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**V. Santos**  
**File No: SPA17-046**

<b>TO:</b>	<b>CHAIR AND MEMBERS – PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: HOMES UNLIMITED 770 WHETTER AVENUE/8 FAIRVIEW COURT PUBLIC SITE PLAN MEETING DECEMBER 4, 2017 4:30PM</b>

<b>RECOMMENDATION</b>
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That on the recommendation of the Manager, Development Planning, the following actions **BE TAKEN** with respect to the Site Plan Control Application relating to the property located at 770 Whetter Avenue/8 Fairview Court:

- a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of a four (4) storey apartment building with a total of fifty-four (54) residential units; and
- b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether they support the Site Plan Application.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose of this application is to attain Site Plan Control Approval for an apartment building, four (4) storeys in height with fifty-four (54) residential units at 770 Whetter Ave/8 Fairview Court. The application is to be heard at public meeting of the Planning and Environment Committee. The site contains a holding provision (h-5) to require a public site plan review, a holding provision (h-18) to ensure the lands are assessed for archaeological resources, and a holding provision (h-65) to ensure there are no conflicts between the adjacent arterial roads and/or rail line.

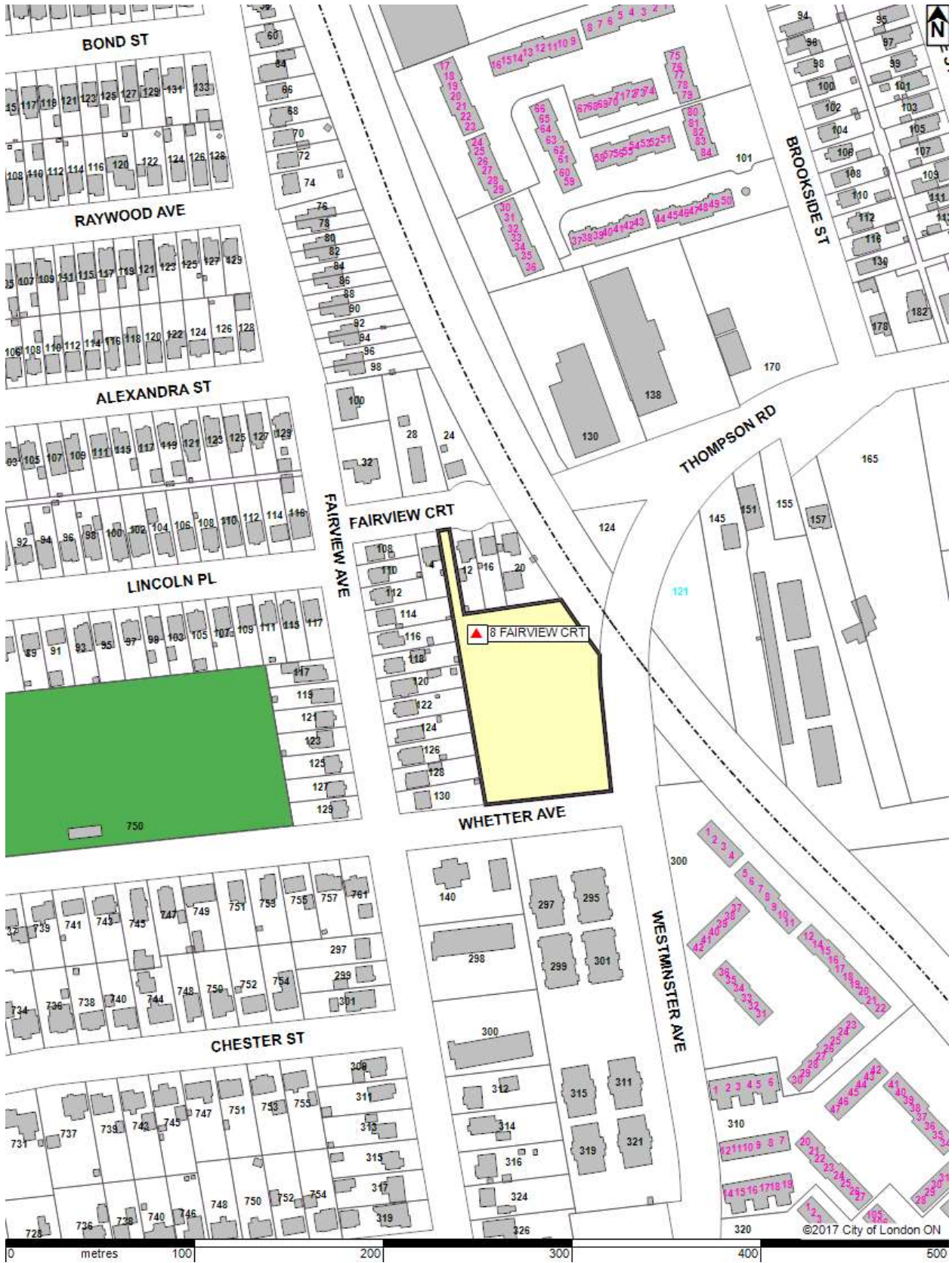
<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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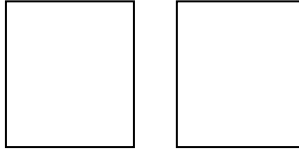
**File OZ-8055;** Report to the Planning and Environment Committee to amend the Official Plan and the Zoning By-Law on September 4, 2012. On October 31, 2012, a Council Resolution was passed referring this matter to a future public participation meeting.

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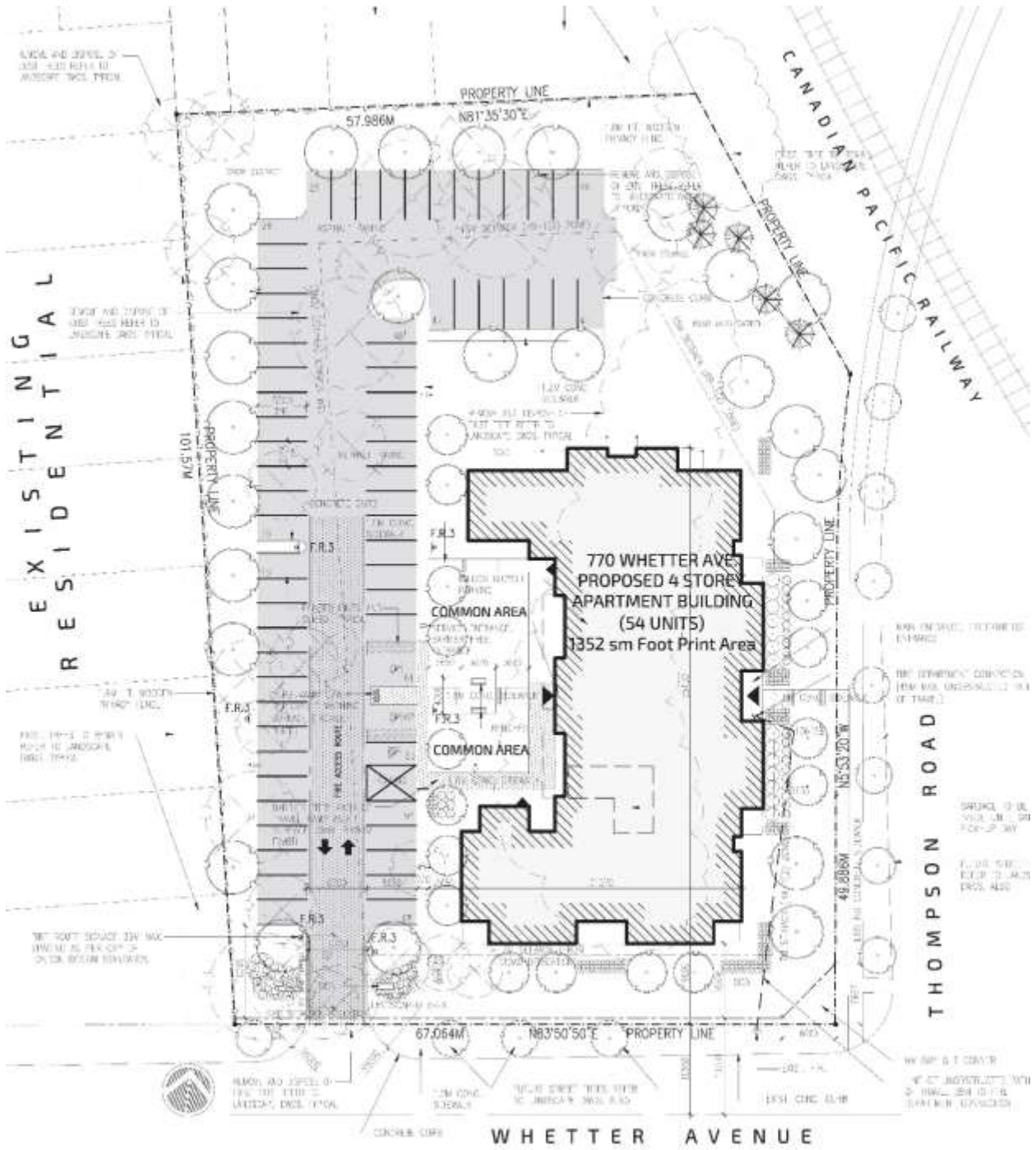
**Location Map**





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Site Plan



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**Landscape Plan**



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**West Building Elevation**



**East Building Elevation**



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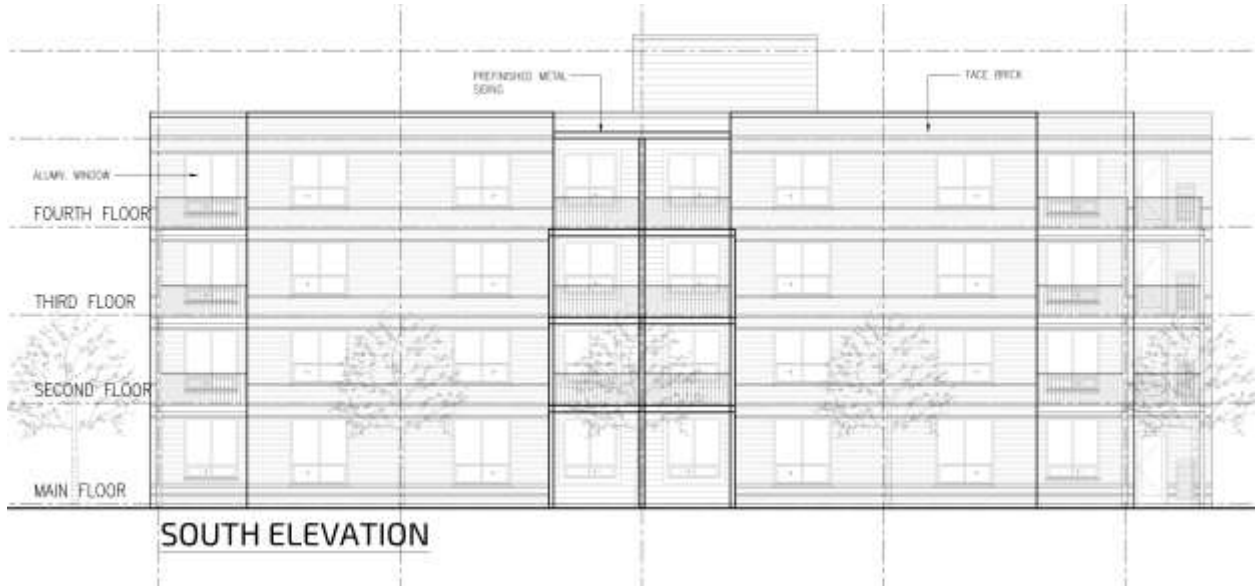
**North Elevation**



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**South Elevation**



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<b>APPLICATION DETAILS</b>
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<b>Date Application Accepted:</b> June 12 <sup>th</sup> , 2017	<b>Agent:</b> Homes Unlimited (c/o Malcolm Ross)
<b>REQUESTED ACTION:</b> An application for Site Plan Approval for a four storey apartment building with a total of 54 residential units.	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"><li>• <b>Current Land Use</b> – vacant</li><li>• <b>Frontage</b> – 6.096m (currently from Fairview Court) 67m (post severance)</li><li>• <b>Area</b> – 7305 square metres</li><li>• <b>Shape</b> – rectangular</li></ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"><li>• <b>North</b> – 1-2 storey single family dwellings.</li><li>• <b>South</b> – Whetter Ave and 8 – 3 storey apartment buildings.</li><li>• <b>East</b> – Thompson Road and CN Railway.</li><li>• <b>West</b> – 1-2 story single family dwellings.</li></ul>

<b>OFFICIAL PLAN DESIGNATION:</b> Multi Family, Medium Density Residential
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**EXISTING ZONING:** R9 (h-5.h-18.h-65. R9-1(2)\*H15)

The R9 Zone provides for and regulates a wide range of medium and higher density residential developments in the form of apartment buildings, continuum-of-care facilities, and apartment buildings for senior citizens and handicapped persons.

**h-5 Purpose:** To ensure development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act. R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol. Permitted Interim Uses: Existing uses (Z.-1-94236)

**h-18 Purpose:** To ensure that lands are assessed for the presence of archaeological resources prior to development. The proponent shall carry out an archaeological resource assessment of the entire subject property or identified part thereof and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources not found, to the satisfaction of the Ministry of Citizenship, Culture and Recreation, and the City of London. NO grading or other soil disturbance shall take place on the subject property prior to issuance of a letter of clearance by the City of London Planning Division (Z.-1-051390)

**h-65 Purpose:** To ensure there are no land use conflicts between the adjacent arterial road and/ or rail line and the proposed residential uses, the “h-65” shall not be deleted until the owner agrees to implement all noise and vibration attenuation measures, recommended in the noise and vibration assessment reports acceptable to the City of London. (Z.-1-061478)

**Special Provision R9-1(2)**

The Special Provision regulates the railway right-of-way setback to a minimum of 15 metres, and the setback from the sight triangle setback from the point of intersection of 0.0m.

**PLANNING HISTORY**

In June 1995, the Committee of Adjustment granted conditional approval to an application by Tweed-Ottawa Park Inc. to develop this subject site with a forty-three (43) unit apartment building in place of a maximum of thirty-five (35) units as permitted by the Zoning By-law. The proposed non-profit apartment building was approved with conditions; however, the project did not proceed.

In February 1996, Municipal Council approved a Zoning By-law Amendment to change the zoning from a Residential R8 (R8-2) Zone to a Residential R5 Special Provision/ Residential R6 Special Provision/ Residential R8 Special Provision (R5-2(2)/R6-4(4)/R8-2(1)) Zone.

In February 1998, Municipal Council approved the Draft Plan of Subdivision and Zoning By-law amendment 39T-97512/Z-5110 to amend the zoning from a Residential R2 (R2-2) Zone and a Residential R5 Special Provision/ Residential R6 Special Provisions/ Residential R8 Special Provision (R5-2)2)/ R6-4(4)/ R8-2(1)) Zone to a Residential R1 Special Provision/ Residential R2 Special Provision (R1-1(\_))/R1-2(\_)) Zone to permit a twelve (12) lot subdivision. CN Rail appealed Municipal Council’s decision.

On June 28, 1998 the OMB granted Draft Plan of Subdivision approval and a Zoning By-law amendment with conditions that the minimum setback of 15 metres from the railway right of way accords to the CN requirement. The Owner was also required to carry out an archaeological assessment (to the satisfaction of the South-Western Regional Archaeologist of the Ministry of Culture and Tourism and Recreation), and engage a qualified noise and vibration consultant to prepare a noise and vibration study in order to recommend noise mitigation measures (set by the Ministry of Environment and Energy and Canadian National Railway).

On September 10, 2004 the conditions of the Draft Plan of Subdivision were further refined by OMB decision (PL980265).

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On February 7, 2007, the Ontario Municipal Board (Decision/ Order No.-0341) advised that the Draft Plan Approval lapsed on November 1<sup>st</sup>, 2006 and pursuant to the Ontario *Planning Act*, R.S.O. 1990, withdrew approval of the Draft Plan of Subdivision (39T-97512). On February 26, 2007, the City of London closed the Draft Plan of Subdivision file 39T-97512.

On October 30, 2012, Municipal Council approved an Official Plan and Zoning By-law Amendment to permit an apartment building, with underground parking, at a maximum residential density of 75 units per hectare (and an additional 3 units per 70.0 square metres of additional landscape open space to a maximum of 24%), a maximum height of 15 metres, and a 0.0 metre setback from the point of intersection of the centre line of both the railway and the road, all subject to the following:

- Public site plan review (h-5);
- Development agreement be entered into (h-5);
- Lands are assessed for the presence of archaeological resources prior to development (h-18); and
- No land use conflicts between the adjacent arterial roads and/or rail line and the proposed residential uses (h-65).

The amendment was subsequently appealed by an abutting landowner; however, it was later withdrawn.

The application for Site Plan Approval was accepted on June 14, 2017 for the construction of an apartment building four (4) storeys in height with a total of fifty-four (54) units.

<b>PUBLIC LIAISON:</b>	<p>On June 28, 2017, letters were sent out to area property owners within 120 metre radius advising of a site plan application for this property.</p> <p>On November 9, 2017 Notice of the Public Meeting was published in the Londoner.</p> <p>On November 1<sup>st</sup>, 2017 letters were sent out to area property owners within 120 metre radius advising of Public Site Plan Meeting.</p>	12 written
<p><b>Nature of Liaison:</b> Consideration of the Site Plan will result in the construction of a four-story apartment building with a total of 54 residential units.</p> <p>Municipal Council approved a zoning by-law amendment on October 30, 2012 to change the zone on this property from a Residential R2 (R2-2) Zone to a Holding Residential R1 Special Provision/Residential R2 Special Provision (R1-1 (4)/R2-1 (7)) Zone to a Holding Special Provision R9 (h-5.h-18.h-65. R9-1(2)*H15) Zone which permits apartment buildings at the intensity proposed.</p> <p>The holding provisions require a public site plan meeting before the Planning and Environment Committee (PEC), that the lands be assessed for the presence of archaeological resources prior to development, and ensure there are no land use conflicts between the adjacent arterial roads and/or rail line and the proposed residential uses.</p>		
<p><b>Summary of Responses:</b></p> <ul style="list-style-type: none"> <li>- Flooding and proposed drainage that would negatively impact abutting properties;</li> <li>- Increased volume of vehicular traffic on Whetter Avenue;</li> <li>- Access located on Whetter Avenue;</li> <li>- Proposed apartment use; and</li> <li>- Loss of privacy.</li> </ul>		

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<b>ANALYSIS</b>
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**Proposed Development**

The Site Plan Control Application is being processed concurrently with a Consent Application to sever the small rectangular portion of land between 4 Fairview Court and 12 Fairview Court. The severance would provide frontage on Whetter Avenue in conformity to the Zoning By-law. After the severance of land, the lot area would measure 7026.3 square metres and the lot frontage would be provided along Whetter Avenue. The lands to the north and east of the site consist primarily of one to two (1-2) storey single family dwellings. The lands to the south comprise three (3) storey apartments, and lands to the east are bounded by Thompson Road and the CN Railway. The proposed building is located at the southwest corner of Whetter Avenue and Westminster Avenue. The parking area is located to the west and north of the building containing a total of sixty-eight (68) vehicular spaces. One vehicular access is located from Whetter Avenue with pedestrian access to the building provided from Westminster Avenue and internal to the site from the west side. The pedestrian entrance along Westminster Avenue is defined by a walkway and landscaping. Long term bicycle parking and garbage storage are located internal to the building. Privacy fencing (1.8 metre board on board) is proposed along the north and west property lines. Existing mature trees along the north and west property lines are to be preserved and additional tree and plant material are proposed. The proposed development is located within close proximity to the Westminster Hospital South Campus lands and public transit.

**Provincial Policy Statement 2014**

The Provincial Policy Statement encourages building strong communities, the wise use and management of resources, and protecting public health and safety. In order to meet projected requirements of current and future residents, the Provincial Policy Statement supports intensification and compact built form at appropriate locations in order to minimize land consumption and provide for a range of housing types and densities.

The proposed site plan is consistent with the Provincial Policy Statement through the provision of residential intensification, efficient use of land and municipal services, and provides for the utilization of the public transit system.

**Official Plan**

The subject lands are designated Multi Family, Medium Density Residential in the Official Plan, and are subject to the policies therein. The Multi Family, Medium Density Residential designation permits low rise apartments and other forms of multiple attached dwellings as the main permitted use.

The proposal is in conformity with the Multi Family, Medium Density Residential Policies of the Official Plan. The building enhances the character of the existing residential and amenity and the proposed building materials are sensitive to those in the neighbourhood. The building provides a strong pedestrian base with access to Westminster Avenue and Whetter Avenue. The proposal provides safe and convenient access to London Transit routes and is in close proximity to commercial uses and the Westminster Hospital. The building is setback in a manner which is consistent with existing residential uses along Westminster Avenue.

The proposal encourages compact urban form which is conducive to the maintenance and efficient use of services and facilities. The proposed development promotes attractive, functional and accessible site and building design which is sensitive to the scale and character of the surrounding uses.

The proposal encourages denser development, contiguous with an existing built up area. The proposal promotes the efficient use of existing municipal servicing infrastructure, and utilizes existing public transit, which provides transportation alternatives to the automobile.

The site is located at the intersection of a primary and secondary collector street. The proposal minimizes the loss of productive agricultural land through infill redevelopment. The infill development maximizes the use of existing services and minimizes the need for new

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infrastructure. The proposed development provides a residential use that is at an appropriate density, and scale within an established neighbourhood.

The proposal utilizes existing transit infrastructure, promotes and supports existing public transit and provides pedestrian linkages along Westminster Avenue and Whetter Avenue.

The development of this proposal is in accordance with the Provincial Policy Statement, the Official Plan, the approved zoning, and the Site Plan Control By-law.

**London Plan**

The London Plan identifies the subject lands as being within the Neighbourhoods Place Type. This Place Type is intended to provide a diversity of housing choices to promote neighbourhood character, attractive streetscapes, and to support infill and intensification. Residential Intensification is encouraged to help realize the vision for aging in place, diversity of built form, affordability, vibrancy, and effective use of land in neighbourhoods. The proposed site plan will be developed in a manner that has regard to the policies of The London Plan.

**Zoning By-law**

The subject site is within a holding Special Provision R9 (h-5.h-18.h-65. R9-1(2)\*H15) Zone. The R9-1 Zone permits apartment buildings at a maximum residential density of 75 units per hectare. The R9-1 Zone includes a density bonus which permits density to be increased by three (3) units as a function of the percentage of landscaped open space provided on site. For every 70.0m<sup>2</sup> of landscape open space provided in excess of the minimum requirement an additional three (3) residential units are permitted to a maximum of 25% greater than the allowed density. Additional height is not permitted to be increased to accommodate the additional density. A maximum of 30% lot coverage is permitted, but may be increased by an additional 10% if the landscape open space, provided it is increased by 1% for every 1% in coverage over 30%.

The Special Provision R9-1(2) Zone provides for additional regulations including a maximum building height of 15 metres, a building setback of 15 metres from the railway right of way, and a 0.0 metre setback from the point of intersection of the centre line of both the railway line and the road.

Three holding provisions have been applied to the subject site through the Official Plan and Zoning By-law Amendment (OZ-8055) process to ensure that public matters are heard through a public site plan meeting. Additionally, an archaeological assessment and Noise Study have been completed, and to ensure that potential impacts from road and rail noise are addressed by implanting recommendations of a noise and vibration study.

**Compliance with the Zoning By-law**

The proposed development meets the provisions of the R9-1(2) Zone with a building height of 14.9 metres, a density of 73.92 units per hectare (prior to the land severance) and 76.86 units per hectare (after the land severance) and a corresponding landscape open space of 61.42% (prior to the land severance) and 59.89% landscape open space (after the land severance). The maximum density is 75 units per hectare with a density bonus of three (3) residential units for every 70.0 square metres of exterior common open space provided at grade in excess of the landscaped open space of the By-law. The proposed landscape open space post land severance is an increase of 29.89 % over the minimum requirement, to allow density to be increased to 76.86 units per hectare.

A Development Agreement, incorporating the approved site plan, landscape plan, site engineering plans, and building elevations designs is required to implement the approval plans. Special provisions within the agreement will address any other outstanding issues pertaining to the site, specifically including those requirements of the CN rail, noise and vibration assessment, and tree preservation.

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Once a site plan agreement has been entered into, a separate application to remove all the holding provisions (h-5, h-18, and h-65) is required.

The Owner must provide the necessary security at the time of executing the agreement to ensure all surface works are completed in accordance with the approved plan.

**Public Comments**

Notice of site plan application was mailed out to area residents on June 28, 2017, and published in the Londoner on July 6, 2017. Notice of the Public Meeting was mailed out to area residents on November 1<sup>st</sup>, 2017 and published in the Londoner on November 9, 2017. Staff received responses twelve (12) written responses and three (3) phone calls. The primary concerns raised by the public included the following:

- Flooding and proposed drainage that would negatively impact abutting properties;
- Increased volume of vehicular traffic on Whetter Avenue;
- Access located on Whetter Avenue;
- Proposed apartment use; and
- Loss of privacy.

With respect to the matters above:

Storm water and drainage: all storm water and drainage matters are acknowledged and through the Site Plan Control Application, Engineering Services review and provide feedback to ensure development does not impact adjacent properties.

Increased traffic: trips generated by the new development have been determined to be low by Transportation Division. When estimating trips generated by this 54 unit apartment dwelling, eleven (11) trips are added to Whetter Avenue during the AM Peak Hour while seventeen (17) trips are added during the PM Peak Hour.

Proposed use: the use and placement of this apartment building is required to confirm with the current zoning. An Official Plan and Zoning By-law amendment were passed by Council on October 2012. One appeal was submitted and then withdrawn. The current zoning, (holding Special Provision R9 (h-5.h-18.h-65. R9-1(2)\*H15)) permits the apartment use and a density of 75, and the density bonus when provided landscape open space in excess of the required.

To address privacy: the combination of tree preservation and privacy fencing (1.8m board on board wood fencing) is proposed along the northern and westerly property lines. The building itself is located on the southwest corner of the lot as far possible from the existing single family dwellings. Existing mature vegetation along the north and west are to be preserved and additional trees are proposed to be planted along to increase the privacy buffer.

**Compliance with Council Resolution**

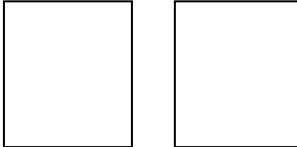
As previously noted Council provided further direction relating to the development of this site in its' October 31, 2012 resolution. The resolution identified the following items for consideration through the site plan approval process. A response to each of the items is provided after the italicized references.

- a) *the Site Plan Approval Authority BE REQUESTED to consider the following items through the site plan approval process:*

*Provide landscaping which:*

- i) *Provides for the preservation of the existing mature vegetation along westerly and northerly property line for the purpose of providing a privacy buffer to abutting properties;*

Existing mature vegetation along the westerly and northerly property lines are to



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be preserved. According to the Tree Preservation Report prepared by Ron Koudys Landscape Architects Inc, dated September 2017, three of the existing trees (all Black Walnut species) on the easterly line (on private property) are to be removed due to condition and construction of the swale. The removal of the three Black Walnuts are supported as they are not ideal species in the parking lot due to the shedding dense walnuts.

- ii) *Enhances street based landscaping along existing easterly berming;*

Enhanced street landscaping along the easterly property has been proposed with a combination of coniferous and deciduous tree plantings (Basswood, Bur Oak, and White Pine) and Karl Forester Reed Grass

- iii) *Defines the pedestrian realm, highlights the street edge and provides a prominent pedestrian entrance off of Westminster Avenue;*

A prominent pedestrian entrance is provided off Westminster Avenue. Walkways and landscaping highlight the street edge and define the pedestrian realm.

- iv) *Includes plant/ tree species and landscaping techniques tolerant of minimal watering; and*

Planting/ tree species include: Multi- stem Serviceberry, Red Maple, Green Velvet Boxwood, once established, these species will require minimal maintenance.

- v) *Preserves the heritage tree currently existing on the property;*

The heritage tree is preserved.

*Provide a building which:*

- i) *Clearly expresses base, middle, top (roof) on all elevations, predominately using masonry materials;*

Base, middle, and top are expressed on the elevations through the use of masonry materials.

- ii) *Uses variations in massing, materials, scaling and architectural features to identify the east façade and entrance as the front of the building and the south façade and entrance as a service egress;*

This item has been addressed.

- iii) *Location of 47 underground parking spaces;*

Underground parking spaces have not been provided by the applicant. The applicant stated that this is not feasible for this Housing Development Corporation of London affordable housing project. The current proposal is not deficient in vehicular parking spaces in accordance with the Z.-1 Zoning By-law. Underground parking was requested as part of the 2012 Council resolution in response to the proposed design and location of the building.

- iv) *Location of garbage storage to be located within the building;*

Garbage is located internal to the building.

- v) *All lighting to be oriented and its intensity controlled so as to prevent glare on adjacent residential properties and roadways; and*

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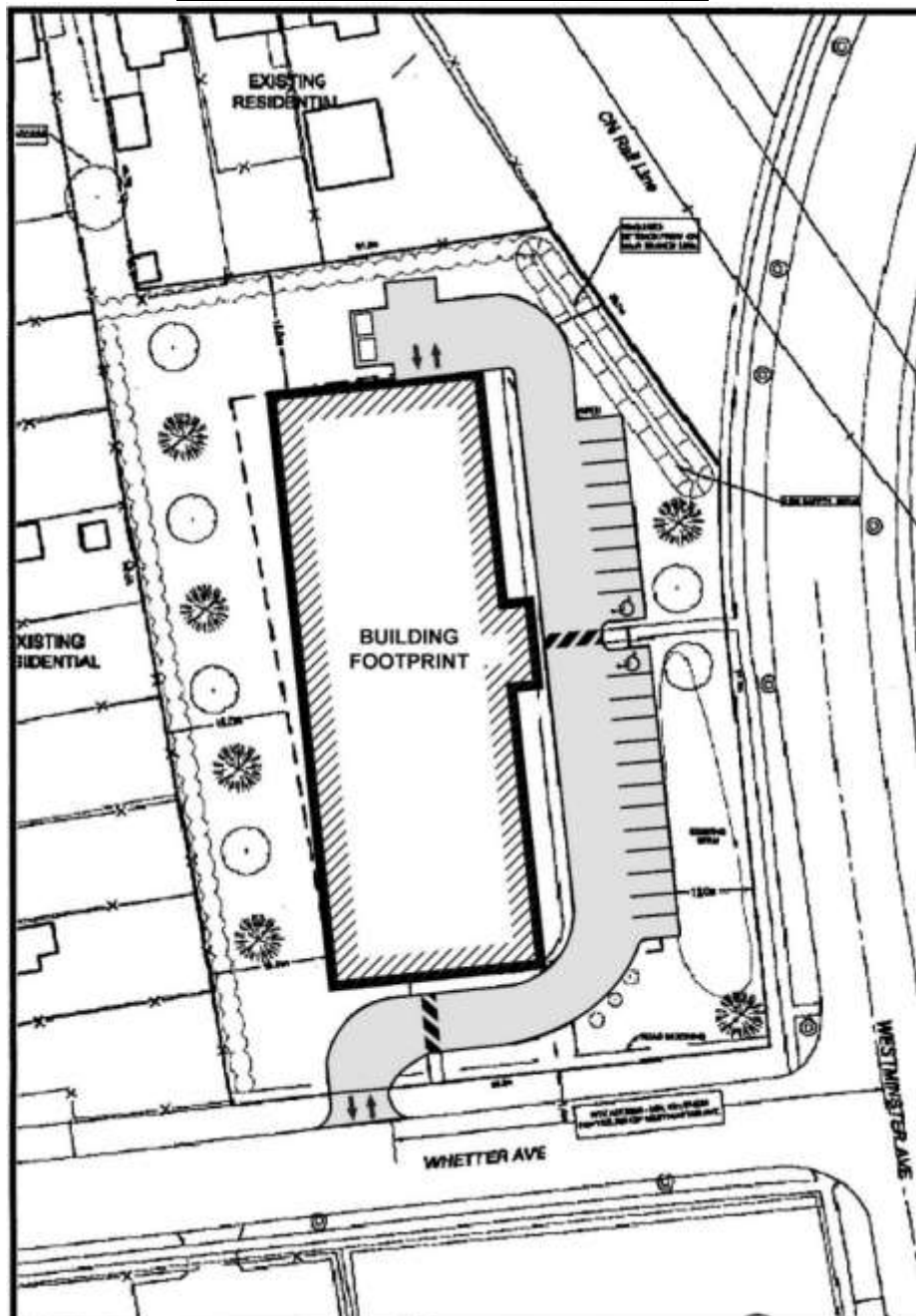
Lighting is proposed to be oriented on private property as to not impact adjacent residential properties and roadways.

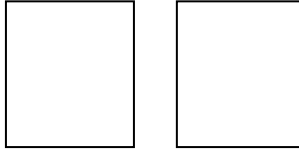
vi) *Addresses drainage issues on the property.*

Drainage issues on property are still to be addressed; comments outstanding to be addressed in the next site plan application submission.

The Site Plan under review differs from what was reviewed by Council in 2012 (refer to **Image 1** below). The proposed changes include the location of the building (previously located more central to the site), the location of the parking (previously located along Westminster Avenue on the east side of the building and underground), and no underground parking spaces are proposed in this application (refer to **Image 2** below). Since 2012, there has been no development on site. The current Site Plan proposal locates the building further way from the existing single family dwellings and has stronger street prominence. The parking is now located behind the building and is well screened with privacy fencing and landscaping. The proposed Site Plan is in conformity with the applicable policies and current Zoning By-law.

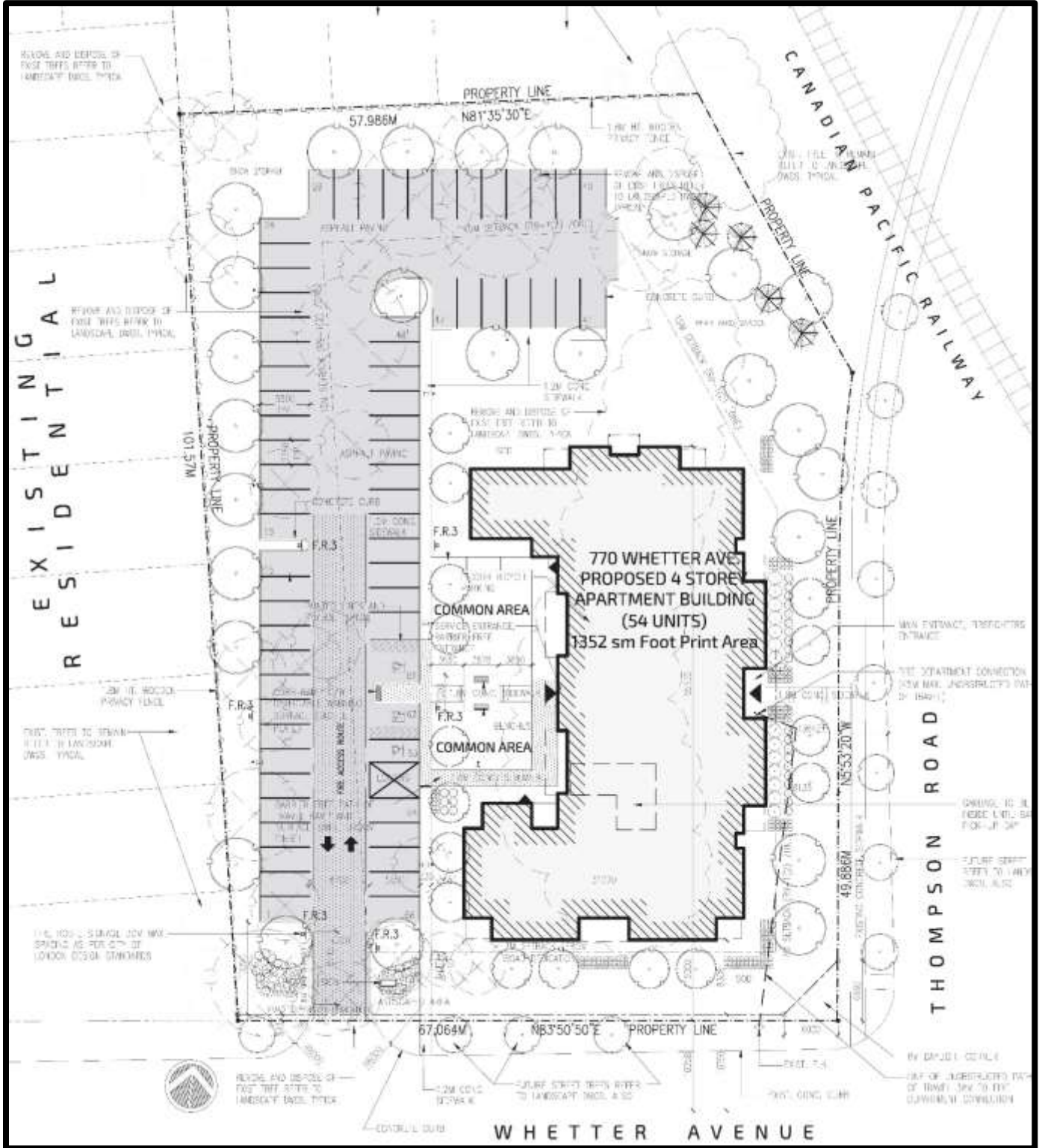
**1: Site Plan Reviewed by Council 2012**





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**Image 2: Site Plan 2017**





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**Outstanding Site Plan Comments**

On October 24, 2017 staff provided comments to the applicant, with respect to their second submission for Site Plan Control Approval. More detailed comments regarding this application are provided in “Appendix B”. Below is a summary of outstanding matters:

- The traffic management plan is to be updated.
- Concerns of basement flooding is still outstanding. The storm water management report is to be updated to detail drainage patterns for subject site and surrounding lands in existing condition and major storm events. Report requires further revisions (see Appendix ‘B’ for more detail)
- Grading plans are to be revised to ensure positive drainage from external lands is implemented toward the overland flow conveyance swale. Cross sections are to be provided.
- Plans are to conform to the requirements of the CN, including the acceptance of a noise and vibration study, setback from railway of 15 metres, a 1.83 metre chain link fence along the mutual property line, grant CN an environmental easement, and include provisions relating to noise and vibration within the development agreement.
- The site plan differs from what was previously reviewed by Council in 2012 when the existing Zoning was adopted; City staff are seeking Council to advise on the changes of building and parking locations, and the lack of forty-seven (47) underground parking spaces, which differs from the 2012 submission.

A Development Agreement is required to address outstanding matters and any additional issues as directed by Council, incorporating the approved site plan, landscape plan, site engineering plans, and building elevations designs is required to implement the approval plans. Special provisions within the agreement will address any other outstanding issues pertaining to the site specifically requirements of the CN rail, noise and vibration assessment, tree preservation, and any additional items from Council.

The Owner must provide the necessary security at the time of executing the agreement to ensure all surface works are completed in accordance with the approved plan.

Once a site plan agreement has been entered into, in accordance with the Site Plan Control Area By-law, a separate application to remove the h-5, h-18, and h-65 holding provisions will be brought forward to Council to recommend the removal of these holding provisions.

<b>CONCLUSION</b>
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The proposed Site Plan has been reviewed against applicable Official Plan policies, the Provincial Policy Statement, the existing Zoning By-law, and is considered to be in conformity with the applicable policies and regulations. The proposed Site Plan and elevations will result in development that will maintain the character of the area and comply with the Site Plan Control By-law. The revisions to the site plan allow for better screening of the parking area and the building to be set back further from the existing single family dwellings.

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<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>VANESSA SANTOS LANDSCAPE PLANNER</b>	<b>LOU POMPILII MANAGER, DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>CONCURRED IN BY:</b>
<b>HEATHER MCNEELY MANAGER, DEVELOPMENT SERVICES</b>	<b>PAUL YEOMAN DIRECTOR, DEVELOPMENT SERVICES</b>
<b>SUBMITTED BY:</b>	
<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>	

cc: Homes Unlimited  
390 Burwell Street  
London ON N6B 0A1

Y:\Shared\DEVELOPMENT SERVICES\Site Plan.Section\2017 Compiled Site Plan Files\Fairview Crt 8\PEC\Reports

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**Appendix 'A'**

**Responses to Public Liaison Letter and Publication in "The Londoner"**

**Written Response 1**

Hello Vanessa,

I am writing on behalf of my congregation located at [REDACTED]

We are very much opposed to the proposal to develop the this parcel of land. There have been previous proposals and all have ended without any development.

The reasons for not having any development have always far outweighed the 'pros' for development.

It is tiring and frustrating that every few years we have to go through the same old explanations.

The traffic congestion is growing and is especially awful during the school season and will be made much worse if any kind of apartment building would be built there.

We are also constantly battling with a big parking issue.

The soil has never passed inspection to support such a building and will not support this one and the close proximity to the railroad will ensure structural failure of some sort with the vibration from the train on such soil.

We have always proposed that the city of London put in a parking lot in this location.

It would generate income for the city and re-leave a big problem in this area.

Yours Truly,

[REDACTED]

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**Written Response 2**

Dear Vanessa,

My name is [REDACTED], my address is [REDACTED] My house sits right next door to [REDACTED] Whetter Ave. I have a couple of issues regarding the latest project to build multiple units across the street from me.

First issue is the proposed entrance and exit off Whetter Ave. Have any of the planners considered the volume of traffic on this short street especially during rush hour? Come and witness the chaos as drivers desperately attempt to turn left onto Westminster Ave. The back-up is all the way to Fairview Ave. And now you want to add more cars on this street? No, this has to be addressed first before you decide to give permits of any kind.

Secondly, the last time someone tried to build on this site they ran into numerous obstacles which I'm sure this group will also face. Especially the fact that this parcel of land is a designated green space.

Yours truly,

[REDACTED]

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V. Santos  
File No: SPA17-046

**Written Response 3**

[Redacted]  
[Redacted]  
London, ON [Redacted]  
[Redacted]  
July 12, 2017

City of London  
Development Services  
Attn: Ms Vanessa Santos, Lead Staff Member  
Sixth Floor, City Hall  
300 Dufferin Avenue  
London, ON

File Number: SPA17-043  
Municipal Address: 8 Fairfield Court (770 Whetter Avenue)

Dear Ma'am

As an adjoining property owner, I submit my objections to the Site Plan Application. This is the latest of several attempts by various developers to destroy our neighborhood. The reasons why previous owners have decided against building on this property still remain valid, if not more so.

The property is adjoined by 16 single-family residences, of which six are one-story dwellings and ten are one and a half stories. The only other adjoining property is the CNR rail spur.

This property is only suitable for a small cul-de-sac development of no more than 12 single-family residences. Serious problems would need to be acknowledged and overcome, even for a development of 12 units.

This property contains wetlands with an intermittent creek. Drainage and flooding are serious problems with any development of this piece of property. Even with an extensive drainage project, the adjoining neighbors would be placed at risk of flooded basements and flash flooding. With the property's high water table, most units on the property itself could not be built with basements reasonably safe from flooding.

A development of any size greater than 12 units would cause a traffic nightmare for emergency vehicles, as well as for the local school, hospital and neighborhood vehicular traffic. The increased traffic would also be safety hazard for young children crossing the streets for the local school and the neighborhood park. Trucks are prohibited on that block of Whetter Avenue, so the street would need to be redone for the additional weight and additional traffic. Traffic would become such a problem that traffic lights would need to be installed both at Whetter Avenue and Westminster Avenue and at Whetter Avenue and Fairview Avenue intersections. The traffic from more than 12 units would destroy our character of our neighborhood.

This property is not suitable for more than 12 units. And even a development of that amount has serious problems to overcome before work may begin.

Please help us preserve the character of our pleasant neighborhood. Do not approve more than 12 units for this piece of property.

Yours respectfully,

[Redacted Signature]

[Empty boxes for Agenda Item # and Page #]

V. Santos  
File No: SPA17-046

**Written Response 4**

Hi Vanessa

I live at [redacted] near the proposed 54 unit apartment building. But not directly impacted as I don't back onto the land.

I am all for building on that site as it has been vacant for a long time and prime area for hospital workers to rent and I would like

to see the areas around here developed.

My only concern I guess is traffic flow as the road (Fairview) can be a bit busy and we have speeders and are close to a school. So I would

want this monitored or encourage traffic calming measures as kids cross this road to go to school.

We have other apartment buildings in the area similar so it makes sense for that spot. You may get neighbours complaining about the height.

Even going from 3-4 storey.

Not sure if you are involved in the other developments in the area but a bone of contention is that old Excello plant on Weston that is a major eyesore and

prime spot for development. It has been sitting like that for years!! Also when are they going to get moving on the half torn down plaza at baseline

and wellington??

[Redacted signature block]

**Written Response 5**

I am totally against this development. Since the berms were built on this property all of my neighbour's on Fairview Court have had flooded basements. There is a water source running through this property which is why the last developer gave up on this property. This latest developer has applied for a 4 story building. I feel this is too high for the surrounding area.

I feel this development will further disturb the water on this property and it will be our street that will pay the price.

sincerely, [redacted signature block]

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V. Santos  
File No: SPA17-046

### Written Response 6

File # SPA17-043

Regarding the proposed Apartment building at 770 Whetter Ave. Going back to when Lansink holdings was going to build on this property, and pushed for the zoning change in 2012; which everyone in the neighbourhood was against, and city council approved anyways. They were only proposing a 3-storey building, and we all fought their proposals too.

Zoning for this property never should have been changed to allow an apartment building... period.

For reasons unknown to any of us, Lansink never did go ahead with their proposals for their project on this property, and they STILL have done nothing about the noxious weeds that grow there and infiltrate into our yards and gardens. (Giant Hogweed, Strangling Vine, various types of Thistle, and many more.) Bylaw Enforcement doesn't seem to want to do anything about it; even though there has been many complaints over the years.

First, it is beyond me why or how you can think putting apartment buildings in the back yards of single family houses is 'proper infill'.

Houses should be built around houses and apartments built around apartments. Pretty simple concept, wouldn't you say??

There's nothing worse than going out into your private back yard and having dozens of apartment units towering above you, staring into your yard. Goodbye privacy!

Not to mention the 68 parking spaces along our back fences, the lighting that is going to shine not only into their parking lot, but also into our back windows, which in most of these homes are bedrooms.

Then there is the natural water drainage from our back yards that currently all drain towards the middle of the block and into a culvert that runs through this property. I do not see anything in their plans to address this, and it will cause major flooding of several yards if not addressed.

There's a good reason that the properties along this block of Fairview Ave. are highly sought after and sell for higher prices and sell fast, compared to the homes south of Whetter Ave., and that is because we don't have Apartment buildings or motels in our back yards, and we want to keep it that way.

Bottom line, having a huge 4-storey 54 unit building and 68 parking spots in our back yards is going to reduce our property values and saleability, and is not appropriate nor acceptable to our neighbourhood.

Sincerely,



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V. Santos  
File No: SPA17-046

### Written Response 7

Re:File number SPA17-043

Municipal address: 8 Fairfield court (770 whetter ave.)

To whom it may concern;

My comments regarding the latest proposed development of the area behind my house are as followed:

1. Drainage is a detrimental problem in our area including my home/backyard and neighbours. Basements routinely flood even with attempts to fix them. Having an impeding structure built in these wetlands will cause even more problems with the majority of houses in close proximity let alone the new structure itself.

2. I live at the corner of [REDACTED] and the traffic is a nightmare at times of work dismissal from the hospital throughout the day and night. Putting a dwelling of the proposed size will create safety issues for school kids and daycare kids as well as the neighbourhood. School buses have a stop at the cross section of these two streets. People continue to race from and through the stop signs here to the ones at Thompson road. Adding more people and cars can only make matters worse, back up traffic and congest areas such as Adelaide, Baseline and Wellington road.

This property is not suitable for what is being proposed and will only cause major problems for residents of this area as well as employees of the hospital and patients. Please consider this request to not approve this development.

Thank you for your consideration

[REDACTED]  
[REDACTED]

London, ON

### Written Response 8

The proposed unit is larger than the previous proposal of 3 floors (40 units or so), now it is 4 floors at 54 units. How does the city justify increasing the limits of which were previously set?

This is unacceptable as it is already difficult to except an apartment building over townhouses.

This does not appear to be a solution over the previously objections.

[REDACTED]



V. Santos  
File No: SPA17-046

**Written Response 9**

Dear Ms Santos

Thank you for your response below, which raised some additional concerns for me:

1. Traffic: The estimate by Transportation seems to be exceptionally low for 54 units. Please put me in contact with the relevant person there so that we can review the methodology used and the calculations made, and please send us copy of any such reports. Also, we're not just concerned about the additional traffic on Whetter Avenue, but also Fairview Avenue and, especially Westminster Avenue which carries a great deal of school and hospital traffic.
2. Ownership/Standing: Please send us a copy of the original grant of the property to the city. If reservations by that grantor were not met, the property would revert back to that grantor and the petitioner would not have standing for this application.
3. Zoning/Density: The zoning change under the Fontana regime was inappropriate for the property and the neighborhood, and the property should be returned to the previous zoning. A density of 75 is clearly inappropriate for the property and the neighborhood. But what do you mean by a density of 75 and by density bonus? Are we talking about 75 people per hectare? What is the area of the property?
4. Storm/Wetlands: Please send us a copy of your Engineers' report regarding storm, wetlands and water issues. When water damages our properties, as we expect will occur with this development, who can we hold responsible for those damages?

Yours sincerely,



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**V. Santos**  
**File No: SPA17-046**

**Written Response 10**

Dear Ms Santos,

I don't believe I received a response to my previous enquiry, below. If I am mistaken, please forward me a copy of your reply. If not, I would appreciate a reply, with the requested documents, as soon as possible. This is a very important threat to the welfare of our homes and our neighborhood.

I also note, with the outstanding wetlands and drainage issues, that it would grossly negligent for your department, and the applicant, to proceed without an extensive report by a qualified hydrologist. Such gross negligence would easily give rise to substantial future damages.

Yours sincerely,



**Written Response 11**

Hi Vanessa,

Thank you for responding to my email, although I am VERY concerned to hear the only vehicle access route will be from Whetter Avenue.

It might help if Fairview Court was once again opened up for through traffic trying to get from Adelaide to Wellington (even 1 way from east to west could be considered). This might help alleviate some of the traffic congestion at the corner of Whetter Ave and Thompson Roads especially at rush hours. Is a turn lane planned on Whetter Ave to access the apartment building?

Once again, thank you for responding to my concerns.



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V. Santos  
File No: SPA17-046

**Written Response 12 (page 1 of 2)**

[REDACTED]  
[REDACTED]

July 18, 2017

City of London  
Development Services  
Attn: Ms. Vanessa Santos, Lead Staff Member  
Sixth Floor, City Hall  
300 Dufferin Avenue  
London, ON

RE: File Number: SPA17-043  
Municipal Address: Fairfield Court (770 Whetter Avenue)

Dear Ms. Santos,

I would like to submit, and make clear, my objections to the previously mentioned Site Plan Application.

There have been several other attempts to build on this lot, which have all resulted in failure. The proposed plan suggests a build that would consist of 54 individual units. This is an unrealistic number of units that can be sustained based on the water tables, roadways, access, and traffic.

The proposed property would be built upon a wetland and recurrent creek. Currently, drainage and flooding are existing problems with homeowners in the immediate vicinity. Without argument, adjoining properties will be faced with an increased risk of flooding and water damage to their homes.

With an increase in local road traffic, stoplights will need to be added. This adds another financial cost, and is a burden to the low traffic streets that run through the middle of our neighborhood. Safety for young children and families would undoubtedly be at risk.

Since buying my home in 2015 I have invested a considerable amount of money in an attempt to increase its value. These investments are a combination of both interior and exterior projects. A majority of these investments have gone to the exterior of my home. I believe it should be a mandatory task for homeowners who reside within these charming and historic local neighborhoods, to provide and maintain high-level property appearance. These acts are what help a city uphold a strong sense of community, high value, and appeal to newcomers. Your attempts to revitalize the neighborhood on Thompson Ave would negatively impact the property value of the neighboring single-family home lots. Part of the charm of this neighborhood is the brush and greenery backing onto the lots of the east side of Fairview Ave. I have reviewed the blueprints for your proposed building plan, which indicate that much of this will be removed other than a few trees that are being

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**V. Santos**  
**File No: SPA17-046**

**Written Response 12 (page 2 of 2)**

preserved and the space will be replaced with an uninviting privacy fence. Although I appreciate your attempts to maintain separation between the apartment parking lot and the lots that back onto it, the character of the backyards and my outdoor living area will no doubt be compromised.

Finally, in adding a large amount of low-income units in an area that is comfortably populated, it makes me question whether or not this will have an impact on the crime and mischief in the community. Recent studies have shown that inserting low-income housing into established neighborhood communities isn't always ideal (Diamond & James McQuade, 2015). Through their research, they clearly suggest low income housing in neighborhoods such as mine will have a negative impact on housing value and crime rates. With a number of low-income housing units already positioned on Thompson Ave, I have a high level of concern with the addition of more units.

Please make it a priority to help preserve the character of our beautiful neighborhood. There might be opportunity for something to be positioned at this location that will benefit all parties, but throwing up an overcrowded, low-income dwelling is not it. Please take the considerations of the pre-existing homeowners to heart.

Sincerely,



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V. Santos  
File No: SPA17-046

## Appendix 'B'

### Site Plan Application Comments

#### Zoning

1. Consent to sever the small rectangular portion of the property is underway.
2. Holding provisions (h, h-5, h-18, and h-65) require a separate application and removal process.
3. Reference plan to satisfy the condition of road dedication along Whetter Avenue to be registered.

#### Site and Landscaping Comments

1. Through the site plan approval process, the Council Resolution directs the following:
  - i. Provides landscaping which:
    - a) Provides for preservation of the existing mature vegetation along the westerly and northerly property line for the purpose of privacy buffer to abutting properties;
    - b) Enhances street based landscaping along existing easterly berming;
    - c) Defines pedestrian realm, highlights the street edge and provides prominent pedestrian entrance off of Westminster Avenue;
    - d) Includes plant/ tree species and landscaping techniques tolerant of minimal watering; and
    - e) Preserve the heritage tree currently existing on the property.
  - ii. Provide a building which:
    - a) Clearly expresses a base, middle, and top (roof) on all elevations, predominately using masonry materials;
    - b) Uses variations in massing, materials, scaling and architectural features to identify the east facade and entrance as the front of the building and the sound facade and entrance as a service egress;
    - c) Location of 47 underground parking spaces;
    - d) Location of the garage storage to be located within the building;
    - e) All lighting to be oriented and its intensity controlled so as to prevent glare on adjacent residential properties and roadways; and
    - f) Addresses drainage issues on the property.
2. Additional Fire Route signs needed on both sides of the fire route.
3. Include notes of removals and preservation from the tree preservation report on the landscape plan.
4. Provide a tree preservation fencing detail on the landscape plan (only included in tree report).
5. Provide additional landscaping along the Easterly berm as per council resolution.
6. Revisit opportunity to preserve additional trees along the Westerly and Northerly property lines.
7. Coordinate tree planting with servicing drawings to prevent conflict with shallow sewers and infiltration pipe locations.

#### Transportation

1. The Traffic Management Plan has been reviewed and city staff have provided the following comments:
  - Ensure that comments about time of day work on Thompson are passed on and included in the PAW. TMP is otherwise accepted.

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V. Santos  
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2. There are discrepancy between the access radiuses between the site plan (6.0m) and Engineering Plans (5.0m). Ensure access has 6.0m radiuses.
3. Update TMP to include the contingency plan for the sanitary PDC.

#### **Noise and Vibration Report Comments**

1. The subject property is within 300m of a CN right-of-way and will require appropriate warning clauses as set out in Table 3 of the report.
2. The owner must comply with all 'Spur Line Requirements identified in the report.
3. Specific material requirements (i.e. Brick veneer or acoustically equivalent masonry) for the north and east facades must be adhered to.
4. Railway vibration mitigation measures are required to be incorporated into the building construction. Shop drawings detailing the vibration isolation concepts stamped by a qualified acoustical engineer and a qualified structural engineer are required for certification as per the recommendations of the report.

#### **CN Comments**

1. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 15 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.0 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
2. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 4.0 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
3. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
4. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
5. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
6. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

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**V. Santos**  
**File No: SPA17-046**

7. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
8. The Owner shall enter into an Agreement stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
9. The Owner shall be required to grant CN an environmental easement for operational

**Storm Water Management**

1. As previously noted, per the Dayus Creek EA and through other various planning applications for this site, local surrounding residence expressed their concerns with basement flooding in the area. There is concern that the additional re-grading through this development may worsen the existing condition. Furthermore, the report should detail the drainage patterns for the subject site and surrounding lands in the existing condition for the minor and major storm events and investigate if the site or surrounding area currently experience any flooding due to the existing grading and/or downstream culvert capacity/condition that may potentially be amplified with this development. The report should note any remediation measure required if the proposed development causes any negative impact/flooding on the adjacent lands.
2. Revise grading along the north P/L to ensure positive drainage from external lands toward the OLF conveyance swale as indicated in Functional Report and drawing C4. Cross-section A-A in drawing C1 and grading on drawing C3 shows the swale higher than elevation at P/L which may create surface flooding along private properties surrounding the site; the consultant may also explore an alternative drainage approach, with all supporting calculations included in the report (e.g. an infiltration trench, a RYCB system, sub drain installation, etc.).
3. Provide additional cross-sections along the swale as well as note the swale capacity of each section ensuring it can convey the major OLF of the tributary lands.
4. There is a concern that the surcharging condition of the storm system may back-up to the building storm invert (248.37), revise the invert to be above the spill-point, 250.89 (lower than FFE) and consider providing backflow protection in the manhole or at the building if appropriate.
5. Ensure the report and calculations are updated to match any revisions made to the drawings (e.g. storage calculations, hydraulic head etc...).
6. Ensure calculated swale capacity is consistent on drawings and in the report. Additionally the calculations should use the actual swale dimensions (i.e. side slopes, depths, width etc...) per the grading plan.
7. Calculations for uncontrolled Tc for areas U1+U2 should use a C=0.2 instead of 0.25.
8. Section 3.3 of the report to mention the used of the proposed LMF ICD feature.
9. Confirm proposed composite "C" calculations, see engineering redlines.
10. Provide additional grading downstream of the site (north-east, CN rail lands) to better demonstrate OLF outlet for the site and surrounding lands.

**Planning Services**

1. Parkland dedication has not been collected for the subject lands. It is to be noted that the applicant, at the time of building permit or as a condition of site plan approval, will be required to provide parkland dedication for all the units in the form of cash-in-lieu pursuant to By-law CP-9.
2. Please register any proposed new trees on the Million Tree Challenge website at [www.milliontrees.ca](http://www.milliontrees.ca) or seek us to register them on the applicant's behalf. Registration is free and takes only a few minutes. The applicant will be recognized on the website for contributing to the Million Tree Challenge and ReForest London.

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**V. Santos**  
**File No: SPA17-046**

**UDPRP Comments**

The following were provided from by the Urban Design Peer Review Panel in February 2017

1. The vertical metal panels that mimic the vertically slit windows is expressed as a light colour, it may be worth investigating a darker colour or shade to create a more obvious break in the façade and assist in the vertical expression of the elevation.
2. It is recommended that the front entrance be made more prominent, possibly through a larger canopy, change of building material, and/or raising the parapet
3. It is recommended to incorporate a sidewalk in the Whetter right-of-way across the frontage.
4. Investigate extending ground floor patio space beyond main walls – create small “yards” that reduce distance to the street. Landscape plantings should be incorporated to separate private patio space from the common areas/public street.
5. Provide and add LEED Intent for landscape portion, such as drought tolerant planting, reuse of harvested rain water for irrigation purpose.
6. Provide street trees on city blvd of Thompson Road for summer shade. Current plan shows inconsistent width of sidewalk and should include proposed sidewalk.
7. Building entry could be enhanced by having an additional stretch of soft landscape material to break a long identical pattern of street trees and sidewalk and accentuate the arrival.
8. Provide more seating options for the common area. If budget is not allowed, relocate 2 benches in more central location so that they are more accessible from the main entry of the building.
9. Provide pedestrian scale lighting plan in public walkways and perimeter of the site.

**Urban Design**

1. Building elevations are approved.

**Bell Canada**

1. Bell Canada has no objections to the application. Bell Canada advises the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

**Upper Thames River Conservation Authority**

The UTRCA has no objections to this application.

**Canada Post**

1. Canada Post multi-unit policy, which require that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.