appearance and the obvious lack of consideration to the local architecture in regards to trying to compliment the surrounding properties I offered no objection. Although during the construction process it was a major disruption to myself and my tenants I did not complain once, instead I patiently waited for the project to be completed.

Now this notice of an application has come in asking to tear down three brand new buildings for no reason at all! Again there will be major disruptions to the area and many months if not years of construction, debris, mess, Noise etc. I do not want my tenants to have to endure that type of disruption again for no good reason. As well, the increased traffic in such a small area with 56 new tenants will mean chaos on one corner. Putting that many structures in such a small place is just asking for trouble. Trust me, as a long time landlord I can tell you when you have 56 additional students in one spot living there with an already high concentration of students in the immediate area its just asking for future trouble.

I ask respectfully that this project be denied. Instead I propose that KAP Holdings finds a few run down properties in the same area and redevelops them, not brand new buildings that have just been built, that defies logic!

Glen Tymchuk
Timmer Properties Inc.

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Jason Recker
Sent: Monday, June 13, 2011 9:54 AM
To: Tomazincic, Michael
Cc:

[REDACTED]

Subject: Re: Application by Kaplansky Holdings Inc. File #OZ7912

Hi Michael,

As a member of the St. George Grosvenor Neighbourhood, I'm sending a quick message in regards to the recent application by Kapalansky Holdings ##OZ7912 at 186, 188 Huron Street.

With his new application for density and 56 bedrooms on a previous property of 15 total, I feel this development would set a precedent for the neighbourhood encouraging other developers to buy up cheap student property and build more of the same. This is not appropriate for this neighbourhood or the family dwellings that are nearby. I would not support in any way this development.

Especially after the ridiculous structures that Kapalansky got away with building on that location in the past, it's obvious that he has absolutely no intention of respecting the neighbourhood and is only after profit. Respect and profit can work definitely together but by his past actions, it doesn't appear that this is on his agenda.

Respectfully,

Jason Recker
195 Cromwell St

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: LORNA MACAULAY [REDACTED]
Sent: Monday, June 13, 2011 12:13 PM
To: Tomazincic, Michael
Subject: 186 188 Huron Street

Dear Sir,

I am writing to express my concern and shock at the prospect of a high density tower being erected at this site. The 2 towers currently located near this address are an eye sore at the very least not at all in keeping with the neighbourhood. I enjoy living with students in the neighbourhood. For the most part very few issues arise as we all live as neighbours in single family homes. Towers such as this must not be allowed to be constructed in this residential area.

Lorna Macaulay 161 Victoria Street.

[Empty boxes for Agenda Item # and Page #]

File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: David Bratton [Redacted]
Sent: Monday, June 13, 2011 4:22 PM
To: Tomazincic, Michael
Cc: [Redacted]

Subject: 186-188 Huron Street

Dear Mr. Tomazincic

Re: Application by Kaplansky Holdings Inc. File #OZ7912

I am writing to you to express my opposition to the above application by Kaplansky Holdings. Here is the history of Mr. Kaplansky's attempts to inundate Huron Street with student housing:

An application was received by the City from student housing developer Aaron Kaplansky to take down the "Towers" at 186 and 188 Huron Street and erect "stacked townhouses" for a total of 56 bedrooms on what was originally three single family dwelling lots.

You may recall that KAP Holdings applied early in '06 to change the R.1-5(3) zoning, which permits single detached dwellings on those properties, to enable him to build two triplexes and two duplexes for purposes of student housing (50 bedrooms). The three residents' associations, Broughdale, London North and St. George Grosvenor Neighbourhood, were in total disagreement with such over-intensification of student housing in our residential neighbourhood. City Council declined this intensification and zone change.

KAP Holdings took the case to the Ontario Municipal Board in July of '06 and the OMB ALSO turned down the application. After being turned down by both the City and the OMB, KAP erected the three five bedroom buildings. While these "towers" are most unsightly and an embarrassment to the City, concern is that KAP's new application for increased density, if approved, would set a serious precedent and will encourage all student housing developers to buy up houses on Huron for similar projects.

If Kaplansky's proposal goes through, the future of the Huron Street could be at serious risk.

Mr. Kaplansky's "towers" have been nicknamed "Towers of Spite" because, not getting his own way, Mr. Kaplansky built these three buildings that are totally out of character with the neighbourhood and are built in such a way as to turn their blank sides to the street and the community.

As a founding member of the St. George Grosvenor Area Association I can tell you that over the last 30 years we have had to fight hard to resist the pressure of ill-conceived and disruptive changes to our neighbourhood from developers, student housing, hospital expansion, even proposals to turn Doidge Park into an underground parking garage! So, our opposition to Mr. Kaplansky's development plans are well-founded in

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

the knowledge that left unchecked, developers would soon destroy the Old North area. Please help us to prevent that from happening.

Yours sincerely

David A. Bratton, MBA, FCMC, CHRP,
President, Bratton Consulting Inc.
Business Associate DBM Canada
www.brattonconsulting.com
For tips on managing people [Read My Blog Here!!](#)

Home address: 816 Talbot Street, London, ON, N6A 2V8 [REDACTED]

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Paul Beechey
Sent: Monday, June 13, 2011 5:31 PM
To: Tomazincic, Michael
Cc: Dennis Pellarin
Subject: Re: Application by Kaplansky Holdings Inc. File #OZ7912

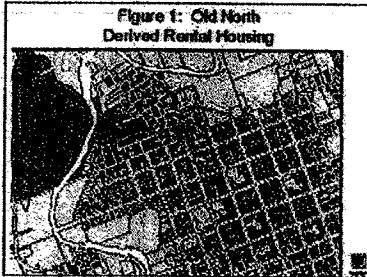
 [Play slideshow](#)

 [Want to have all these photos at once? Learn how](#)

Online pictures are available for 30 days

Dear Mr. Tomanzincic,

The proposed application by Kaplansky Holdings for townhouses with a total of 56 bedrooms at 186 and 188 Huron St. would dramatically increase the rental housing density in Old North beyond what most residents now think is unacceptable.



Approving this proposal would destroy the integrity of the neighborhood and set a precedent for other developments

Kind regards,

Paul Beechey

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Pearl Langer [REDACTED]
Sent: Monday, June 13, 2011 6:30 PM
To: Tomazincic, Michael
Subject: RE : Notice regarding 186 188 Huron St "Towers of Spite"

Dear Mr. Tomazincic

Re: Application by Kaplansky Holdings Inc. File #OZ7912

We would like to voice strong opposition to this renewed attempt by Mr. Kaplansky to irreparably change the character of the Old North residential neighbourhood in a detrimental fashion.

Sincerely,

Bing Siang Gan MD, PhD and Pearl Langer MD
20 Gibbons Place
London ON N6A 2Y7

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Christa Engelmeyer [REDACTED]
Sent: Tuesday, June 14, 2011 10:18 PM
To: Branscombe, Nancy; Tomazincic, Michael
Subject: Request for zoning change - File OZ-7912

As a citizen of London and a resident of the "Old North Neighbourhood", I would like to inform you that I do not agree with the zoning change and ask that it not be granted for File OZ-7912.

The following in particular should not be allowed:

- A reduction of the minimum parking space requirements to permit 14 spaces.
- Increase of the maximum density to permit 82 units/ha.
- A reduction in maximum front yard and exterior side yard setback.

Christa Engelmeyer
17 Willingdon Ave.
London, ON N6A 3Y5

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File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: Fernand Fontaine [REDACTED]
Sent: Thursday, June 16, 2011 5:49 PM
To: Tomazincic, Michael
Subject: Application by Kaplansky Holdings Inc. File #OZ7912

Michael,

I forward you this message from Carol Leslie about the file OZ 7912 (Kaplanski holdings) to you, as it did not reach you (the e-mail address somehow was not correct)

Regards,

Fernand Fontaine

----- Original Message -----

Subject:re: Application by Kaplansky Holdings Inc. File #OZ7912
Date:Tue, 14 Jun 2011 12:11:19 -0700 (PDT)
From:C LESLIE [REDACTED]
To:mtomazsin@london.ca
[REDACTED]

As much as we realize that the students are an important part of our city we must also keep in mind that neighbourhoods are too. Neighbourhoods are not ghettos of one group but rather a diversity of peoples interacting and sharing an area. In the particular area under discussion here already suffers from an overly high density of student housing... and this is not, in many cases, housing that is well maintained nor the pride of our city. It is often housing that is used and abused by both the students and the owners who view the houses as bedrooms for cash not homes for students.

With this in mind I wish to ask that KAP;s new application for the removal of the "Towers" at 186 and 188 Huron Street and erect "stacked townhouses" be declined. City Council declined this intensification and zone change in 2006. and the citizens concerns were represented. KAP Holdings took the case to the Ontario Municipal Board in July of '06 and the OMB ALSO turned down the application THEN KAP erected the three five bedroom buildings. I would hope that the city would stand fast by their previous decision and not allow this new application ... we don't need the increased density and we don't wish to see such a precedent set that would encourage all student housing developers to buy up the houses in the area for similar projects.

We wish to keep our neighbourhood an area in which there is a diversity of population and an area the city can be proud to have as a part of London.

Thank you

Carol Leslie
#2 - 1025 Brough Street
London, N6A 3N5

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Christine Guptill [REDACTED]
Sent: Tuesday, June 14, 2011 2:12 PM
To: Tomazincic, Michael; Branscombe, Nancy
Subject: Fwd: "Towers of Spite" 186-188 Huron St - Kaplanski, Request for zoning change - File OZ-7912
Attachments: "Towers of Spite" 186-188 Huron St - Kaplanski, Request for zoning change - File OZ-7912

To Michael Tomazincic and Nancy Branscombe,

I strongly object to the application by Kaplansky Holdings Inc., File # OZ7912, to expand their holdings at 186 and 188 Huron Street. The existing buildings are an embarrassment and an eyesore, and the application to expand flies in the face of previous rejections of similar proposals by the same developers. The density of the student population in this neighbourhood is sufficient, and is not in need of increase. UWO already guarantees on-campus housing for all first-year students, and there has been a visible increase in vacancy rates in the area around UWO. There is no commercial need for such an increase, and the permanent residents are against it.

Yours sincerely,

Christine Guptill and Christopher Byl
1034 William Street.

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Ian F. Leach [REDACTED]
Sent: Tuesday, June 14, 2011 2:17 PM
To: Tomazincic, Michael; Branscombe, Nancy
Subject: Application by Kaplanski Holdings Inc. for zoning change: File no. OZ-7912

Dear Mr Tomazin and Ms Branscrombe,

My family and I live at 385 Huron Street, and the above request has been brought to our attention.

While the existing "towers of spite" are unattractive and an embarrassment, we strongly oppose the request to intensify the already dense student housing on our street and in our neighbourhood.

We already are struggling with the negative impact of appalling student behaviour and resulting detrimental impact on our property values. The particular request not only would make matters worse, but also create a horrifying precedent for future similar applications.

Both the City and the OMB have said "no" to this in the past. In this case, "no" should mean "NO".

Yours very truly,

Ian Leach
385 Huron Street [REDACTED]

Ian F. Leach | Lerner's LLP | Partner | phone 519.640.6377 | direct fax 519.932.3377 | ILEACH@LERNERS.CA | 85 Dufferin Ave, London - Ontario - N6A 1K3

LERNERS

This email may contain confidential and/or privileged information and any rights to confidentiality and/or privilege have not been waived. Please notify us immediately if you have received this message in error.

Please consider the environment before printing this email.

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Fernand Fontaine [REDACTED]
Sent: Tuesday, June 14, 2011 2:24 PM
To: Tomazincic, Michael
Cc: Branscombe, Nancy
Subject: Kaplansky Holdings - File OZ-7912

Michael and Nancy,

Meredith and I have been made aware that Kaplansky Holdings has applied to demolish the so called "Towers of Spite" located at 186-188 Huron St, and build instead some "stacked townhouses" for a total of 56 bedrooms on what was originally 3 detached single family residences (ie a max of 15 bedrooms).... this is a huge difference in traffic (possibly 50+ cars), parking, sewer, garbage volume, noise, safety etc...

Studies made by the City have pointed out earlier that the density of the student population in this area is already too high. We both do request that this application must be rejected.

Let the "Towers of Spite" remain standing for a few more years, as a painful reminder about what should NOT be have been allowed.

Fernand and Meredith Fontaine, 298 Huron St

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File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: [Redacted] on behalf of Jill Wright [Redacted]
Sent: Tuesday, June 14, 2011 2:48 PM
To: Tomazincic, Michael
Subject: opposition to Application by Kaplansky Holdings Inc. File #OZ7912

Hi Michael,

I vehemently oppose Application by Kaplansky Holdings Inc. File #OZ7912

The reasons, many:

serious density issues

this goes against everything community groups close to UWO and Fanshawe have been working towards

do you want another Fleming Drive with intoxicated students partying en mass in a residential neighborhood -
policing costs

reduction of property values that pay nice taxes to the city

more trash removal after move in and move out

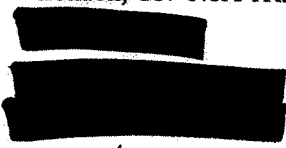
many young families moving into this neighborhood

ghetto image to proliferate

Jill Wright
Principal,
tkx inc. Communications Consultancy

and home owner 1075 The Parkway (Huron intersects our street).

tkx inc. - your knowledge exchange
140 Ann St., Suite 205
London, ON N6A 1R3



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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Dear Mr. Tomazincic,

Please hear my deep concern about the proposed development at 186 and 188 Huron Street. You will recall that the same developer gave a metaphorical finger to the neighbourhood when his previous application for townhouses on this site was rejected by both City Council and the OMB, and he erected the bizarre "towers" that presently sit there. His current application is even more obnoxious.

Tensions due to the intense ratio of student housing in the area already exist, with the historical balance between long-term residents and student renters currently way out of proportion. Further intensification such as the Kaplansky Holdings Inc. proposal would accelerate the problem dramatically, to the point where a "student ghetto" will emerge to the detriment of the entire city.

When the university builds a student residence, they provide more than bedrooms. There is an infrastructure to handle safety issues, garbage, noise violations, parking and several layers of supervision. Kaplansky's proposed development is akin to a student residence with none of this. Why would we allow this to be built?

Chris McDonell

Chris McDonell
Publisher

eatdrink

525 Huron Street,
London ON N5Y 4J6

Tel/Fax [REDACTED]

Cell [REDACTED]

www.eatdrink.ca

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: JaneThomas Properties [REDACTED]
Sent: Thursday, June 16, 2011 6:57 AM
To: mtomasin@london.ca; Tomazincic, Michael
Subject: Re: Application by Kaplansky Holdings Inc. File #OZ7912

Subject: Re: Application by Kaplansky Holdings Inc. File #OZ7912

Dear Mr. Tomazincic,

This letter is to object to the application by Student Housing Developer Kaplansky to take down the "Towers" at 186 and 188 Huron Street and erect "stacked townhouses" for a total of 56 bedrooms on what was originally three single family dwelling lots.

We recall when KAP Holdings applied early in '06 to change the R.1-5(3) zoning, which permits single detached dwellings on those properties, to enable him to build two triplexes and two duplexes for purposes of student housing (50 bedrooms). The three residents' associations, Broughdale, London North and St. George Grosvenor Neighbourhood, were in total disagreement with such over-intensification of student housing in this residential neighbourhood. City Council declined this intensification and zone change.

KAP Holdings took the case to the Ontario Municipal Board in July of '06 and the OMB ALSO turned down the application. THEN KAP erected the three five bedroom buildings.

While the existing "towers" are most unsightly and an embarrassment to the City, we are concerned that KAP's new application for increased density, if approved, would set a precedent and will encourage other student housing developers to buy up houses in the area for similar projects. Our opposition to Mr. Kaplansky's development plans are that if left unchecked, developers would soon destroy the Old North area.

Sincerely,
Paul and Sarah Inwood

275 Ryer St.

[Empty boxes for Agenda Item # and Page #]

File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: Steve.Ross [Redacted]
Sent: Thursday, June 16, 2011 9:26 AM
To: Tomazincic, Michael
Subject: KAP Holdings:

Hi Michael:

I hope things are well with you and your family. I reside at 866 Wellington Street, London Ontario. I am in support of the proposed intensification of the "Towers of Spite" site, on the condition that the developer be required to submit elevation drawings, from all sides, prior to the issuance of a building permit. The building should be limited in height in to three or four stories and the developer should be forced to build underground parking. The elevation drawings should be approved by Sean Galloway, if he is still employed by the City of London, or be subjected to whatever process for urban design that has been accepted and endorsed by your city council.

Huron Street has been in transition for decades. In many ways, it is the residential student corridor to Western. Due to the reality of geography, this will not change. Instead of fighting this, as a resident of old north, I truly believe that it is in the best interest of Bishop Hellmuth and Grovesnor/St. George neighborhood associations to embrace this corridor as a student corridor. Doing so will act as a relief valve for the rest of the neighbourhood, emptying out substandard housing and making sure our students live in safe, secure, modern and "up to code" housing. I would much rather have a professionally managed stacked townhouse development at this location, similar to those found on Western Road and Hollywood, than the current Towers of Spite (although one could argue successfully that the Towers of Spite should be designated as culturally significant heritage buildings due to the lengthy, well-publicized fight, and subsequent spite!)

Indeed, I believe Huron, West of Richmond Street to Sunset, should be part of your study of the Nodes and Corridors approach for the Near Campus Neighbourhood Project.

I know my comments do not represent those of some of my neighbours - this surprises me. Unless you actually live on Huron, next door to this site - which likely none of your objectors do (as most of the housing on Huron on this stretch is already rental) - how could this possibly impact your quiet enjoyment of your property? The students are already here. They are already walking down St. George and Wellington at 3:00 am. This will not change. The enforcement/crime related issues just need to be managed better.

I struggled this past school year with 7 male students living next door to me, a few of which would go on all night benders fuelled by recreational substances, and at times threatened bystanders and those around them. These situations do not occur (or are certainly less likely to occur) in professionally managed buildings. For example, for part of the year, the landlord did not know the names of some of the people living in his house. The students had traded houses with another group in an effort to reduce accountability.

You see, what impacts my quiet enjoyment, and indeed my security of the person, is having a constant influx of new tenants next door to my house. Usually the kids are awesome - or at least the good outweighs the bad - but sometimes you get the bad apple.

A professionally managed, attractive building, at this location - is part of the solution to the neighbourhood problems - it is not part of the problem. Such a building will also raise the bar and encourage older, junky houses to continue to be replaced on the street.

The Provincial Policy Statement supports this type of infill at this location. The proposal contributes to a more compact urban form, the optimization of and efficient use of existing services and the support of public transit. It also encourages a more pedestrian-oriented neighbourhood and healthy lifestyle. To this end, I rely upon the following PPS statements in expressing my support for this development as a neighbour:

- Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns
- Section 1.1.1 (a), (b), (c), (d), (e) and (g)
- Section 1.1.2
- Section 1.1.3.2 (a) 1.,2.,3., and (b)

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Section 1.1.3.3., 1.1.3.4.

Housing
Section 1.4

Infrastructure and Public Service Facilities
Section 1.6.1., 1.6.2

Sewage and Water
Section 1.6.4.1. 1.6.4.2.

Transportation
Section 1.6.5.2, 1.6.5.3, 1.6.5.4

Energy and Air Quality
Section 1.8.1 (a), (b), (c),(d), and (e)

Please note that in my previous employment in the private sector, I never represented Arnon Kaplansky or KAP Holdings at the OMB, before City Council or in any other manner. I am writing this letter of support in an attempt to bring some reasonableness to the ongoing conflict between the impact of short term tenants in established neighbourhoods.

Steven D. S. Ross
Assistant City Solicitor
City of Kitchener
City Hall, P.O. Box 1118
200 King Street West, 4th Floor
Kitchener, Ontario N2G 4G7
Phone: (519) 741-2266
Fax: (519) 741-2702
TTY: 1-866-969-9994

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File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: R Gidney [REDACTED]
Sent: Friday, June 17, 2011 7:03 AM
To: Tomazincic, Michael
Cc: Branscombe, Nancy; Blosch Marie; Jackie Farquhar
Subject: File #OZ-7912

Dear Mr. Tomazincic,

Re: File #OZ-7912 – Notice of Application, 186-188 Huron Street and 2 Audrey Avenue, KAP Holdings Inc.

My husband and I are long-time homeowners and residents at the above address. We also own the property at 553 St. George St. Our properties are in the last block of St. George St. between Huron Street and Regent Street. The properties at 186-188 Huron Street and 2 Audrey Avenue are opposite the end of this block and visible from our house. In other words, any development that occurs at the Huron and Audrey sites will have a direct impact on us.

While it would be nice to have the three unattractive towers on those properties replaced, we have no reason to believe that KAP holdings will replace them with anything attractive or remotely in character with the neighbourhood. Mr. Kaplansky of KAP Holdings has openly said that he wants to intensify development on the site. A previous attempt to get permission to amend the City of London official plan in this respect was turned down by the Ontario Municipal Board. KAP Holdings is now applying to build a huge development that will produce the same over-intensification that the previous application proposed, and in fact have a greater number of bedrooms. This new proposal would also require a significant and detrimental amendment to the official plan.

This proposal, calling for construction on such a massive scale, would subvert the city's policy of supporting the traditional character of this neighbourhood. The development proposed would be suitable only for tenants (not for single families) and would be out of

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

proportion to the size of the sites. It would also tip the balance further towards rental properties in this area, threatening the traditional composition of a mix of families and tenants. We are worried about traffic, noise, property standards, and the general impact on the neighbourhood resulting from such over-building.

We wish to register our strong opposition to this application.

Yours truly,

Wyn Gidney

Robert Gidney

The neighbours whose names appear below are out of town but they have given us permission to append their names to this letter; they too are strongly opposed to the application.

Marjorie Cunningham

554 St. George St.

Marilyn Gregory

545 St. George St.

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File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: jason haladyn [REDACTED]
 Sent: Friday, June 17, 2011 5:16 PM
 To: Tomazincic, Michael
 Subject: Re: File#OZ-7912 - KAP Holdings Inc.
 Attachments: 2Audrey.JPG

The City of London Planning Division
 P.O. Box 5035
 206 Dundas Street
 London, ON, N6A 4L9

Dear Michael Tomazincic:

In regard to the application to amend the official plan and zoning bylaws at 186-188 Huron Street and 2 Audrey Avenue (File#OZ-7912) we want to register our *strong opposition* to the proposal by KAP Holdings Inc. to demolish the existing buildings and build 7 rental townhouses.

There are already too many students living in the Huron Street area and they cause enough problems with noise, garbage, rowdiness and parking. To allow more rental units of the scale that KAP Holdings Inc. is proposing would further erode the neighborhood by filling it with poorly maintained student rental units. As a case in point there has been graffiti on the 2 Audrey Avenue building for months (see attached photograph). The President of KAP Holdings Inc. is neglecting to maintain his current buildings and he has the gall to ask for *more* rental units. Outrageous!

This current proposal is a slap in the face of our neighborhood in light of the previous application to build rental units that was denied in 2006 and the subsequent construction of the three existing buildings, which were erected out of sheer spite. It sets a dangerous precedent to allow a vindictive and irresponsible property owner like Mr. Arnon Kaplansky to attempt to blackmail the neighborhood by constructing the three existing buildings, which are not in keeping with the established lot pattern in a petty effort to get his way. The zoning bylaws that designate this neighborhood as Low Density Residential are there to preserve the character and stability of this neighborhood, as well as prevent callous property developers such as Mr. Kaplansky from destroying the charm and beauty of our city.

We love living in our neighborhood and do not want it to be run down further by slumlords like Mr. Kaplansky. Yes, students and their neglectful landlords are a problem in the area (which is another reason why this application should be denied), but there are still people living here who take care of their properties and want to enjoy a stable and quiet neighborhood without the blight of a student ghetto on our doorsteps.

Please confirm reception of this email. Thank you.

Sincerely,
 Jason A. Haladyn and Miriam Jordan
 165 Sherwood Avenue
 London, ON N6A 2E7

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Betty Duffield [REDACTED]
Sent: Monday, June 20, 2011 7:38 AM
To: Tomazincic, Michael
Cc: Jackie Farquhar
Subject: Re - Kap Holdings Proposal File # 0Z7921

Dear Mr. Tomazincic:

Once again we register our strong disapproval of one more proposal by KAP Holding, to destroy and intensify the visual and community atmosphere of Huron Street. Mr. Kaplansky's dedication to destruction of a community, environment, streetscape and character of the neighbourhood is appalling. With total self-interest and disregard for others he once more forces a community to fight to maintain some semblance of grace and charm.

We both, once again, strongly oppose the intensification of Huron by KAP Holdings proposal for such a massive influx into this area.

Yours Truly

Bill Duffield
Betty Duffield
369 St. George Street
London, ON
N6A 3A9

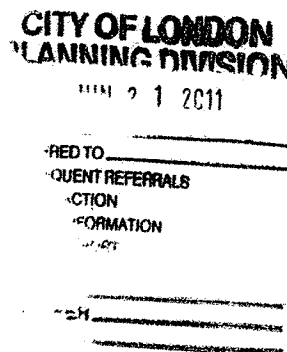
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File #OZ-7912
M. Tomazincic

Appendix "A"

19 June, 2011

Mr. M. Tomazincic,
 London Planning Division
 206 Dundas St. (P.O. Box 5035)
 London ON N6A 4L9



RE: OZ 7912-KAP Holdings Inc.

Dear Sir:

My husband and I wish to oppose the recent application by KAP-Holdings for an amendment to the City's Official Plan and Zoning By-Law for land known as 186, 188 Huron and 2 Audrey. The purpose of this application is to destroy 3 existing "single detached dwellings" and construct fourteen 2-unit "stacked townhouses". The history of this property is well known: less than six years ago KAP Holdings demolished the two previous attractive single family homes; the two properties were severed to three; when an application to build structures for some 50 residents was eventually rejected by City Hall and the OMB, KAP Holdings built three towers that currently serve as lodging for some fifteen renters.

KAP Holdings now is applying to return to the drawing board: demolish the existing towers he built, and replace these with structures that would house some 56 residents. If the zoning change is approved the new buildings would add to the number of residents, decrease parking, increase density, and reduce front and exterior side yard setbacks. Occupancy, therefore, in our immediate neighbourhood, on this same corner of Huron and Audrey, were this proposal to be allowed, in less than six years, would go from those few who lived in the original two homes to some 56 individuals. The increase in residents would, therefore, be more than eightfold.

The application by KAP Holdings puts great emphasis on urban Intensification. While this goal may be appropriate in some parts of London where there are - perhaps - under used lands, in our area, intensification occurred many years ago and continues today.

More student-housing is not needed. UWO is building more residence space for undergraduate students who, according to UWO's statistics, prefer to live on-campus. If the hoped for increase in student numbers does occur (and there is no proof that this expectation will materialize), on the whole, they will be graduate students. These more mature MA and PhD students, who are often married with small children, do not want to live in four bedroom "townhouses" such as proposed by KAP Holdings.

KAP Holdings' plan allows for 14 parking places (one space per four bedroom unit) and does not include for guest parking. If the proposed 14 units were truly for families, it is possible that each family might own one car but, given that these units will serve four separate individuals living communally in each of the fourteen "townhouses", it is possible that each of 56 residents will own a car. This number

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**File #OZ-7912
M. Tomazincic**

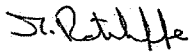
Appendix "A"

of parking spaces is therefore greatly inadequate and will lead to more illegal and /or on-street parking which is already at a premium.

The proposed construction of these buildings will also dramatically increase sewerage and water usage, demand more garbage collection, and require more policing. It is not possible, especially in less than six years, to increase the population from, perhaps, some 7 or 8 people living in the original 2 single family dwellings to the proposed 56 residents without creating serious strain on the community. This over intensification cannot be allowed to continue.

The area in which we live is already over intensified. We urge the Built and Natural Environment Committee and City Council to reject this application.

Sincerely,



Marjorie Ratcliffe

193 Regent St

London ON N6A 2G9



Rodney Millard

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Francine ALFRA ENTERPRISES [REDACTED]
Sent: Monday, June 20, 2011 2:17 PM
To: Tomazincic, Michael
Subject: Fw: 186-188 Huron Street - File OZ7912

Dear Michael Tomazincic,
Please be advised that I am totally opposed to the above application by Kaplansky Holdings Inc. to increase student housing density in our residential neighbourhood.

Regards,
Francine Lacroix
312 Huron Street

Agenda Item # Page #

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Joseph Stepaniuk [REDACTED]
Sent: Monday, June 20, 2011 4:06 PM
To: Tomazincic, Michael
Subject: File # Oz 7912

File OZ7912 Kap Holdings Inc Attn: Michael Tomazincic

This proposed OP amendment & rezoning for clustered stacked (one on top of another) townhouses should be denied because:

- The proposal is not infill, but over-fill
- The spot OP amendment & spot rezoning request is not good planning principals in isolation from the surrounding low density neighbourhood.
- Approval would set a precedent that extremely hi density proposals be allowed in other low density single family areas in the City
- Site is not special or unique to allow and accommodate such an overdense development, with insufficient parking. Proposed reductions for parking requirements 2 Gross Floor Area coverage, 3 Front, 4 Side, and 5 Rear Yard set backs should NOT be amended or reduced and Not Approved for this Cluster Stacked Townhouse Development Proposal.
- Out of character, out of scale, alter streetscape, eye-sore & disrupt the character in the heart of this low density residential neighbourhood
- The proposed cluster units will be higher and denser than the existing structures on site

Previously applicant has submitted OP. and Rezoning application for triplexes and duplexes and has been denied. (See Nov.2005, OZ-6997) This even higher density proposal should also be denied.

The Notice of application map of developer's land shows three lots, wherein it actually there are four approved single family lots & 8 part-lots (Refer to Cof A submission # A.067/07. It is confusing to determine the actual proposal and legal ramifications of this proposal.

Joseph Stepaniuk
555 St. George St. London, On

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: John-Paul Bracey [REDACTED]
Sent: Monday, June 20, 2011 4:44 PM
To: Tomazincic, Michael

I am writing to express my opposition to the proposed redevelopment on Huron St. That kind of intensification must be stopped. John-Paul Bracey - 15 Harrison Crescent.

John Paul Bracey

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File #OZ-7912
M. Tomazincic

Appendix "A"

190 Regent St.

London ON

N6A 2G8

19 June, 2011

Mr. M. Tomazincic,
City of London Planning Division
206 Dundas St. (P.O. Box 5035)
London ON N6A 4L9

RE: OZ 7912-KAP Holdings Inc.

Yet again, we the neighbours of 186-188 Huron Street and 2 Audrey Street, begin to cringe, the second time in 10 years, at the sight of the sign: "Possible Land Use Change."

Not only is it Possible, but Probable, most likely Realistic, given the tenacity and persistence of KAP Holdings Inc. to cover entirely this block of land.

Given the current 3 Tillsonburg-style tobacco kiln wannabe buildings, a dangerous precedent has been set. The general reaction of neighbours, indeed citizens of London itself, is that of horror, disbelief AND puzzlement that a developer could have erected such anomalies.

There exists on this planet such a notion as architectural integrity within a neighbourhood. Also in existence are by-laws, guidelines and building codes. In our democratic country of Canada, most law-abiding citizens consult and accept by-laws, guidelines and building codes, acknowledging that by-laws, guidelines and building codes have been developed by skilled and caring professionals for the benefit of ALL.

A saunter through our neighbourhood during the past school year made it clearly evident that several student rentals were not at capacity; the above 3 buildings were no exception.

The point is: Why demolish 3 so-called single family dwellings (a BIG stretch) to create housing for up to 60 unrelated people, parking for 14?! This would present a math problem even for Euripides!

I urge you, Mr. Tomazincic, and the City of London Planning Division, to reject categorically this application by KAP Holdings Inc. It is my fervent hope that there be no future changes on these 3 properties unless it be the addition of a second door on each "tower" to facilitate a FIRE ESCAPE.

Respectfully submitted,



Richard Yake

**CITY OF LONDON
PLANNING DIVISION**

JUN 21 2011

REFERRED TO
FREQUENT REFERRALS
ACTION
INFORMATION

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File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From:	Dale Holt [REDACTED]
Sent:	Wednesday, June 22, 2011 7:47 AM
To:	Tomazincic, Michael
Subject:	File #0Z7912

Mr. Tomazincic:

As a permanent resident of the area, I would like to make a few opposing observations about Mr. Kaplansky's application to increase the bedroom density at 186-188 Huron Street from 15 to 56 rooms, observations which, I suspect, are quite familiar to you.

As I understand the zoning for the area, one lot equals one residence and one residence equals a maximum of five bedrooms. The City rightly rejected Mr. Kaplansky's previous application to increase the density to 50 bedrooms, and must, logically, reject the current application. I believe that the zoning was in place when Mr. Kaplansky bought the three properties and tore down the existing houses. Does that mean that he thought a fait accompli would persuade the City that he should be allowed to re-write the zoning? Does his re-application suggest that he still considers zoning regulations to be properly his jurisdiction?

The area of Huron Street in question is a disgrace to both the City and the University. Increasing the transient population density would be anything but a solution to the litter that always adorns the street.

This section of Huron Street is two lanes wide, and the only parking is on the non-existent boulevards. When students move in or out, the street is clogged with vehicles, when students party, which is at least weekly, the street is clogged with vehicles. Does Mr. Kaplansky's application include 56 parking spaces plus visitor parking. If so, what governs the creation of parking lots in residential neighbourhoods?

Were the application to be granted, on what basis does the City reject converting every three lots on Huron Street to similar transient population density? Would granting the application not invite the same sort of problems that townhouse student density created around Fanshawe College?

This area is an integral part of Old North London, and of the city itself. I would like to think that City Hall is at work to increase the civility of neighbourhoods, rather than the reverse.

To me the basic question is simple: Does the City have regulations and rules for its residential neighbourhoods, or do the developers and absentee landlords just make them up as the profit motive moves them?

Yours sincerely,

D. J. Holt
1085 Richmond Street
N6A 3K3

cc. Mrs. Nancy Branscombe

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Jackie Farquhar [REDACTED]
Sent: Wednesday, June 22, 2011 10:46 AM
To: Tomazincic, Michael
Subject: File# OZ7912 - KAP Hodings app.

Hello Michael:

I am distressed that Kaplansky will try yet again to intensify the three single home properties on Huron and Audrey. Considering that the City and the OMB both turned him down for 50 bedrooms in 2006 - 2008 I think it is completely audacious and futile of him to attempt to increase intensity even higher to 56 bedrooms.

I urge the Planning Department to refuse this new application and make recommendation to City Council to do so too. To allow such intensification would effectively destroy Huron Street west of Richmond because student housing developers could amass two or three properties and apply for exactly the same density.

Please keep me informed of the dates for Council to hear this application. I know that the neighbours are upset yet again and would want to be present at the Council session that deals with this inappropriate application.

Many thanks, Jackie Farquhar.

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Sandra Boersen [REDACTED]
Sent: Thursday, June 23, 2011 7:55 PM
To: Tomazincic, Michael
Cc: Branscombe, Nancy
Subject: "Towers of Spite" 186-188 Huron St - Kaplanski, Request for zoning change - File OZ-7912

To: Micheal Tomazincic, planning department City of London

Objection to further development at 186-188 Huron Street and all

I am strongly against any further intensification along Huron street in particular, but Broughdale in general. The neighbourhoods in and around the Kaplanski properties have been very vocal about the over intensification in this area and the trouble it is causing.

No precedent should be set. That is to say, we do not want further developers believing that if they build something unsightly, but within zoning, that they will later get bonus units for building something more appealing later. Bonus units should never be granted in areas of over intensification and sent a poor message to the community about the protection granted in the zoning. It also leads to a situation where further development in that area will also ask for bonus units for making their building pleasing. Buildings should be pleasing because they conform to the buildings already in the area (in size, shape and construction material used) and because that makes the building more appealing for occupancy.

Let the towers of spite remain until eternity. They are a constant reminder of the lengths with which a developer would go to to get his way and show his disrespect for the community in which he is developing. They are also a reminder of the failure of this city to protect the historical nature of this neighbourhood.

The damage done from their construction is complete, however changing the area from its current fifteen occupants to 56 occupants will however continue to haunt the neighbourhood forever.

This site has already been intensified from two single family homes (originally three bedrooms) to three student design buildings with fifteen bedrooms. Further intensification is not warranted nor wanted.

later
sandra j boersen
310 Huron Street
London, Ontario

[Empty boxes for Agenda Item # and Page #]

File #OZ-7912
M. Tomazincic

Appendix "A"

To Whom It May Concern,

Re: "File 02 7912 KAP Holdings Inc."

My first comment regarding this issue is: you HAVE TO BE KIDDING!

I cannot believe everyone has to go through this ridiculous request again a few years after everyone concerned in the area opposed it so seriously including the OMS.

If this is approved, the city is setting the race for everyone else to apply & change their lots to the same. Good-bye old Broughdale community as it is now.

If council agrees with this change, they are making KAP Holdings happy, the temporary building & construction company happy & the city tax collector happy BUT NO ONE who lives in the community they call home happy.

Please think hard & serious on this.

Regards,
A. Murphy

Attention Michael Tomazincic

A. Murphy

CITY OF LONDON
PLANNING DIVISION

Received JUN 23 2011

FILE NO.

REFERRED TO

SEQUENT REFERRALS

ACTION

INFORMATION

REPORT

OVER

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File #OZ-7912
M. Tomazincic

Appendix "A"

ST. GEORGE GROSVENOR NEIGHBOURHOOD ASSOCIATION

June 24, 2011

Mr. Michael Tomazincic,
The City of London, Planning Division
PO Box 5035, 206 Dundas St.
London, ON N6A 4L9

DELIVERED VIA EMAIL

Dear Mr. Tomazincic:

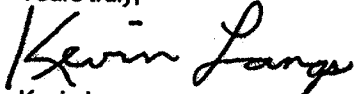
RE: File OZ-7912- Kap Holdings Inc

The St George Grosvenor Neighbourhood Association is deeply concerned about the application for zoning change to the properties at 186, 188 Huron St and 2 Audrey Ave. Many residents have already expressed their opposition to this zoning request, just as they did when the same application was made and ultimately denied by Council and the OMB in 2006. As was the case in 2006, the type of over-intensive development requested is totally inappropriate in this neighbourhood, which is zoned for lower density dwelling units. Certainly the same arguments brought forward by the other property owners and actual residents in this community, confirmed by Council and the OMB, still hold true.

These properties, located in the Broughdale Neighbourhood, are subject to special policies contained in section 3.5.9 of the Official Plan. A Specific Residential Area Policy was originally implemented in 1996 in response to pressure from inappropriate, over-intensive housing developments. With the Specific Residential Area Policy having been in place for such a long period of time, it should come as no surprise to the owner of this property that his request would be denied in 2006 and opposed by residents of the neighbourhood today.

This is an attempt for spot zoning in an R1 zone. When denied of the zoning change in 2006, this developer constructed what was ultimately nicknamed by residents of the neighbourhood and the local media the "towers of spite". Given the recent history of this developer constructing buildings on the site with utter disregard to the spirit of the City's planning policies and the character of the neighbourhood, it is no wonder that residents are opposed to this application.

Yours truly,



Kevin Langs
President
St George Grosvenor Neighbourhood Association

HOME ADDRESS: 199 St James St, London ON N6A 1W7

PHONE [REDACTED]

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File #OZ-7912
M. Tomazincic

Appendix "A"

June 24, 2011 (via e-mail)

RE: 186-188 Huron Street, File # OZ-7912

Dear Michael,

I am writing to object to KAP Holdings' proposal to intensify 186-188 Huron Street. I'm sure you are aware that his previous attempts to build triplexes and duplexes on these lots were denied by the city, that the OMB dismissed his appeal, and that his subsequent attempt to have the court overturn the OMB's decision failed.

Addressing the same proposal by the same developer on the same lot is a burden that no resident should have to tolerate. The OMB recognizes this, and follows the rule that there must be some change in the circumstances to justify reconsidering a proposal. See, for example, the discussion of *res judicata* in OMB Decision No. 0124, Jan. 21, 2005 (Bond and Toronto), and OMB Decision No. 1546, Sept. 23, 2004 (Ottawa and Bradley).

According to these OMB decisions, sufficient change could be found if there were changes to the Official Plan or Zoning By-law, a substantial amount of time had passed since the last proposal, or the proposed development had been significantly altered. No such changes are present here. The neighbourhood is the same as it was when the OMB issued its decision in 2006, and KAP's proposal today is essentially the same as his previous proposal. The earlier proposal had 50 bedrooms; this one has 56 bedrooms.

All of the issues regarding over-intensification are the same. This latest proposal would result in the originally proposed 50 bedrooms, plus six more, sited next to single detached dwellings on a residential street. The proposed format is stacked townhouses, a building style that the OMB did not allow KAP Holdings to construct on Richmond Street, even though that street, unlike Huron Street and Audrey Avenue, is an arterial road. In the Richmond Street case, the OMB stated:

In the Board's view, a townhouse development, as proposed is not compatible with its surroundings ... Simply put, the bulk of the townhouse building as exhibited is too large, the length of its continuous face is out of character with the length of the existing buildings. It is out of scale with its surroundings. Further, the proposal is not sensitive to the continuity of the existing residential streetscape. [Decision No. 1415, Oct. 21, 2002, p.18]

It is ironic that I am now opposing demolition of the very buildings I once objected to. The fact is that the Towers of Spite, with their solid walls facing the street, have become neighbourhood landmarks. No consideration should be given to "completing" the development. In 2009, the OMB dismissed an appeal to sever these lots, noting:

It was equally clear to the Board from Mr. Kaplansky's evidence that he proceeded with the development currently on the site with the full knowledge of the risks he was taking and the planning regimes and regulations in place and to which he must comply. [PL070569, Feb.4, 2009, p.9]

The city and the OMB have consistently upheld the Official Plan and Zoning By-law, and said "no" to intensification on this site. I trust both will do so again.

Marie Blosch
43 Mayfair Drive, London N6A 2M7

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: jan devereux [REDACTED]
Sent: Friday, June 24, 2011 5:31 PM
To: Tomazincic, Michael; Branscombe, Nancy
Subject: OZ-7912

Dear Mr. Tomazin,

We are emailing you in objection to the KAP proposed ammendment above. While the current structures, which we pass at least 6 times per week, are unsightly and inappropriate in our Old North neighbourhood, building larger towers and more than tripling the number of bedrooms would be worse. We don't feel that that type of student housing is wanted or needed on Huron St. UWO has done a good job in recent years in increasing accommodation for students and we support the maintenance of the Old North and Broughdale areas as residential and largely for families. Please do not accept this proposed ammendment.

Sincerely, Jan Devereux and George VanOstrand, 926 Colborne St.

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: louise bhatia [REDACTED]
Sent: Friday, June 24, 2011 7:10 PM
To: Tomazincic, Michael
Subject: File#Z-7856, Kaplanszky proposal on Huron Street

We are opposed to the Kaplanszky plan, File#Z-7856. We're part of the St. George Association and live on 326 St. George Street.
Thank you for your attention.
Louise/Kul Bhatia

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: cathy cave [REDACTED]
Sent: Saturday, June 25, 2011 3:44 AM
To: Tomazincic, Michael
Subject: re Huron Street

I am totally against Mr. Kapakinsky's plan to enlarge what is already a monstrosity! It is a blight on a lovely well planned old North community.

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Diana C. Coates [REDACTED]
Sent: Sunday, June 26, 2011 9:36 PM
To: Tomazincic, Michael
Cc: Jackie Farquhar
Subject: Application by Kaplansky Holdings File #OZ7912

As a members of Saint George St. Association, as homeowners of 321 Saint George St., London, we wish to register our concern re. the application to the City by Kaplansky Holdings for housing accomodation for 56 bedrooms on two lots 186 and 188 Huron Street.

The City of London by allowing a development, such as described in Mr. Kaplansky's application, is incrementally destroying a residential neighbourhood west of Richmond Street.

Huron Street is becoming the accepted dividing line, from UWO, between individual personal home ownership and absentee landowners with rental properties.

Mr. Kaplansky's proposed development is an example of the lack of will for single family homes to exist in the Saint. George St. neighbourhood. The acceptance of the plan will provide both the rationale, and the example, to others to profit from insufficient university residences. It is time for government and UWO to establish student housing with green space, separate from family neighbourhoods and to discourage rental development in this zone.

There are few existing streets from Huron to Grosvenor St. which constitute a family neighbourhood. For let signs, rent signs are everywhere as single families abandon a once coherent, well- cared for, tree-lined neighbourhood. The concept of Old North as an historic, architecturally significant area is vanishing. In an area that pays some of the highest residential taxes in the City, single family homeowners do not wish to share ownership with absentee landlords who collect rent and do not always supervise their lawns, gardens, and the garbage strewn about.

Condos are to the south of us, absentee landlords with increased density allowances, are to the north. This leaves few homes available for young families who wish to live downtown, whose children would be present in the public schools, and who would enjoy the luxury of a playground and park as beautiful as Gibbon's Park. instead the children must live peripherally in London, to have a sense of community. What a shame.

Regards,
Diana and Charles Coates

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4415 (20090910)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

Tomazincic, Michael

From: Judith Rodger [REDACTED]
Sent: Monday, June 27, 2011 11:47 AM
To: Tomazincic, Michael
Subject: Re: 186-188 Huron Street

Dear Michael Tomazincic,

We are in support of the letter from the St. George/Grosvenor Neighbourhood Association regarding the rezoning of 186-188 Huron Street. Our views have not changed since we originally opposed the earlier application, which was turned down at all levels. The resultant three buildings are a blight in the neighbourhood, even though they conform to the zoning regulations.

Wilson and Judith Rodger
323 St. George Street

[Empty boxes for Agenda Item # and Page #]

File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: Johanna Engel Clarke [Redacted]
Sent: Wednesday, June 29, 2011 1:35 AM
To: Tomazincic, Michael
Subject: RE: File OZ-7912 - KAP Holdings Inc

Hello Michael

Sorry about this. Lets try it again.

Thanks,

Johanna

206 Dundas Street
London, ON
Attn: Michael Tomazincic

Re: File OZ-7912 – KAP Holdings Inc.

We wish to submit this letter to convey to you our gravest concerns regarding the proposed land use (zoning) changes and all areas of the proposed buildings and the necessary allowances this would entail.

A change in the zoning of these (once only two) properties had already been proposed and denied all the way to the OMB. At that time, nearly all the citizens living and owning property in this neighbourhood rallied together and helped defeat this very same man's very same company's plans to build four townhouses with approximately the same total number of bedrooms on this same spot. Why is he permitted to waste all of our time again?

We were very clear in our reasons then for that opposition, namely: over intensification, insufficient parking and far too many students in this fragile and very stressed old north neighbourhood. Before KAP Holdings bought these two lots there were two lovely old (one built in the 1890's) single family homes. These were torn down with the expectation that severing the two lots into four lots would be approved and these would then be filled with townhouses full of students. When this was denied, three very unsightly student rentals were constructed. (*Please* go there and see these "towers of spite" as we neighbours call them – they appear taller than a very old three story walk-up nearby, formerly the tallest building anywhere near, and have no windows or doors on two sides, including that facing Huron Street.) Even the UWO Student Council executive stated in The London Free Press that students would not wish to rent them. (Perhaps this is why the company is so keen to demolish them.)

The suggestion to add 56 students here, as opposed to the former 6 - 10 (or two families) and the current (up to) 15 students in what represented only two lots, now three, presents a huge imbalance to this residential area. A good neighbourhood needs a mix of all types of residents, not just students, to be vibrant. The proposed seven two-unit stacked townhouses will forever change this neighbourhood as these are specifically built to house *only students* and cannot, unlike the single family houses here now, be converted back to single family units when the present number of students seeking off campus housing declines to reflect the current birthrate trends. It may also be viewed as a precedent for further such "amendments".

The additional required amendments to reduce setbacks will also make this development appear even more crowded and unsightly in such a quiet modest neighbourhood than the hideous "towers" there now.

We believe that the Official Plan was correct in protecting this low density residential area. There is allowance for the proposed type of housing all along the main corridors. We also feel that in allowing 56 students to be crammed into what is clearly insufficient space (we refer to the very small living area for these unrelated adults and virtually no outside lawn or garden space either) we are doing these London residents a significant disservice. There also appears to be an alarmingly insufficient amount of parking space for them. We wonder if they will be roaming our streets looking for a bit of personal space. We assure you that there are more than enough loud, disruptive parties and at every hour of the day or night, wandering groups of students under the obvious influence of alcohol at the present time. We have already resorted to hiring private security on some weekends.

This neighbourhood has already seen several instances of two or even three houses built on large single lots, replacing the one that was permitted, through (probable deliberate) neglect, to fall beyond cost effective repair to demolition,

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**File #OZ-7912
M. Tomazincic**

Appendix "A"

thereby making it possible to split the lot and add two or even three five-bedroom houses for students to rent replacing the single two or three bedroom home. Certainly it is much more congested here today than prior to, say, 1985. Then, each 2 or 3 bedroom home was occupied by 2 adults and possibly 2 or 3 children with one car. When the kids left home, a student boarder was often taken in. Now, there are usually 5 university-aged adults in each house, often with as many vehicles. The students' additional garbage, often poorly contained, bring skunks and raccoons which make an even larger mess. All this represents quite a strain on the beauty, cleanliness and our overall enjoyment of this area. Many of the homeowners and students with whom we have spoken are also appalled and saddened by the mess the streets become with so many uncaring landlords and students.

We feel, in addition, that the onus should not always have to be on the residents to protect what is in the official plan. We invest *our* personal time and energy and *our* limited resources to fight this proposal (and others like it); we don't hire lawyers whose expenses are paid by the company and are then tax deductible. We feel we are being stressed and worn down by this effort each and every time.

Please continue to uphold the Official Plan as it was intended and to not succumb to a temporary and unproven need for any more higher density university student-specific housing in the Broughdale and Old North areas of London.

Sincerely,

David & Johanna Clarke, 195 Huron Street
Mrs. Robert (Lois) Stevenson, 558 St. George Street

P.S. We may be unable to attend the meetings for health reasons.

CC Nancy Branscombe

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File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: Allan Xiong [REDACTED]
Sent: Wednesday, June 29, 2011 11:00 PM
To: Tomazincic, Michael
Subject: regarding File OZ-7912-KAP Holdings Inc

Hi Mr. Tomazincic

My name is Allan Xiong, landlord of 192 Huron Street, my house is 2 houses down from the "spike towers", There was a dispute before about over blocking the sunlight on the Western Gazette about 2 years ago, not long after the spikes were built

Now, the landowner is going to rebuild the houses again, I'm strictly against it, Despite other inconvenience Associated with this house, the population density of the building changes from R1 to R5 (the lowest to the highest)

this doesn't fit in the neighborhood, with a drastic increase to 56 tenants in 3 house lots.

Now imaging all the parking spaces (each tenant will have his/her own car), then it is unpreventable that the house lots

around the "spikes" will be occupied without notice from time to time.

even worse, the waste disposal (the garbage problems),

if the "spikes" will be "renovated" it will create havoc for the neighbors

I'm a bit concerned about this matter.

regards

Allan

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Monday July 4, 2011

Dear Mr. Michael Tomazincic

**We do not support the Application by Kaplansky Holdings Inc File #0A7912
to amend the official plan and Zoning of 2Audrey, 186 & 188 Huron Street Properties**

My husband & I have lived in Old North for 24 years. During this time we have paid a premium on real estate & taxes to live in Old North compared to living in other newer London neighbourhoods. We bought our first home at 178 Thornton Avenue, and 18 years ago moved to 272 Huron Street. Prior to any home purchase, we reviewed the location of student rental properties to ensure

- 1) that our then young children would be surrounded by families (not students) &
- 2) that the largest investment in our life time (buying a home) would not be compromised.

As the years have passed, Western, Fanshawe, London businesses, the City & government have realized that education is a big business. With our government encouraging more spaces to be added to post secondary education facilities, Western & Fanshawe have dramatically increased student enrolment. Yes Western & Fanshawe have or plan to build more residences, & guarantee accommodations to all first year students, but this doesn't take into consideration the downstream impact of returning students who are not guaranteed accommodations on campus. Dramatic increased enrollment forces zoning amendment applications to accommodate these students i.e. huge demand for off campus housing in areas zoned residential single family, acceptance of heavy traffic/buses and inappropriate parking arrangements, etc. Neighbours & community groups have rallied together thru the years to defend their heritage Old North family neighbourhoods while Western, Fanshawe, London businesses, the City & our government proceed to push more students into our family neighbourhoods.

In particular, we oppose any zoning amendment that would increase student density in Old North residential single family areas. Just drive down the streets in Old North close to Western & in most cases you can identify which properties are student rentals with absent landlords (i.e. large posted rental signs, bed sheets as drapes, uncut grass, unmanaged weeds, garbage, illegal parking, lack of home repairs & maintenance, etc.). These student rental landlords are abusing our neighbourhood properties to line their pockets with cash but do not show respect for the Old North residential family neighbourhood they are contained within.

We especially oppose the proposal to demolish the existing three single detached dwellings (built at Audrey & Huron in 2007) to construct seven 2 unit stacked townhouses with 4 bedrooms in each (i.e. 14 total units with 56 bedrooms). It is our understanding that KAP Holdings purchased these 3 adjacent properties, knowing they were zoned for single detached dwellings. In early 2006 KAP Holding applied for a zoning amendment (student housing for 50 bedrooms) which was unanimously rejected by 3 residents' associations, the City, and OMB. KAP Holding's reacted to these rejections by building the three buildings (15 bedrooms), that are unappealing in any neighbourhood, let alone Old North. The construction of these 3 building, with no windows facing Huron Street or existing neighbouring homes, demonstrates KAP Holdings & the City's lack of respect for the Old North residential family neighbourhood. If this proposed amendment is approved by the City, what "student stuffer" is next for the residence of Old North to accept? In addition, how can this property possibly accommodate the appropriate associated parking for a building intended to house 56 unrelated students when it was originally zoned for 3 single families?

We do support controlled/monitored student intensification in appropriately zoned regions (i.e. UWO campus, Richmond Street, Downtown, etc.), but **we do not support amending the official plan & zoning of residential single family homes** within our heritage Old North residential family neighbourhood..

David & Brenda Murphy
272 Huron Street

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M. Tomazincic

Appendix "A"



University Students' Council
Room 340, UCC Bldg.
The University of Western Ontario
London, ON Canada N6A 3K7
tel: (519) 661-3574 fax: (519) 661-2094
website: <http://www.usc.uwo.ca> e-mail: usc@uwo.ca

July 13, 2011

Mr. Michael Tomazincic
City Planner
Planning and Development Department
The City of London

RE: FILE OZ-7912 – KAP HOLDING INC. FOR 186-188 HURON STREET

Dear Mr. Tomazincic,

On behalf of the University Students' Council (USC) at the University of Western Ontario and the over 28,000 students we represent, we are writing to object the possible amendment to the Official Plan filed by KAP Holdings Inc., for the location of 186-188 Huron Street.

We are concerned that granting this request could compromise the integrity and character of this traditionally low-density student and single-family neighbourhood. While we are fully supportive of building additional quality and affordable student housing in the City of London, we do not believe this development to be in the best interests of students or long-term residents who reside in this community. It contradicts what we believe to be the shared value of building inclusive, quality university neighbourhoods.

We are further concerned that this

As citizens of the City of London, Western students have a vested interest in maintaining the character and vibrancy of communities within near-campus neighbourhoods. As such, it is our intention to register objections to all future developments that have the potential to compromise the integrity and/or design character of housing, and the quality of life within these neighbourhoods.

Thank you for your consideration,

Andrew Forgione
Andrew Forgione
President, University Students' Council at the University of Western Ontario

Patrick Searle
Patrick Searle
Vice-President University Affairs, University Students' Council at the University of Western Ontario

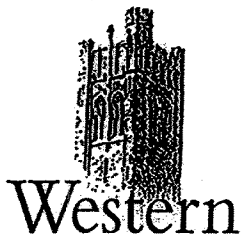
LONDON DIVISION
2011

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File #OZ-7912
M. Tomazincic

Appendix "A"



Gitta Kulczycki
Vice-President, Resources & Operations

July 15, 2011

Mr. Michael Tomazincic
The City of London
Planning Division
P.O.Box 5035
London, Ontario N6A 4L9

**Re: Opposing Application for Amendment of Official Plan and Zoning By-Law of
186-188 Huron Street and 2 Audrey Avenue**

Dear Mr. Tomazincic,

The University of Western Ontario has an interest in this application as it relates to residential intensification activity in the North London area.

The University is interested in promoting the existence of a mixed community which can provide appropriate, affordable housing and properly maintained accommodations for students as well as preserve the residential character, streetscape and amenity of the adjoining neighborhoods.

It is our position that the above noted application for amendment to the Official Plan from a Low Density Residential Designation to a Special Policy and the possible amendment to the Zoning By-Law Z-1 from a Residential R1 Special Provision to a Residential R5 Special Provision Zone would lead to further intensification in this neighborhood. The application is neither in keeping with the City's Official Plan policies nor with the intent of the Zoning By-law Z-1. It is therefore the University's recommendation that this application should be denied.

Yours truly,

Gitta Kulczycki
Vice-President
Resources & Operations

The University of Western Ontario
2107M Stevenson Hall • London, Ontario • CANADA - N6A 5B6
PH: 519-661-3114 • F: 519-661-3676
gitta@uwo.ca • www.uwo.ca

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M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: Dorothy Sample [REDACTED]
Sent: Thursday, August 04, 2011 11:46 AM
To: Tomazincic, Michael
Subject: Proposed change at Huron and Audrey

Dear Sir,

We discussed the proposed re-development of this property on the phone recently.

This is a single family neighbourhood. The proposed plan of stacked townhouses, housing a possible 56 people certainly does not fit the area. A large number of people would generate too much noise and traffic for existing residents.

In driving around the neighbourhood, there are plenty of For Rent signs, indicating that there is no need for more places to rent.

I would urge that the proposal be turned down.

Yours truly,
Dorothy Sample
1041 Patricia St.
London, N6A 3V3

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M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: Karen and John [REDACTED]
Sent: Thursday, September 08, 2011 10:41 AM
To: Tomazincic, Michael
Subject: 186-188 Huron St.

Dear Mr. Tomazin, I am a long time resident of the neighbourhoods surrounding the University. For twelve years I lived with my family on Patricia St. and know the effect of over crowded student houses. We were driven out of our home at 1031 Patricia St. by a noisy sorority which of course would be dwarfed by the noise and traffic pollution caused by the expansion on Huron St. It's no wonder young families are no longer choosing to live in the old north, the developers have turned family home into overpriced student ghettos. It seems to me there are many empty rentals in that area, could we not do a needs study before allowing more permits? Please say no to this contemptuous landlord who is trying to punish the neighbourhood. John Diesbourg 4 Grosvenor St. [REDACTED]

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File #OZ-7912
M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: Ben Lansink [REDACTED]
Sent: Saturday, September 10, 2011 4:22 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Attn: Andre Forgione and Patrick Searle- Student Affordable Housing

Arnon you are right on!

I would not want my child or grandchild living in any of the older 'family' homes, none of which come close to meeting current standards.

The University should be supporting new quality construction for safe student housing.

Ben Lansink, AACI, P.App, MRICS

507 Colborne Street
London, ON N6B 2T6 Off: [REDACTED] Fax: [REDACTED]

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed. The message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Ben Lansink immediately by email at [REDACTED] Thank You.

From: arnon kaplansky [REDACTED]
Sent: Wednesday, August 31, 2011 9:41 PM
To: [REDACTED]
Subject: FW: Attn: Andre Forgione and Patrick Searle- Student Affordable Housing

From: [REDACTED]
To: [REDACTED]
Date: Wed, 31 Aug 2011 12:22:54 -0400
Subject: RE: Attn: Andre Forgione and Patrick Searle- Student Affordable Housing

Hi Arnon,
Very well done response and discussion.
Regards,
William

From: arnon kaplansky [REDACTED]
Sent: Wednesday, August 31, 2011 11:59 AM
To: [REDACTED]; William Pol; mtomazin@london.ca
Subject: Attn: Andre Forgione and Patrick Searle- Student Affordable Housing

Mr. Forgione and Mr. Searle,

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M. Tomazincic

Appendix "A"

Tomazincic, Michael

From: Bill Pilot [REDACTED]
Sent: Tuesday, September 13, 2011 8:44 PM
To: Tomazincic, Michael
Subject: Official Plan and Zoning By-Law Amendment—FILE# OZ-7912, M. Tomazincic

We would like to express our opposition to this application. As a long-time resident of this area we have seen it turn into what City Hall affectionately calls "The Ghetto"!

There is not enough roadway on Huron and St. George Streets to handle the extra traffic that these residences would generate. This application is also in direct conflict with the Good Neighbour Guide and the Housing Mediation Services of both U.W.O. and Fanshawe College. A high density of students would only add to the problems that the area experiences with broken beer bottles, garbage, theft of lawn furniture, noise and vandalism.

On Sunday the property at 1067 Talbot Street had a party, by 7:30 p.m. it had moved to the street. The mailbox was pushed over to impress the girls who were also drunk. One of Western's finest then striped naked and ran up and down Talbot Street until a cab came to take them away. The neighbour next to this address phoned London Police Services but nobody would answer the phone. The phone call was made by a U.W.O. professor. On Monday he reported this incident to U.W.O. Housing Mediation.

WE DO NOT NEED MORE APARTMENT UNITS IN THIS AREA! PLEASE HELP US KEEP OUR HOMES AND NEIGHBOURHOOD!

Thank you,

Bill and Elaine Pilot
144 Sherwood Avenue
London Ontario
Phone: [REDACTED]