

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: 2492222 Ontario Inc.
536 and 542 Windermere Road

Public Participation Meeting on: January 7, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2492222 Ontario Inc. relating to the property located at 536 and 542 Windermere Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 15, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone, **TO** a Holding Residential R5 Special Provision (h-5•h-•R5-5(_)) Zone
- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1(R1-6) Zone, **TO** a Residential R5 Special Provision (R5-7(_)) Zone, **BE REFUSED** for the following reasons.
 - i) The requested amendment does not conform the residential intensification policies in the *1989 Official Plan* or *The London Plan*.
 - ii) The requested amendment did not provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.
 - iii) The Zoning By-law does not contemplate this level of residential intensity in a cluster townhouse form outside of Central London.

Executive Summary

Summary of Request

The applicant requested a Zoning By-law Amendment ("ZBA") to *Zoning By-law Z.-1* to change the zoning of the subject lands from a Residential R1 (R1-6) Zone which permits the use of the subject lands for single-detached dwellings (one (1) dwelling unit per lot) to a Residential R5 Special Provision (R5-7(_)) Zone to permit the use of the subject lands for cluster housing (more than one (1) dwelling unit per lot) in the form of sixteen (16) "back-to-back" townhouse dwellings; the equivalent of 58 units per hectare ("uph"). Special provisions are requested to recognize and permit site-specific exceptions to the standard Residential R5 (R5-7) Zone regulations. The applicant requested a reduced minimum front yard depth, a reduced (westerly) minimum interior side yard depth and an increased maximum yard encroachment for the proposed below-grade private outdoor amenity spaces.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended ZBA to *Zoning By-law Z.-1* is to permit the use of the subject lands for cluster housing in the form of twelve (12) "back-to-back" townhouse dwellings; the equivalent of 45 uph. The recommended ZBA would change

the zoning of the subject lands from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-•R5-5(_)) Zone.

Holding provisions are recommended to ensure that development takes a form compatible with adjacent land uses following public site plan review; and to ensure the subject lands are assessed for the presence of archaeological resources prior to development or site alternations that would involve soil disturbance.

Special provisions are proposed to recognize and permit site-specific exceptions to the standard Residential R5 (R5-5) Zone regulations. The recommended special provisions include a reduced minimum front yard depth of 2.1 metres; a reduced (westerly) minimum interior side yard depth of 3.0 metres, a reduced maximum height of 10.5 metres and an increased maximum yard encroachment for the proposed below-grade private outdoor amenity spaces of 0.2 metres from the front lot line. The magnitude of the recommended reduction in the (westerly) minimum interior side yard depth is less than the applicant's request; and the recommended reduction in the maximum height is proposed by Staff.

Rationale of Recommended Action

1. The recommended amendment is consistent with the *2014 Provincial Policy Statement* (“PPS”) which encourages the regeneration of settlement areas and land use patterns within settlement area that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.
2. The recommended amendment conforms to *The London Plan* which contemplates townhouses as a primary permitted use, and a minimum height of 2-storeys and maximum height of 4-storeys within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the periphery of an existing neighbourhood, and the recommended amendment would permit development at an intensity that is appropriate for the site and the receiving neighbourhood. The recommended amendment would help to achieve the vision of neighbourhoods providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.
3. The recommended amendment conforms to the *1989 Official Plan* and would implement the residential intensification policies of the Low Density Residential (“LDR”) designation that contemplate residential intensification in the form of cluster townhouse dwellings and a density up to 75 uph. The recommended amendment would permit development at an intensity that is less than the upper range of the maximum density for residential intensification within the LDR designation to ensure the form of development is appropriate for the site and the receiving neighbourhood. The recommended amendment would help to achieve the goal of providing housing options and opportunities for all people.
4. Conforming to the *1989 Official Plan* and *The London Plan* which require a public site plan approval process for residential intensification proposals, a holding provision is recommended for public site plan review to allow the public a continued opportunity to comment on the form of development through the subsequent Site Plan Approval (“SPA”) process and to ensure that the ultimate form of development is compatible with adjacent lands uses.
5. Consistent with the PPS and conforming to the *1989 Official Plan* and *The London Plan*, a holding provision is provided to ensure the subject lands area assessed for the presence of archaeological resources prior to site alteration or soil disturbance occurring.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the north side of Windermere Road between Richmond Street and Adelaide Street. The subject lands consist of two (2) rectangular shaped lots known municipally as 536 and 542 Windermere Road. The development proposal will require the consolidation of the subject lands into one (1) lot resulting in a combined lot area of approximately 0.27 hectares (0.68 acres) prior to a road widening dedication along 536 Windermere Road.

536 Windermere Road is currently occupied by a 2-storey, red brick, single detached dwelling and detached garage (Figure 1). The existing dwelling and garage are dated c. 1939. 542 Windermere Road is currently occupied by a 1-storey, buff brick, single detached dwelling and detached garage (Figure 2). The dwelling and garage are dated c. 1920. Building dates are based on property information from the Municipal Property Assessment Corporation ("MPAC"). There are a number of mature coniferous and deciduous trees located on the subject lands. The existing trees help to screen the subject lands from adjacent properties. There is an elevation change of approximately 2.0 metres from a highpoint in the northwest (Orkney Crescent) to a low point in the southeast (Windermere Road). The subject lands are generally lower in elevation than the adjacent properties at street level. Stormwater flows are carried overland via a swale running along the westerly (interior) property line, the northerly (rear) property line, and into an inlet/catchbasin located in the north-easterly corner of 542 Windermere Road (Figure 3).

A road widening dedication will be required along 536 Windermere Road to provide for the ultimate road allowance requirement specified in the City's Zoning By-law. A road widening has previously been provided along 542 Windermere Road. Windermere Road is a higher-order street within the City's mobility network (an Arterial road – *1989 Official Plan* and a Civic Boulevard – *The London Plan*); and is intended to move medium to high volumes of vehicular traffic at moderate speeds. *The London Plan* prioritizes pedestrian, cycling and transit movements along Windermere Road, and as such, a high quality pedestrian realm and high standard of urban design is to be provided along Windermere Road. Dedicated cycling lanes are provided on the north and south side of Windermere Road. A bus route, operated by the London Transit Commission, runs along portions of Windermere Road and along Doon Drive interior to the residential neighbourhood that surrounds the subject lands to the south. The routing of the bus interior to the surrounding residential neighbourhood means that the bus route does not run immediately in front the subject lands

The surrounding land uses on the north side of Windermere Road consist of low-rise, low density, single detached residential land uses that developed as part of a phased residential plan of subdivision dating from the late 1980's. Unlike the subject lands that front onto Windermere Road, other residential properties in the vicinity of the subject lands are rear-lotted onto the north side of Windermere Road. Immediately adjacent the subject lands are 1- and 2-storey single detached dwellings that front onto Orkney Crescent or Angus Court. Cluster housing in the form of single-detached dwellings and townhouse dwellings are located in the broader surrounding neighbourhood.

Doon Drive is a "U"-shaped street that intersects with Windermere Road approximately 230 metres west of the subject lands, and 340 metres east of the subject lands, and provides the nearest street connection to the residential neighbourhood that surrounds the subject lands. Pedestrian walkway connections are provided from Orkney Crescent to Windermere Road and from Angus Court to Windermere Road approximately 78 metres west of the subject lands and approximately 10 metres east of the subject lands respectively.

The surrounding land uses on the south side of Windermere Road consist of institutional uses on large lots, including Spencer Lodge, the Ivey Spencer Leadership Centre, and Sisters of St. Joseph. Valley lands associated with the north branch of the

Thames River also extend as far north as the south side of Windermere Road opposite subject lands.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods (frontage Civic Boulevard)
- Existing Zoning – Residential R1 (R1-6) Zone

1.3 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 58 metres (189 feet)
- Depth – 46 metres to 49 metres (150 feet to 160 feet)
- Area – 2, 771 square metres (0.68 acres)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Single Detached Dwelling
- East – Single Detached Dwelling
- South – Institutional Uses
- West – Single Detached Dwelling

1.5 Intensification (identify proposed number of units)

- Sixteen (16) units within the Built-area Boundary
- Sixteen (16) units within the Primary Transit Area

1.6 Location Map

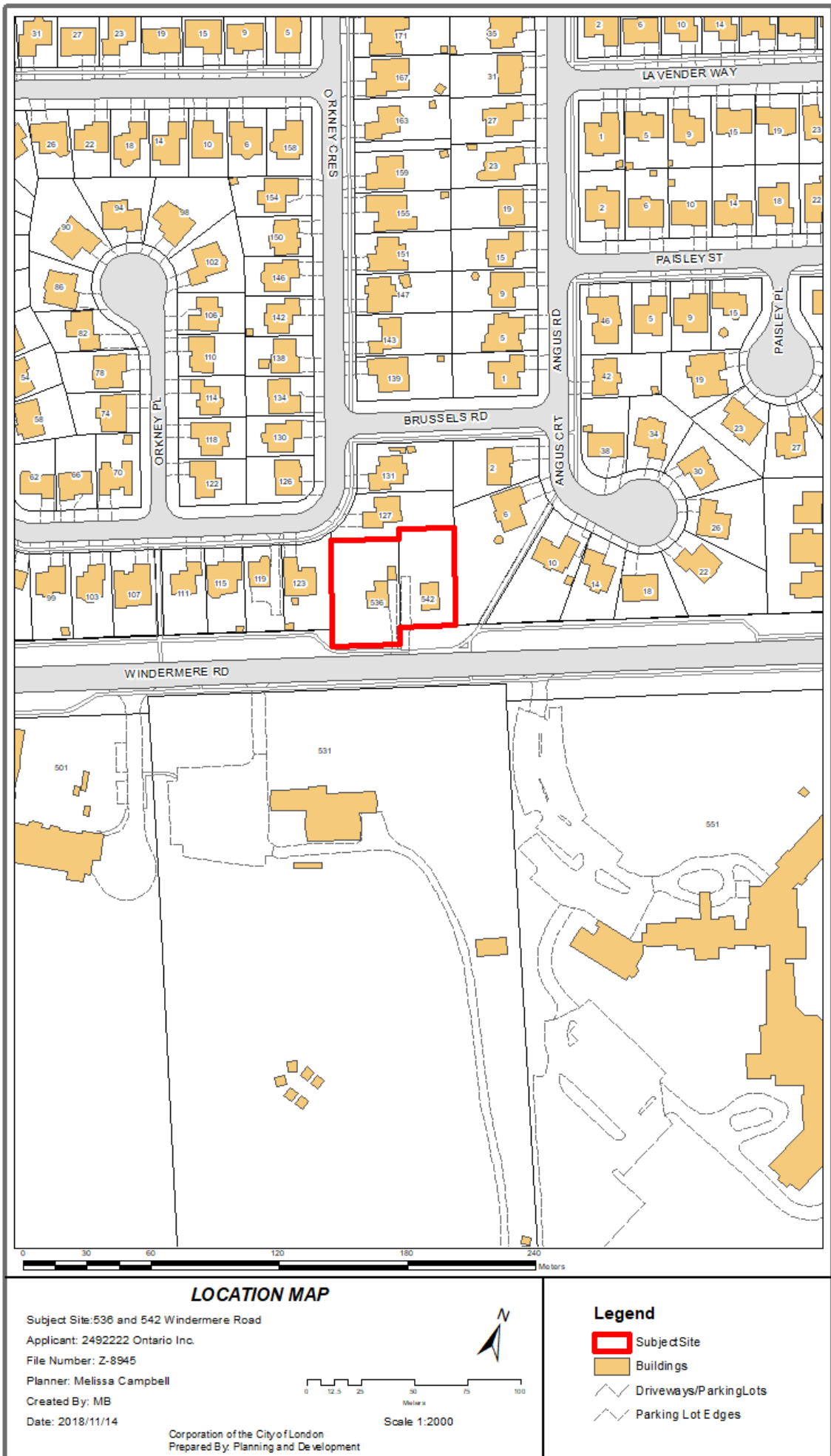


Figure 1: 536 Windermere Road



Figure 2: 542 Windermere Road



Figure 3: Stormwater inlet/catchbasin on 542 Windermere Road



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment is intended to permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings on the subject lands (Figure 4). Once the two (2) lots that comprise the subject lands are consolidated the density of the proposed development would be equivalent to 58 units per hectare.

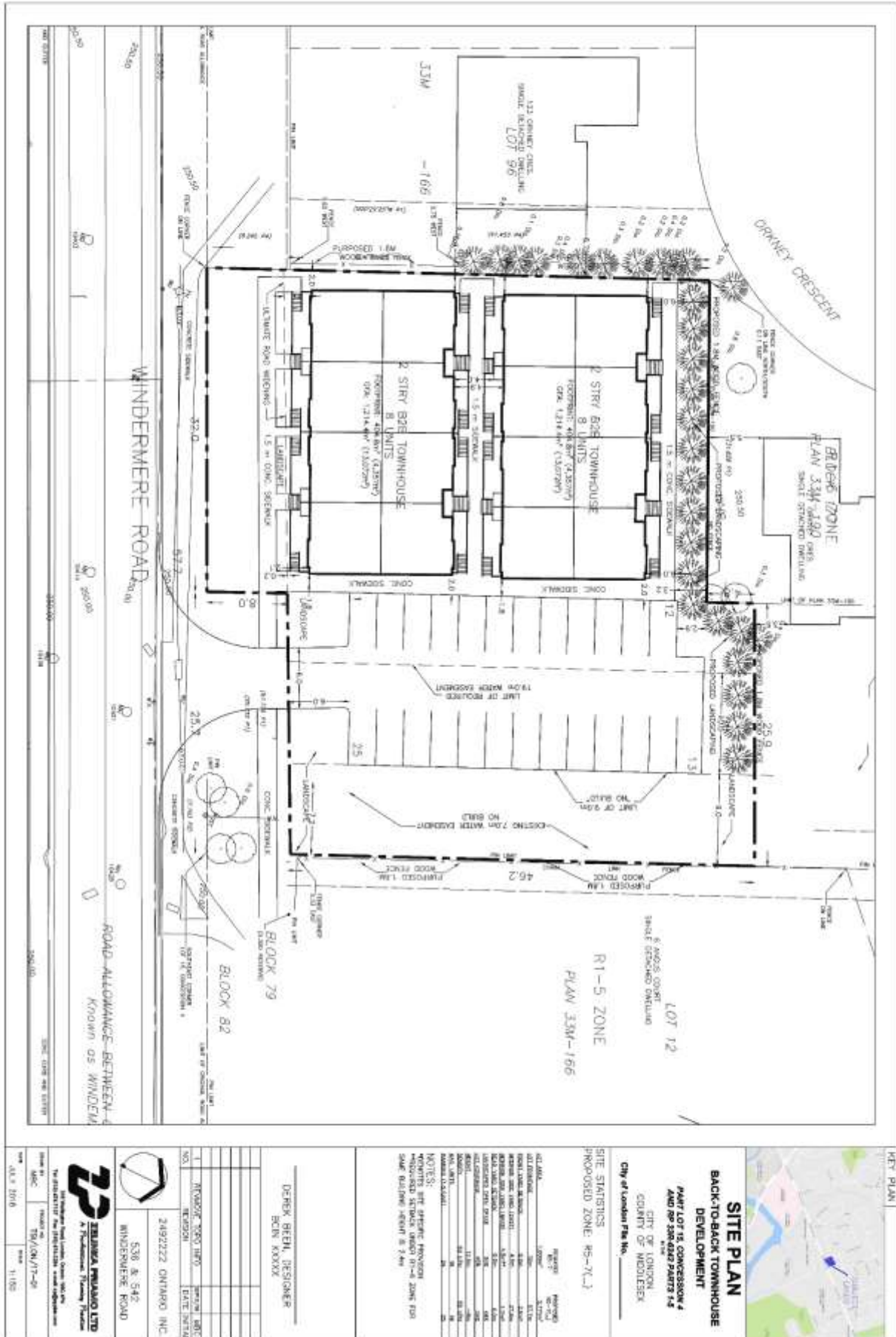
The conceptual site plan submitted in support of the requested amendment shows the proposed townhouse dwelling units arranged into two (2) separate blocks. The townhouse blocks are proposed to be positioned on the westerly-most portion of the subject lands, with one townhouse block located in front of the other, and each townhouse block consisting of eight (8) “back-to-back” dwelling units. The townhouse blocks are proposed to be approximately 2 ½ storeys, or 8.0 metres in height, and a separation distance of approximately 4.9 metres is proposed between the blocks. The “front” or southerly-most townhouse block is proposed to be situated close to the street-edge, and a reduced minimum front yard depth of approximately 2.1 metres is requested. A reduced (westerly) minimum interior side yard depth of approximately 1.7 metres is also requested.

Walkways, approximately 1.5 to 2.0 metres in width, connecting the dwelling unit entrances to the public sidewalk and to the on-site surface parking area are proposed to be located between the two (2) townhouse blocks; in the rear yard; along the easterly side of the townhouse blocks and in the front yard and encroaching into the City-owned boulevard. The on-site surface parking area is proposed to be located to the east of the townhouse blocks. The proposed on-site surface parking area would provide twenty-five (25) parking spaces. Private outdoor amenity space for residents is proposed in the form of below-grade patios located immediately adjacent to the dwelling unit entrances, and in the form of the landscaped open space located on the easterly-most portion of the subject lands. The private outdoor amenity space proposed to be located on the easterly-most portion of the subject lands would be separated from the dwelling units by the proposed on-site surface parking area. The proposed below-grade patios would encroach into the required front yard and would require a special provision for an increased maximum yard encroachment of 0.2 metres from the front lot line.

There is an existing 7.0 meter wide easement that applies to the easterly-most portion of the subject lands which contains a major city-wide watermain. There is an identified need to expand the existing easement to a 19.0 metre wide easement to accommodate the watermain as well as a maintenance area to stage and complete periodic repairs to the watermain in compliance with current health and safety standards. The existing and

expanded easement present a constraint to development on the easterly-most portion of the subject lands. No buildings or permanent structures would be permitted on the easterly-most 9.0 metres of the expanded easement, with the balance of the expanded easement available for a surface parking area.

Figure 4: Conceptual Site Plan



3.0 Relevant Background

3.1 Requested Amendment

The applicant requested an amendment to change the zoning of the subject lands from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone. The requested Residential R5 Special Provision (R5-7(_)) Zone would permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings on the subject lands; equivalent to 58 uph. The proposed development would require special provisions from the standard R5-7 Zone regulations. The requested special provisions are as follows:

- a reduced minimum front yard depth of 2.1 metres (after the required road widening dedication); whereas, a minimum front yard depth of 8.0 metres is required;
- a reduced (westerly), minimum, interior side yard depth of 1.7 metres; whereas, a minimum interior side yard depth of 4.5 metres is required when the end wall of a unit contains no widows to habitable rooms; and
- an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line; whereas, the below-grade patios would be permitted no closer than 1.2 metres to a lot line.

3.2 Community Engagement (see more detail in Appendix B)

Notice of Application was sent to property owners in the surrounding area on August 30, 2018 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 31, 2018. The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone to permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings on the subject lands. The notice advised of special provisions to the standard Residential R5 (R5-7) Zone regulations to permit a reduced minimum front yard depth of 2.1 metres and a reduced westerly minimum interior side yard depth of 1.7 metres.

Notice of Revised Application was sent to property owners in the surrounding area on September 26, 2018, and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 27, 2018. The revised notice advised of an additional special provision to permit an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line notwithstanding the yard encroachments permitted in Section 4.27 – General Provisions in the City’s *Zoning By-law Z.-1*. The below-grade patios were shown on the conceptual site plan circulated with the original Notice of Application, but a special provision to permit an increased maximum yard encroachment for the proposed below-grade patios was not initially requested.

Approximately, 40 replies were received from the public as part of the community engagement process.

3.3 Policy Context (see more detail in Appendix C)

3.3.1 Provincial Policy Statement, 2014 (PPS)

The *2014 Provincial Policy Statement* (“PPS”) provides broad policy direction on matters of Provincial interest related to land use planning and development. The *PPS* provides policies on key issues such as intensification and redevelopment and efficient use of land and infrastructure, including support for a range and mix of housing types and densities.

3.3.2 The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report and include many of the Neighbourhoods Place Type policies pertinent to this

planning application. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject lands are located within the Neighbourhoods Place Type on *Map 1 – Place Types in *The London Plan*, with frontage on a Civic Boulevard (Windermere Road). *The London Plan* contemplates a broad range of residential land uses for the subject lands including, but not limited to, single-detached, semi-detached, duplex and converted dwellings, triplexes, fourplexes, townhouses, stacked townhouses and low-rise apartments. *The London Plan* utilizes height as a measure of intensity in the Neighbourhoods Place Type. Within the Neighbourhoods Place Type, fronting onto a Civic Boulevard, the range of building heights contemplated include a minimum height of 2-storeys and a maximum height of 4-storeys, and up to 6-storeys through Bonus Zoning. *The London Plan* provides opportunities for residential intensification and redevelopment within the Neighbourhoods Place Type where appropriately located and a good fit with the receiving neighbourhoods.

The London Plan also provides policies related to specific sites or areas within the Neighbourhoods Place Type which includes the policies for Near Campus Neighbourhoods carried over from the *1989 Official Plan*. As noted below, the subject lands are outside of the Near Campus Neighbourhoods and are therefore not subject to those policies or associated regulations.

3.3.3 1989 Official Plan

The *1989 Official Plan* contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the *PPS*. The *1989 Official Plan* assigns land use designations to properties, and the policies associated with those land use designation provide for a general range of land uses, form and intensity of development that may be permitted.

The subject lands are designated Low Density Residential (“LDR”) on Schedule “A” – Land Use to the *1989 Official Plan*. The LDR designation is intended for low-rise, low-density, housing forms including single-detached, semi-detached and duplex dwellings. Where appropriate, some multiple attached dwellings at densities similar to, but not necessarily the same as neighbouring detached units, may be permitted. Development should enhance the character of the residential area. Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law. The residential intensification policies for the LDR designation contemplate infill housing in the form of multiple-attached dwellings such as rowhouses or cluster housing.

The *1989 Official Plan* provides *Policies for Specific Residential Areas* where it is appropriate to address development opportunities and constraints through specific policies, and these specific policies serve to augment the standard land use policies. Among the *Policies for Specific Residential Areas* are policies for Near Campus Neighbourhoods located near Western University (and its affiliated colleges) and Fanshawe College, which are affected by near-campus neighbourhood impacts. It is important to note that the subject lands are outside of the Near Campus Neighbourhoods area and are not subject to those policies or associated regulations.

4.0 Key Issues and Considerations

4.1 Land Use Compatibility

Through an analysis of the use, intensity and form, Staff have considered the compatibility and appropriateness of the requested amendment and proposed development, and the recommended amendment revised by Staff, with the subject lands and within the receiving neighbourhood.

4.1.1 Use

Provincial Policy Statement, 2014 (PPS)

The *PPS* directs growth and development to settlement areas and encourages their regeneration (Policy 1.1.3.1). Land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy

1.1.3.2 b)). The *PPS* directs that planning authorities consider the housing needs of all residents (Policy 1.4.3 a) and b)).

The London Plan

The London Plan promotes a choice of housing types so that a broad range of housing requirements can be satisfied in a wide range of locations (497_ 7.). The subject lands are located within the Neighbourhoods Place Type with frontage on a Civic Boulevard in *The London Plan*. The range of uses permitted within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (*Table 10- Range of Permitted Uses in Neighbourhoods Place Type). *The London Plan* contemplates a broader range of uses along higher-order streets within the Neighbourhoods Place Type (*919_ 2. & 3.). Townhouses, such as the proposed cluster townhouse use, are contemplated within the Neighbourhoods Place Type on all street classifications in *The London Plan*. The planning approach of connecting the range of land uses to street classifications for the Neighbourhoods Place Type was intended to balance neighbourhood stability and predictability with providing a range and mix of housing types (*919_6.).

1989 Official Plan

The *1989 Official Plan* supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (Section 3.1.1 ii)). The subject lands are designated LDR in the *1989 Official Plan*. The LDR designation is applied to lands that are primarily developed or planned for low-rise, low-density housing forms (Preamble Section 3.2 – Low Density Residential). The primary permitted uses for the LDR designation include detached, semi-detached and duplex dwellings (Section 3.2.1). Multiple-attached dwellings, such as the proposed cluster townhouse use, are contemplated in the LDR designation in the *1989 Official Plan* as a permitted form of residential intensification (Section 3.2.3.2).

Analysis:

Consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*, the recommended cluster townhouse use will add to the range and mix of housing types and provide for an alternative housing option within the receiving neighbourhood that predominately consists of single detached dwellings. As an alternative housing option, the recommended cluster townhouse use has the potential to assist in providing a diverse range of housing needs within the community consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*. The recommended cluster townhouse use is contemplated in the LDR designation in the *1989 Official Plan* as a permitted form of residential intensification, and is included in the range of primary permitted uses contemplated within the Neighbourhoods Place Type on all street classifications. Although, the proposed cluster townhouse dwellings are a different housing type than single detached dwellings that are predominant in the area, through an analysis of intensity and form below, it is believed that cluster townhouse dwellings can be developed on the subject lands in a way that is appropriate for the site and the receiving neighbourhood.

4.1.2 Intensity

Provincial Policy Statement, 2014 (PPS)

The *PPS* directs growth to settlement areas and encourages their regeneration (Policy 1.1.3.1). The *PPS* states that land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities. (Policy 1.1.3.3). The *PPS* is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4).

The London Plan

The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (*Policy 83_, *Policy 937_, *Policy 939_ 6. and *Policy 953_ 1.). The *London Plan* directs that intensification may occur in all Place Types that allow for residential uses (Policy 84_).

The Primary Transit Area will be the focus of residential intensification and transit investment within the City of London (*Policy 90_).

The London Plan utilizes height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2-storeys and a maximum height 4-storeys, with bonusing up to 6-storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on a Civic Boulevard (*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (*Policy 953_3.).

1989 Official Plan

The scale of development in the LDR designation shall have a low-rise, low-coverage form, and shall typically be considered in a range up to 30 uph. (Section 3.2.2). Residential intensification in the LDR designation may be permitted up to a maximum density of 75 uph (Section 3.2.3.2). Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law and subject to a Planning Impact Analysis (“PIA”) to demonstrate compatibility with the character of the receiving neighbourhood (Section 3.2.3, Section 3.7.2 and Section 3.7.3).

Analysis:

The subject lands have frontage on a Civic Boulevard (Windermere Road) which is a higher-order street. The subject lands also have access to full municipal services, are within walking distance of public transit, and are located at the periphery of an existing residential neighbourhood within the Primary Transit Area. The subject lands are sized and situated within the City’s mobility network appropriately to accommodate additional development, and in terms of the policy framework in *The London Plan*, are underutilized by the existing single detached dwellings. Consistent with the *PPS*, the subject lands are located where the City’s Official Plans directs and supports residential intensification and redevelopment.

The proposed development of 16-townhouse dwellings on the subject lands equates to 55 uph and would conform to the maximum density of 75 uph contemplated in the LDR designation through the residential intensification policies of the *1989 Official Plan*. The height of the proposed townhouse dwellings (2 ½ –storeys, approximately 8 metres) also conforms to the minimum height of 2-storeys and maximum height of 4-storeys contemplated in the Neighbourhoods Place Type on a Civic Boulevard (Windermere Road) in *The London Plan*. Although, the requested amendment and proposed development would conform to the maximum intensity of development contemplated in the *1989 Official Plan* and *The London Plan*, the intensity of development contemplated is not recommended on the subject lands given certain site constraints and the compatibility concerns with the receiving neighbourhood.

The watermain and associated easement located on the easterly-most portion of the subject lands is a constraint to the location of buildings and permanent structures on the subject lands. Having reviewed and circulated the conceptual site plan that was submitted in support of the planning application for the subject lands, Staff are concerned about the ability of the westerly-most portion of the subject lands to accommodate the number of townhouse dwelling units proposed and whether the proposed development is an over intensification of the subject lands. It is important to note that the requested Residential R5 (R5-7) Zone variation and associated maximum density of 60 uph is intended for inner-city areas and locations near major activity centres, and has been designed to accommodate stacked townhouses. The requested Residential R5 (R5-7) Zone variation is not intended for the suburban context of subject lands, nor designed to accommodate the (non-stacked townhouse) housing type proposed. As such, Staff have recommended the Residential R5 (R5-5) Zone variation, with the intent of reducing the number of dwelling units that would be permitted to a maximum density of 45 uph, which is the equivalent of twelve (12)-townhouse dwelling units on the subject lands. The reduction from 16-townhouse dwelling units to 12-townhouse dwelling units would provide more space on the site for other site functions and improve the ability to minimize or mitigate any adverse impacts on adjacent properties as discussed in subsection 4.1.3 of this report. The recommended amendment would alternatively provide for a less intense form of development than the requested amendment.

The applicant through correspondence received from their agent dated November 23, 2018, has expressed a preference for 16-townhouse dwelling units with a mix of 3- and 4- bedroom units, resulting in a total of 60 bedrooms; rather than the Staff recommended 12-townhouse dwelling units, with the potential for up to 5 bedrooms in each dwelling unit in accordance with the definition of "Dwelling Unit" in Zoning By-law Z.-1, also resulting in a total of 60 bedrooms. Staff note that the intent of the applicant to manage intensity through number of bedrooms is not consistent with the standard conventions in the *1989 Official Plan* or *Zoning By-law Z.-1*, which measures intensity by the number of units per hectare. Only in the Near Campus Neighbourhoods has a policy basis been established to manage intensity by regulating the number of bedrooms; and the subject lands are not located within the Near Campus Neighbourhoods. The number of bedrooms may be regulated to supplement the prescribed maximum density (as expressed in "units per hectare"), but it is not intended to rationalize an increase in the density that can be accommodated on the subject lands and fit with the receiving neighbourhood. Staff note that the requested amendment did not include a special provision to formally limit the number of bedrooms per dwelling unit to 4-bedrooms.

With regards to intensity, the public expressed concern about the number of parking spaces proposed relative to the number of dwelling units proposed. The minimum parking space requirement for cluster townhouse dwellings in Parking Area 3 is 1.5 spaces per unit. The section of the City's Zoning By-law that regulates minimum parking space requirements, divides the City into three "Parking Areas"; and the minimum parking space requirements can vary for individual uses based on the Parking Area in which the site is located. The proposed development of 16-cluster townhouse dwelling units would require a minimum of twenty-four (24) parking spaces based on the applicable minimum parking space requirements. The conceptual site plan submitted in support of the planning application shows a total of twenty-five (25) parking spaces, and complies with the minimum parking space requirements of the Zoning By-law. The minimum parking space regulations are inclusive of resident, visitor and accessible parking space requirements. For planning purposes, policies and regulations, including minimum parking space requirements, generally do not distinguish or vary based on the make-up or composition of households (i.e. no "people zoning").

Transportation Planning and Design Division were circulated on the planning application and did not comment on the minimum parking requirement or proposed parking supply. With regards to off-site parking impacts there is no on-street parking permitted on Windermere Road in the vicinity of the subject lands. On-street parking is permitted on neighbourhood streets in the vicinity of the subject lands, and pedestrian walkways located to the east and west of the subject lands would facilitate ease of access to those neighbourhood streets. The right to access on-street parking is not controlled through zoning, on-street parking is controlled through the City's Parking By-laws.

4.1.3 Form

Provincial Policy Statement, 2014 (PPS)

The *PPS* is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The *PPS* also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form, and by conserving features that help define character (Policy 1.7.1(d)).

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (Policy 7_, Policy 66_). *The London Plan* encourages growing "inward and upward" to achieve compact forms of development (Policy 59_ 2., Policy 79_). *The London Plan* plans for infill and intensification of various types and forms (Policy 59_ 4.). To manage outward growth, *The London Plan* encourages supporting infill and intensification in meaningful ways (Policy 59_ 8.). The urban regeneration policies of *The London Plan* provide for intensification within urban neighbourhoods, where it is deemed to be appropriate and in a form that fits well with the receiving neighbourhood (Policy 154_8.).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (*Policy 953_ 2. a. –f.).

Similar to the PIA criteria within the *1989 Official Plan*, the Our Tools section of *The London Plan* contains various considerations for the evaluation of all planning and development applications (*Policy 1578_).

1989 Official Plan

The scale of development in the LDR designation shall have a low-rise, low-coverage form (Section 3.2.2). The *1989 Official Plan* recognizes residential intensification as a means of providing for the efficient use of land and achieving a compact urban form (Section 3.2.3). In the *1989 Official Plan* the redevelopment of underutilized sites constitutes infill; and infill may be in the form of cluster housing. Zoning By-law provisions are to ensure that infill housing proposals recognize the scale of the adjacent land uses and reflect the character of the area (Section 3.2.3.2). Residential intensification must be sensitive to, and a good fit with the receiving neighbourhood based on a review of built form, massing and architectural treatment (Section 3.2.3.4). The Planning Impact Analysis (“PIA”) criteria in the *1989 Official Plan*, are to be used to evaluate the appropriateness of a proposed change in land use and identify ways to reduce any adverse impacts on surrounding land uses (Section 3.7). See Appendix C of this report for complete PIA.

Analysis:

Consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*, the recommended intensification of the subject lands would optimize the use of land and public investment in infrastructure and public service facilities in the area. Located within the built-up area of the City and within the Primary Transit Area, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth that are transit supportive. The proposed cluster townhouse dwellings would be a more compact form of development than the single-detached dwellings that currently exist on the subject lands.

With regard to whether the recommended amendment would result in a form of development that is compatible and a good fit with the receiving neighbourhood, concerns regarding scale and height; yard depths/setbacks and separation distances; shadow impacts/access to daylight; privacy and overlook; and tree protection are analyzed below:

Scale and Height

The scale or height of the proposed townhouse dwellings (2 ½ –storeys, approximately 8.0 metres), would conform to the minimum height of 2-storeys and maximum height of 4-storeys contemplated in the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard; as well as conform to the low-rise form of development contemplated in the LDR designation and would be compatible with the scale of the adjacent land uses in the surrounding residential neighbourhood that are 1- and 2-storey(s) in height.

To ensure that the ultimate form of development would maintain a 2 ½-storey height that is compatible with the scale of the adjacent land uses, the recommended amendment includes among the special provisions a maximum height of 10.5 metres, which was not explicitly requested by the applicant. A maximum height of 10.5 metres is the standard condition permitted in the Residential R1 Zone variations that surround the subject lands, and represents a reduction from the maximum height of 12 metres that is the standard condition permitted in the Residential R5 Zone variations.

Yard Depth/Setbacks and Separation Distance

The requested amendment includes a reduced (westerly) minimum interior side yard depth of 1.7 metres. Staff are concerned about the impact of the requested reduction, since it is less than the minimum interior side yard depth of 2.4 metres required of a similar height building in the Residential R1 Zone variations that surround the subject

lands. To demonstrate compatibility and fit, the yard depths/setbacks should generally maintain the character of the surrounding residential neighbourhood. Moreover, a reduced minimum interior side yard depth of 1.7 metres would not provide sufficient space for a landscape screen to buffer the proposed development from the adjacent property to the west.

The recommended amendment increases the (westerly) minimum interior side yard depth to 3.0 metres in order to maintain a feasible minimum width between building and property line to provide for landscaping. The ability to provide enhanced landscaping within the (westerly) interior side yard would also be useful to discourage informal pedestrian circulation along the westerly interior side yard where it is not planned, as well as discourage “cut-through” ingress/egress to the site from Windermere Road to Orkney Crescent.

There is support in *The London Plan* for the requested reduction in the minimum front yard depth to maintain and reinforce the prevailing street wall or street line (policy 256) and position buildings with minimal setbacks from public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (*Policy 259_). Since the adjacent residential properties are rear-lotted onto Windermere Road, it is the fence line along the rear lot lines that establish the street wall/edge on the north side of Windermere Road. The requested reduction in the minimum front yard depth would allow for the proposed buildings to be positioned closer to the existing fence line to maintain and reinforce the street wall/edge. The requested reduction in the minimum front yard depth, and requested increase in permitted yard encroachments to accommodate the proposed below-grade outdoor amenity spaces 0.2 metres from the front line is not expected to negatively affect the future expansions of Windermere Road. The ultimate right-of-way width recognized in *Zoning By-law Z.-1* has been taken into account as part of this planning application with the understanding that a road widening dedication will be taken along 536 Windermere Road through the subsequent SPA process.

The separation distances between the two (2) proposed townhouse blocks is regarded as an indicator of the over-intensification of the subject lands. The separation distance between buildings on the same lot is not regulated by the Zoning By-law, but the City’s Site Plan Control By-law does provide guidance on separation distances for multi-family residential development, with the objective of providing adequate penetration of direct daylight into habitable spaces, natural ventilation, visual privacy as well as separation and/or screening from noise. Within built-up areas under redevelopment, the City’s Site Plan Control By-law contemplates a separation distance of 8.0 meters for row houses or similarly attached dwellings with habitable room windows. The proposed separation distance of approximately 4.9 metres would not be consistent with the City’s Site Plan Control By-law. While an appropriate separation distance will ultimately be determined through the SPA process, the recommended amendment would permit fewer townhouse dwellings on the subject lands than requested by the applicant, which would provide more space for a greater separation distance and ultimately improve the form of development.

Adequate separation distance is also required for fire protection under the Ontario Building Code (“OBC”). The Planning Justification Report prepared by Zelinka Priamo Ltd. and submitted in support of the requested amendment identified that the separation distance between the proposed townhouse blocks, relative to the area of unprotected openings, would require fire protection mitigation measures in the form of fire shutters. As part of the review of the planning application for the subject lands, Building Staff were engaged in a preliminary discussion regarding fire protection. Building Staff advised that there are other fire protection measures that could be considered as alternative to fire shutters. Compliance with the OBC will be reviewed through the subsequent SPA process to ensure the ultimate form of development would be consistent with the OBC.

Shadow Impacts/Access to Daylight

Within the built-up area of the City it should be understood that there will be shadow impacts from adjacent development; but adjacent development should not significantly obstruct access to daylight. Shadow impacts will be reviewed in detail through the subsequent SPA process. The low-rise form of the proposed townhouse dwellings,

together with the provision of appropriate yard depths revised by Staff and which correspond to building height, are expected to result in modest, intermittent shadow impacts for adjacent properties and do not exceed the potential shadow impacts that may be cast by a dwelling constructed under the existing Residential R1 Zone.

Privacy/Overlook

Loss of privacy and overlook is important to achieving residential intensification that is sensitive to, and compatible with the receiving neighbourhood. It is recognized that the yard depths alone required to achieve absolute visual privacy and prevent overlook are much greater than those that can be feasibly provided in the built-up area of the City while providing for meaningful intensification. By exceeding the minimum interior side yard depth that would be required for a similar height building in the existing Residential R1 Zone, the recommended amendment does not exacerbate the potential for overlook that could occur with the existing as-of-right zoning on the subject lands.

With regard to the “back-to-back” configuration of the proposed townhouse dwellings that would result in principle dwelling entrances and the below grade outdoor amenity spaces facing adjacent properties, the provision of board-on-board boundary fencing, at least 1.8 metres in height, together with a landscaped screen can readily limit views from those grade-related active spaces as well as mitigate noise and artificial light impacts.

Tree Protection

The subject lands contain several mature trees that contribute to the character of the streetscape along Windermere Road as well provide an established landscape screen between the subject lands and adjacent properties. The Tree Preservation Plan prepared by Ron Koudys Landscape Architects and submitted in support of the planning application for the subject lands, showed the removal of the majority of the trees on site, with only a few trees in the south-easterly corner of the site being preserved and protected. This does not demonstrate a sensitivity to the character of the receiving neighbourhood.

It is a goal of *The London Plan* to manage the tree canopy proactively and increase the tree canopy over time (*Policy 389_). It is a target of *The London Plan* to achieve a tree canopy cover of 28% within the Urban Growth Boundary by 2035, and 34% by 2065 (Policy 393_ and Policy 394_). To achieve tree canopy targets *The London Plan* directs that action shall be taken to protect more, maintain and monitor the tree canopy better, and plant more (Policy 398_). *The London Plan* directs that large, or rare, culturally significant, or heritage trees deemed healthy or structurally sound should be retained (*Policy 399_ 3.) *The London Plan* provides direction to the Site Plan Approval Authority that the removal of existing trees will require replacement at a ratio of one replacement tree for every ten centimetres of tree diameter that is removed (*Policy 399_ 4. b.). The recommended amendment provides yard depths that are of a sufficient size to retain and supplement landscaped screening along the shared boundary with adjacent residential properties. The recommended reduction in the number of units that can be achieved on site should also assist with the goal of maximizing tree preservation and protection on the subject lands.

Design issues to be considered through the SPA process include the following:

- an appropriate building separation distance be implemented between buildings on the subject lands to provide for the provision of daylight, natural ventilation and privacy;
- the type, location, height, intensity and direction of outdoor artificial lighting be identified to minimize light trespass onto adjacent properties;
- the preservation and protection of existing trees wherever possible;
- a board-on-board fence at least 1.8 metres high, together with enhanced landscaping wherever possible, to visually screen the subject lands from adjacent properties and assist with the reduction of noise and outdoor artificial light transfer to adjacent properties;
- enhanced landscaping along the westerly interior side yard to discourage informal pedestrian circulation in that space and/or “cut-through” from Windermere Road to Orkney Crescent;

- existing stormwater drainage routes should not be negatively impacted by development.
- a review of the development application by the Urban Design Peer Review Panel to provide advice to the applicant, Staff and City Council on design issues.

4.2 Holding Provision for Public Site Plan Review

In response to a considerable amount of public input and comment on this planning application and common concerns which relate to the form of development as well as matters to be addressed by site plan control (e.g. location and design of exterior artificial lighting, landscaping, buffering, fencing, outdoor storage and garbage disposal facilities; measures to minimize loss of daylight and privacy to adjacent properties; location and design of outdoor recreational areas; and the location and type of trees to be planted), Staff considered the need for an (h-5) holding provision for public site plan review.

The London Plan

The London Plan requires a public site plan process for residential intensification proposals with certain exceptions similar to the *1989 Official Plan* (*Policy 952_, Policy 1682_ and *Policy 1683_) The requirement for a public site plan process may also be Council directed according to *The London Plan* (*Policy 952_). The public site plan process is to assist in encouraging the integration of new development with adjacent land uses. *The London Plan* explicitly identifies that holding provisions may be used to address requirements relating to a public site plan process (Policy 1657_)

1989 Official Plan

The *1989 Official Plan* requires a public site plan approval process for residential intensification proposals (Section 3.2.3.5 i)). An exception to the public site plan process can be provided when residential intensification proposals are subject to another planning application that requires public consultation and through that planning application the public is invited to comment on site plan matters (Section 3.2.3.5 i) (b)). There is a policy basis for a holding provision in Section 19.4.3 i) in the *1989 Official Plan* that would ensure that development takes a form compatible with adjacent land uses so that issues identified as a condition of approval can be implemented, among other specified matters.

The recommend (h-5) holding provision for public site plan review would provide the public a continued opportunity to comment on the form of development through the subsequent SPA process. The conceptual site plan that was submitted in support of the requested ZBA is intended to be illustrative of what *could* be developed, but would not preclude other site designs at the time of SPA. The recommended ZBA is not intend to ascertain or secure a particular site design, but rather establishes the permitted use(s) and regulations for a general 'developable envelope'. The layout and organization of buildings and other site functions within the 'developable envelope' will be addressed in detail and finalized through the SPA process.

4.3 Cultural Heritage and Archaeology

Properties of cultural heritage value or interest, including archeological sites, are to be conserved. The potential that the subject lands may be a cultural heritage resource was reviewed as part of this planning application.

Provincial Policy Statement, 2014

The *PPS* supports the wise use and management of resources, including cultural heritage and archaeological resources for economic, environmental and social benefit. The *PPS* directs that significant built heritage resources and significant cultural heritage landscapes shall be conserved (Policy 2.6.1). The *PPS* directs that development and site alteration shall not be permitted on lands having archaeological potential unless significant archaeological resources have been conserved (Policy 2.6.2).

In the *PPS*, the term "built heritage resource" means a building, structure, monument, installation or any manufactured remnant. The term "significant" means to have cultural heritage value or interest contributing to the understanding of the history of a place, event, or people. The term "conserved" means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act ("OHA") (Section 6 – Definitions).

The London Plan

The London Plan directs cultural heritage resources will be conserved for future generations, and that new development will be undertaken to enhance and be sensitive to cultural heritage resources (Policy 554_ 2. and 3.) *The London Plan* directs that in accordance with the OHA, and in consultation with the LACH, City Council will prepare and maintain a Register listing properties of cultural heritage value of interest (Policy 557_). The Register will be known as *The City of London Inventory of Heritage Resources* (Policy 557_). *The London Plan* is more explicit than the *1989 Official Plan* in identifying that the Register may include designated properties as well as properties that City Council believe to be of cultural heritage value or interest (Policy 557_). *The London Plan* recognizes that there may be properties that are not identified in the Register, but the absence of those properties in the Register should not diminish the potential for those properties to be identified as significant cultural heritage resources which may be designated under the OHA (Policy 574_).

The London Plan requires new development, redevelopment and all civic works located on or adjacent to heritage designated properties and properties listed on the Register to be designed to protect the heritage attributes and character of those resources and minimize the visual and physical impact on those resources (Policy 565_). *The London Plan* allows development adjacent to heritage designated properties and properties listed on the City's Register only where the proposed development has been evaluated and it has been demonstrated that the significant attributes of the cultural heritage resource will be conserved (Policy 586_).

The London Plan directs that the City will identify, designate and conserve archaeological resources in accordance with the OHA (Policy 579_ and Policy 608_). Archaeological resources may be included on the Register (Policy 581_). *The London Plan* identifies the requirement for an *Archaeological Management Plan* that will identify archaeological resources and areas of archaeological potential and provide direction and requirements for the identification, evaluation, conservation and management of archaeological resources in accordance with the OHA (Policy 609_). *The London Plan* requires an archaeological assessment where development or site alteration is proposed on a property that demonstrates archaeological potential or known archaeological resources as determined through the *Archaeological Management Plan* (Policy 616_). The archaeological assessment shall be undertaken to the applicable level of assessment as determined by a consultant archaeologist in compliance with provincial requirements and standards (Policy 617_).

1989 Official Plan

The *1989 Official Plan* directs that Council, through its London Advisory Committee on Heritage ("LACH"), will prepare and maintain a descriptive inventory of properties of cultural heritage value or interest (Section 13.2.1). The *1989 Official Plan* directs that no alternations, removal or demolition of heritage buildings will be undertaken on heritage properties designated under the OHA that would adversely affect the reasons for designation except in accordance with the OHA (Section 13.2.3).

The *1989 Official Plan* directs that Council will facilitate efforts to preserve and excavate archaeological resources (Section 13.4.1). ZBA applications will be reviewed to determine their impact on potential archaeological resources. An archaeological assessment may be required if it is determined through the application of the archaeological potential model that any part of the subject lands have archeological potential or known archaeological resources and some form of soil disturbance is proposed (Section 13.4.3).

Correspondence from the public requesting that 536 Windermere Road be reviewed to determine whether it has cultural heritage value or interest was received by the LACH at their October 10, 2018 meeting and was forwarded on to the LACH Stewardship Sub-committee. The Stewardship Sub-committee also received a Building Assessment Report prepared by M. W. Hall Corporation on behalf of the applicant for the same property. According to the Stewardship Sub-Committee Report to the LACH dated October 24, 2018, based on local knowledge and preliminary research by the Stewardship Sub-committee, it is believed that no further action regarding 536 Windermere Road or 542 Windermere Road should be taken.

The recommendation of the LACH regarding 536 Windermere Road will be received by the Planning and Environment Committee (“PEC”) on December 10, 2018, and was not known at the time of preparing this report. The subject lands are not listed on the Register, meaning that the subject lands are not designated under the OHA nor are they believed to have cultural heritage value or interest by City Council. Based on the Stewardship Sub-Committee Report to the LACH, it is not anticipated that the planning application or proposed development for the subject lands represents a cultural heritage concern outside of the archeological potential discussed below.

The subject lands are identified as having archeological potential in the *2017 Archeological Management Plan*. The *2017 Archeological Management Plan* reflects legislative changes and an evolution of best practices in archaeological resource management. Subsequently the *2017 Archeological Management Plan* identifies more properties within the built-up area of the City as having archeological potential than the *1996 Archeological Master Plan* which it replaced. The subject lands were *not* identified as having archeological potential in the *1996 Archeological Master Plan*. The *1996 Archeological Master Plan* was referenced for the purposes of determining the complete application requirements for this planning application in February 2018. The amendment to the Official Plan and Zoning By-law to recognize the *2017 Archeological Management Plan* as a guiding document came in to force in June 2018, after the mandatory pre-application consultation process had occurred for this planning application and, as a result, an archaeological assessment was not required as part of a “complete application”. To provide general awareness that the subject lands are to be assessed for the presence of archaeological resources prior to development and site alterations occurring, an (h-_) holding provision is included as part of the recommended amendment.

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

5.0 Conclusion

The requested amendment to permit and facilitate the redevelopment of the subject lands for cluster townhouse dwellings is recommended to be refused because the proposed intensity and form of development is an over intensification of the subject lands and does not represent good planning. The requested amendment did not provide the appropriate development standards by which to minimize or mitigate potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

The recommended amendment would alternatively provide for a less intense form of development than the requested amendment. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that encourages a range and mix of land uses to support intensification and achieve compact forms of growth. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment conforms to the *1989 Official Plan* that contemplates residential intensification in the Low Density Residential designation in the form of multiple-attached dwellings, such as the recommended cluster townhouse dwellings. The recommended amendment conforms to *The London Plan* that contemplates residential intensification in the Neighbourhoods Place Type, where townhouses are contemplated as a primary permitted use on all street classifications.

The recommended amendment conforms to the *1989 Official Plan* and the maximum density contemplated in the Low Density Residential designation through residential intensification. The recommended amendment also conforms to the height minimum and height maximums contemplated in the Neighbourhood Place Type on a Civic Boulevard (Windermere Road) in *The London Plan*.

The recommended amendment provides for a form of residential intensification that can

be implemented on subject lands in light of the constraint to development on the easterly-most portion of the property. The recommended amendment would provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

Holding provisions are recommended to ensure that development takes a form compatible with adjacent land uses following public site plan review; and to ensure the subject lands are assessed for the presence of archaeological resources prior to development or site alternations that would involve soil disturbance.

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

December 14, 2018
MC/mc

Appendix A

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

By-law No. Z.-1-19 _____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 536
and 542 Windermere Road.

WHEREAS 2492222 Ontario Inc. has applied to rezone an area of land located at 536 and 542 Windermere Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 536 and 542 Windermere Road, as shown on the attached map comprising part of Key Map No. A102, from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-•R5-5()) Zone.
- 2) Section Number 3.8 2) of the Holding "h" Zone is amended by adding the following Holding Provision:

-) h-(*) *Purpose:* The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No soil disturbance arising from demolition, construction, grading, or any other activity, shall take place on the subject property prior to the City of London receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

3) Section Number 9.4 e) of the Residential R5 (R5) Zone is amended by adding the following Special Provision:

-) R5-5(*) 536 and 542 Windermere Road
 - a) Regulations
 - i) Front Yard Depth (minimum) 2.1 metres (6.96 feet)
 - ii) West Interior Side Yard Depth (minimum) 3.0 metres (9.84 feet) when the end wall of a unit contains no windows to habitable rooms
 - iii) Height (maximum) 10.5 metres (34.45 feet)
 - iv) Notwithstanding the regulations of Section 4.27 of this By-law to the contrary, on lands zoned R5-5(*) open or covered but unenclosed decks or porches not exceeding one storey in height may project no closer than 0.2 metres (0.66 feet) from the front lot line.

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

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

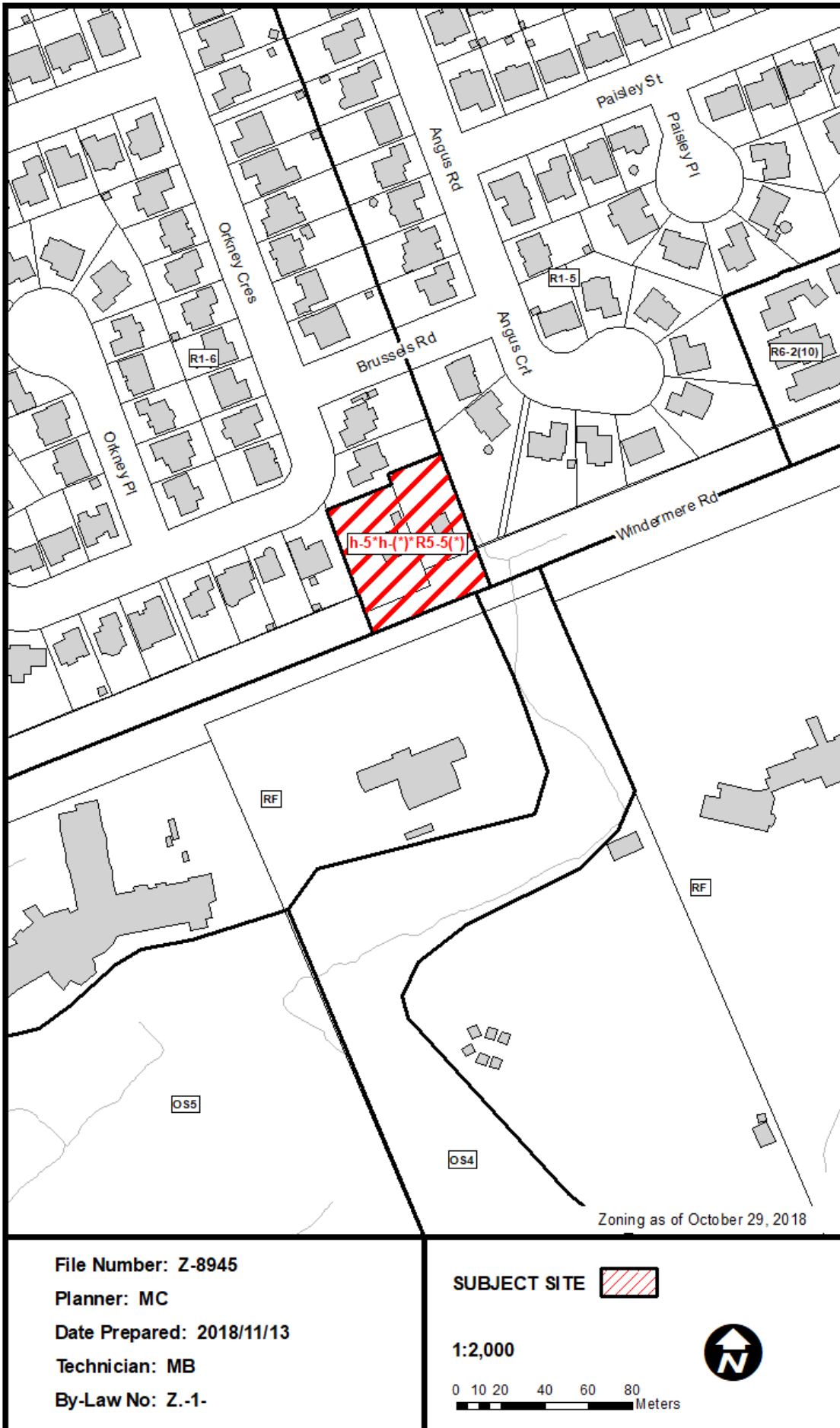
PASSED in Open Council on January 15, 2019.

Ed Holder
Mayor


Catharine Saunders
City Clerk

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

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



File Number: Z-8945
Planner: MC
Date Prepared: 2018/11/13
Technician: MB
By-Law No: Z.-1-

SUBJECT SITE 
1:2,000
0 10 20 40 60 80 Meters

Appendix B – Public Engagement

Community Engagement

Public liaison: On August 30, 2019, Notice of Application was sent to 56 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 31, 2019. A “Planning Application” sign was also posted on the site.

On September 26, 2019, Notice of Revised Application was sent to 60 property owners in the surrounding area. Notice of Revised Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 27, 2019.

Approximately 40 replies were received

Nature of Liaison: The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone to permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwelling units on the subject lands. The notice advised of special provisions to the standard R5-7 Zone regulations to permit a reduced minimum front yard depth of 2.1 metres and a reduced westerly minimum interior side yard depth of 1.7 metres. The revised notice advised of an additional special provision to permit an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line notwithstanding the yard encroachments permitted in Section 4.27 – General Provisions in the City’s *Zoning By-law Z.-1*. The below-grade patios were shown on the conceptual site plan circulated with the original Notice of Application, but a special provision to permit an increased maximum yard encroachment for the proposed below-grade patios was not initially requested.

Responses: A summary of the various comments received include the following:

Concern for:

- the intensity of proposed development too great, and the scale of the proposed buildings too dominate; generally out of character for the neighbourhood;
- townhouse dwellings inconsistent with surrounding properties zoned for single detached dwellings;
- number of variance to standard zone conditions, an indication proposed buildings are too large of site/number of units an over-intensification of the site;
- shadow impact, loss of privacy/overlook, loss of views given scale of the proposed buildings;
- lack of space for proper garage storage and/or snow storage;
- intrusion of boundary fencing and proposed buildings on Orkney Crescent streetscape;
- elevation change will diminish effectiveness of fencing and landscaping to visually screen proposed buildings from adjacent properties;
- diminished quality of life/intrusions of noise, light and traffic, loss of mature trees, garbage (property maintenance);
- insufficient parking for the number of townhouse dwellings and potential off-site parking impacts on adjacent neighbourhood streets;
- insufficient separation distance between proposed buildings on site, and insufficient yard depths/setbacks between proposed buildings and adjacent properties;
- improper classification of Windermere Road as higher-order street/improper location of intensification;

- proposed development exacerbating traffic congestion on Windermere Road
- insufficient front yard depth and encroachment into pedestrian space along Windermere Road effecting safety of pedestrians and cyclists;
- appearance, architectural style of proposed building relative to existing buildings in the area, and the quality and/or durability of materials and/or construction;
- opportunity for crime in confined spaces (Crime Prevention Through Environmental Design);
- reduction in property value; and
- impact of proposed surface parking area/pavement over watermain easement.

Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
Dennis Kirkconnell 6 Angus Court London, ON N5X 3J4	Dennis and Connie Kirkconnell 6 Angus Court London, ON N5X 3J4
Marleen Suzuki 14 Doon Drive, Unit 17 London, ON N5K 3P2	Tony Mara 127 Orkney Crescent London, ON N5X 3R9
Joy Abbott 14 Doon Drive, Unit 7 London, ON N5K 3P2	William and Randi Fisher 127 Orkney Crescent London, ON N5X 3R9
Harry Tugender 18 Angus Court London, ON N5X 3J4	David A. Leckie 138 Orkney Crescent London, ON N5X 3S1
Lorraine Gray 30 Doon Drive, Unit 11 London, ON N5X 3X1	Jain Mahabir 139 Orkney Crescent London, ON N5X 3R9
	Dr. and Mrs. Chagla 66 Orkney Crescent. London ON N5X 3R9
	Karen Weilgosh 106 Orkney Place London, ON N5X 3S1
	Bob Barker 47 Bracebridge Crt. London, ON N5X 3V2
	Fred Rodger 131 Orkney Crescent London ON N5X 3R9
	Lucy Hampton 94 Orkney Place London, ON N5X 3S1
	Allan Brocklebank 58 Orkney Crescent London ON N5X 3R9

	Rocky and Marilyn Cerminara 26 Angus Court London, ON N5X 3J4
	Andrew Fox 22 Angus Court London, ON N5X 3J4
	Donglin Bai 74 Orkney Place London, ON N5X 3S1
	Mario Scopazzi 123 Orkney Crescent London, ON N5X 3R9
	Mathew Trovato 115 Orkney Crescent London, ON N5X 3R9
	Frank and Iva MacNeil 159 Orkney Crescent London, ON N5X 3R5
	Patricia and John Orlebar, 26 Ravine Ridge Way London ON N5X 3S7
	J. Gary Turner 130 Orkney Crescent London, ON N5X 3R9
	Andrea Pollard 107 Orkney Crescent London, ON N5X 3R9
	Don Bodrug 10 Angus Court London, ON N5X 3J4
	Gordon Payne 70 Orkney Crescent London, ON N5X 3R9
	Christine DeVouge 71 Doon Drive London, ON N5X 3V2
	Paul Culliton 163 Orkney Crescent London, ON N5X 3R9
	Joel Faflak and Norm LeNeve 2 Angus Court London, ON N5X 3J4
	Charles Spina 9 Lavender Way London, ON N5X 3J2

From: Jain Mahabir
Sent: Tuesday, June 12, 2018 8:16 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Windermere Re-zoning Concerns

Hi Melissa,

I spoke to you today at the meeting regarding rezoning on Windermere. Here're my concerns. I have also forwarded to MPP. Thank you for information you provided.

I live very close to the proposed multi-unit townhouse development.

I am concerned that this development will negatively impact the lives of me, my family and my neighbours. The residents of this area have chosen to live here because it consists of single family households, in a quiet neighbourhood and away from the hustle and bustle of a crowded space.

If rezoned, the density of people in the area will be much higher and the neighbourhood will be busier and noisier. Parking will likely spill out to surrounding streets which are very quiet now. The landscaping, trees and general feel of the area will be negatively affected. The night lighting will increase and make it brighter for surrounding houses, making it difficult to sleep. I am concerned that the height of the buildings, and related structures will block light, and make nearby homes boxed in.

I cannot make sense of why, when an area is zoned for one type of use, the city will even consider re-zoning a small piece of that area. Makes no sense to me.

I sincerely hope the city does not rezone this area and listen to residents of the area.

From: Dennis Kirkconnell
Sent: Wednesday, June 13, 2018 11:29 AM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>;
Subject: Proposed Townhose Project on Windermere Rd

Hi Melissa,

First, I would like to thank you for attending last nights meeting at Maureen's request.

As you can appreciate, there is a lot of resistance to this proposed townhouse project. We bought our homes on the premise this was zoned low density single family homes. Like most of our neighbours, we are opposed to this project for numerous reasons.

Our property (6 Angus Crt) and the other 4 properties that back onto the proposed project are all at higher elevation levels so no fence would help block the view of these buildings and the parking lot. Hopefully, City Planning is aware of this elevation change and will take that into consideration. As mentioned, you are welcome to visit us our home to see what we would be faced with if this project proceeds.

I will send you a separate e-mail on our other concerns.

Regards,

Dennis & Connie Kirkconnell

From: Dennis Kirkconnell
Sent: Wednesday, June 13, 2018 8:28 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>;
Subject: Proposed Townhouse Project - Windermere Rd.

Hi Melissa,

Needless to say we have numerous concerns with this proposed townhouse project. Our major concerns are:

- Two 8 unit buildings being built in a low density single home housing zone
- Zoning variances that are likely required to "shoe horn" this project into such a small space
- The 5 existing homes that border this property are at higher elevations, so a fence would not help to block the view or provide any privacy. If existing trees bordering these 5 homes are removed or compromised, it would be devastating!! Personally, we would be overlooking a parking lot.
- The above elevation changes could provide water issues with the new rear building
- Parking is also a major concern. If these units turn into rentals, we anticipate a serious parking problem as the plan does not include adequate space for overflow parking. Our concern is guests will then park in the Scout Hall parking lot, which I assume would be a potential issue the Scout Hall would prefer to avoid.
- Since the plan does not provide adequate space for a buffer zone, I suspect the light generated from these 16 units and the parking lot will impact the 5 existing homes that border this property.

It is imperative that our City Hall planners visit the 5 bordering properties to visualize and fully understand the issues we would face. If at any point you would like to visit these 5 properties, please call or email me and I will arrange a convenient date and time.

Regards,

Dennis & Connie Kirkconnell
6 Angus Crt

From: Dennis Kirkconnell
Sent: Sunday, June 17, 2018 12:32 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>;
Subject: Proposed Townhouse Development - Windermere Road

Hi Melissa,

Another concern I neglected to mention is garbage storage and pick-up for the 16 proposed townhouse units. In most area homes, we store garbage in the garage during the week and take it to the curb for pick-up on our scheduled garbage day.

Since these 16 proposed townhouses don't have a garage to store garbage, would the developer arrange for bins/dumpsters? If so, how many and where would they be located? Hopefully, as close to Windermere Rd as possible since the 5 bordering properties have bedrooms that back onto these proposed units and these homeowners would not want to be subjected to raunchy garbage smells, excessive noise from early morning garbage pick-ups or overflowing bins/dumpsters that would lead to rodent and bird issues.

Would City Planning allow for normal city garbage pick-up for these proposed units or require this service be contracted out? If it's the latter, what assurance would existing homeowners have that this will be properly maintained?

Regards,

Dennis Kirkconnell
6 Angus Crt

From: Tony Mara
Sent: Monday, August 27, 2018 11:11 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Re: 542 & 536 Windermere Rd development application

Hi Melissa,

My name is Tony Mara. We met at the neighbourhood meeting related to the 542 & [536 Windermere Rd](#) development proposal. I understand from my neighbour Dennis that the application for this development project has been received by your department.

I live at 127 Orkney Crescent. My property adjoins both of the Windermere properties on the north side. I believe Dennis mentioned that you are planning to visit the site sometime soon. I would like to invite you to review the site and the development plans from the perspective of our property. Please consider this permission for you and your colleagues to access our property during this site visit.

I would also like to ask you to also look at this development plan from the street level perspective of Orkney Crescent in order to assess the potential impact from all sides. Especially when considering the difference in elevation and the planned removal of the existing tree line separating the Windermere properties from our property and the Orkney Crescent neighbourhood.

Thank you Melissa, I appreciate your consideration in this matter.

Best regards

Tony

David A. Leckie
138 Orkney Cres. London, Ontario N5X 3S1

Planning Services
206 Dundas St.
London, ON, N6A 1G7
Attention: Melissa Campbell
Submitted by E-mail: mecampbell@london.ca

Dear Ms. Campbell:

**Re: Zoning By-Law Amendment; File Z-8945; Applicant 2492222 Ontario Inc.
536 and 542 Windermere Road**

I am writing in opposition to the noted application for rezoning. My reasons for this are as follow.

The two noted properties presently contain single-family dwellings and reflect the corresponding zoning that prevails for the extensive subdivision around them. They are likely two of the original properties that have taken access from Windermere Road in times that preceded such subdivision development. I'm guessing that the owners of the day resisted sale of their properties to the developer (who would have been assembling land for the eventual subdivision). Otherwise, these lots would have been incorporated into the overall subdivision and likely would not have had access to Windermere.

Today's reality is that the present subdivision, containing properties on Orkney Crescent, Orkney Place, and Angus Court (among many other residential roads) is a mature subdivision, populated by a demographic that seeks an area in which to enjoy a quiet quality of life. This demographic has purposely purchased in the area to enjoy that very quality of life. The neighbourhood is indeed very quiet. Traffic is light. Outdoor socialization is subdued and low key, with the few backyard activities winding down by

11:00 pm or so. The proposed development wants to strip two of those idyllic lots from the milieu and intensify them into what is clearly a student housing intrusion – functionally totally out of character with its surroundings.

Stepping back a bit, it would appear that City of London planners have not discouraged the developer from investing its resources to further the pursuit of rezoning. Although “The London Plan” is tied up in the appeal process, I expect that the City supports the rezoning based on the London Plan. The London Plan effectively promotes the elimination of such quiet and popular success stories by advocating intensification and the intrusion of development types incompatible with sustaining such an ambiance. Is it saying that London is a city and thus must have heightened hustle and bustle everywhere? I cannot support the re-characterizing of existing neighbourhood success stories – especially this one.

The design submission alleges attractiveness and physical integration with the existing neighbourhood. It does create a reasonable case for its appearance, although it is hard to understand why a stark, stonefaced façade is more attractive than the existing country lane look (with towering mature trees planned for removal). Notwithstanding, *physical* features are one thing; *functional* considerations are substantially another. The buildings are clearly meant to be student housing, with bedrooms above and below a common area. Our neighbourhood is not part of the student housing industry as seen in the Broughdale and Fleming Drive areas – nor do we want it to be. Student residential areas consistently demonstrate characteristics that, at best, are noisy and unkempt and, not uncommonly, unruly and even unlawful. I do not wish to see our neighbourhood transformed in that manner and I do not wish the corresponding erosion in quality of life and devaluation of property.

Council has shown consideration for the sanctity of our subdivision in a number of instances. I would draw attention to a relatively recent re-development of 570 Windermere Road. That lot, though drawing access from Windermere, was also a single-family, detached dwelling, completely compatible with the newer subdivision that surrounded it. Council supported zoning for that that was compatible to the zoning of the greater neighbourhood by approving a three, single-family detached condominium style of development there.

There are other examples of how past Councils have supported the nature of our subdivisions in the Richmond/Fanshawe/Adelaide/Windermere quadrant. The first phase of development was the Stoneybrook area on the north half of this quadrant. When the southern half of that quadrant was developed, circa 1990, no north-south connections were permitted between the two areas – thus preventing traffic flows between them. Furthermore, development of the southern half endeavoured to manage traffic as well - by eliminating a proposed Angus Road connection to Windermere. Alternatively, traffic was diverted along Doon Drive, past the higher density condominium complexes there.

A key factor for intensification in The London Plan is the nature of adjoining roads. Specifically, arterial roads, such as Windermere, are targeted for intensification. Although the development in question does take access outwardly to Windermere, rather than inwardly to our subdivision, I would argue that this access is irrelevant in this discussion because the development is enveloped by the subdivision. Hence, the effects of the development are felt inwardly. Accordingly, the roadway designation of Windermere Road as an arterial is a moot point and should not form a basis for promoting intensification.

On the subject of Windermere’s classification as an “arterial road” in current Official Plan parlance or “Civic Boulevard” in London Plan parlance, I suggest that this designation could merit downgrading. The London Plan argues that arterial roads are busier roads that often support public transit routes and that there are economies in providing civic services to properties along that route. Indeed, good public transit is supported by greater populations along their routes and vice versa. I would argue that defining Windermere Road as a true arterial, worthy of intensification, is overstated. For

Windermere to be a true arterial, it should be connected at least to Gainsborough Road (across Medway Creek) in the west and desirably to Highbury Avenue in the east. Past Councils have faced considerable opposition to the westerly connection for decades and it is unlikely that that 'hot potato' will ever be mashed. As for connection of Windermere to Highbury, it just won't happen. A substantial area of environmentally sensitive lands would have to be traversed in doing so. Accordingly, it is hard to argue that Windermere is much of an arterial, worthy of justifying intensification. Accepting such realities, Council might consider downgrading Windermere's designation within the Official Plan.

In summary, I oppose the noted development for the following reasons:

- 1) Intensification is inconsistent with the existing zoning milieu around it;
- 2) There is no strong case for intensification, given Windermere's secondary functionality;
- 3) The introduction of the student housing development into an existing single-family detached neighbourhood is incompatible.
- 4) Student housing will degrade the peacefulness of the neighbourhood;
- 5) Council has a history of supporting the current nature of the neighbourhood through historical development of this quadrant and the more recent development at 570 Windermere Road;
- 6) This is entirely a win/lose scenario. The developer makes money; the neighbourhood loses money and quality of life; the City gains nothing of consequence. This is purely a money-making undertaking.

For all of the foregoing reasons, I petition the City to protect the existing nature of the neighbourhood by rejecting this application for re-zoning.

Respectfully Submitted,

David Leckie, P.Eng. (Retired)

From: William Fisher

Sent: Sunday, September 9, 2018 12:31 PM

To: Campbell, Melissa <mecampbell@london.ca>; Cassidy, Maureen <mcassidy@london.ca>

Cc:

Subject: Concerns About Zoning Amendment Requested for 536 and 542 Windermere Road (File Z-8945)

Dear Ms. Campbell and Ms. Cassidy,

I have some concerns about the zoning amendment that has been requested for 536 and 542 Windermere Road (File Z-8945). My family lives at 143 Orkney Crescent, and we walk along our street and along Windermere Road on a daily basis and have contact as neighbours and as community residents with the planned development's intrusions on Orkney Crescent and Windermere Road. My specific concerns are as follows. First, according to the site plan, there will be a highly visible 1.8 meter high wooden fence corner abutting Orkney Crescent that will diminish enjoyment of our street, without the benefit I would add of apparent landscaping on the Orkney Crescent side of the 1.8 meter wooden fence that is proposed. Second, there proposed building would appear to be quite tall, if I read the elevation plan correctly, and it would appear to be visible to us on Orkeny Crescent. Moreover, it would appear that the Orkney Crescent facing back group of apartments—eight of them--will look down directly into neighbours' yards. Finally, it would appear that the portion of the plan facing Windermere Road will leave a very minimal strip of sidewalk for us to walk on and it will be fenced with a wooden fence facing the street, with no apparent landscaping, diminishing our enjoyment of our daily walks. The size of the proposed apartment development is too great for the

neighbourhood and the lot and the plans show no respect for the aesthetics of the neighbourhood. The requested amendments will leave us with a tall dominant building, fenced with unlandscaped wooden fences 1.8 feet tall, intruding on Orkney Crescent and on Windermere Road.

Thank you for taking the time to read about our concerns.

Cordially,

William and Randi Fisher

From: Karen Weilgosh
106 Orkney Place
London, On, N5X 3S1

To : Melissa Campbell
Planning Services, City of London
206 Dundas St. London, N6A 1G7

September 11, 2018

RE: File Z-8945, Applicant 2492222 Ontario Inc

Dear Ms. Campbell,

I am the owner of 106 Orkney Place, a property that is located near this proposed development, where I live with my two young daughters. As such, I have some serious concerns in regarding the proposed development and application for a zoning amendment to allow cluster "back-to-back" townhouse dwellings. To begin, our neighbourhood is composed of single family homes which are quiet and safe for young families and older residents. Having "back-to-back" townhouse dwelling would mean student rentals with a significant increase in noise levels due to student parties. This would also create a parking issue as the townhomes have limited parking, and the overflow would fall onto Orkney Crescent and Angus Court as no parking is allowed on Windermere Road. Having student rentals also diminishes the sense of family community that we take pride in. Finally, the value of our homes will likely suffer a decrease due to this development. I sincerely hope that our community voice is heard in regards to opposition to this proposed development. Thank you for your consideration,

Sincerely, Karen M. Weilgosh

From: abdulchagla
Sent: Thursday, September 13, 2018 1:51 PM
To: Campbell, Melissa <mecampbell@london.ca>; Cassidy, Maureen <mcassidy@london.ca>
Cc: 'Yasmine Chagla'
Subject: Zoning By law amendment File Z-8945 -536 & 542 Windermere Rd

Dear Ms. Campbell and Ms. Cassidy,

Thank you for sending us the note regarding rezoning application of above property. We have been resident in the area for 35 years and selected this area for 2 main reasons:

1. Low density populated area
2. Secure and peaceful area to raise our children.

With zoning changes and eventual building of these properties, it will change the dynamics of this area,

We oppose change of zoning due to following reasons:

1. There will be increase in residential units and population increase in our area, changing the living dynamics of our area.
2. High density will decrease valuation of our current residence.
3. Increase noise, traffic etc. (especially as students rental)
4. Cutting of mature trees, changing habitat of the area
5. Noise pollution due to increase in traffic.
6. Unsafe for children who bike or walk from school.

7. Due to limited parking, "new residents" will use neighbourhood side streets to park, hazardous during winter cleaning.
8. Encroachment of sidewalks due to reduced front yard depth.

We want our Ward Councillor to intervene and stop the rezoning application.

Thanks

Dr. and Mrs. Chagla

Dr. Abdul. H. Chagla. Ph.D., FCCM.,D(ABMM).
Consultant Microbiologist
American Society for Microbiology –
International Capacity Building Program.

From: Bob Barker
Sent: Saturday, September 15, 2018 1:04 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: 536 and 542 Windmere Rd.

Hi. I am astounded that planning would even consider such a maximum density development, that far exceeds the normal density, setbacks, parking that the community surrounding it was planned, and built to. This site should be required to adhere to the normal max. of 16 units per acre , with 2 parking spaces per unit and already established site requirements in the community with conventional side yards and set backs. To say the area already has commercial uses already, and use Masonville Mall as a neighbour to this site that is 2 plus km away by road, is stretching the truth.

I am in favour of using existing planning standards and developing the site, but Do Not Bend the rules, to accommodate an investor, trying to create extra dollars, by cramming the site for their own gain, and ignoring already established and approved requirements.

I have lived in the area with in approx. 1 km. of this site Since 1986 and built a new home on Bracebridge Crt. 1989, and still live there. I appreciate your consideration, and look forward to the city doing the Right thing ...Bob Barker, 47 Bracebridge Crt. London.
Sent from my iPad

From: Frederick Rodger
Sent: Saturday, September 15, 2018 8:38 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: Zelinka Priamo Ltd - Re 536/542 Windermere

Hello Melissa,

I was reviewing the Zelinka Priamo website and I noticed that Melissa Campbell is listed as an employee. Are you that employee, I thought you said that you worked for the City of London.

I hoped this is not too personal but are you related to the Mathew Campbell that also works there?

I am not trying to be offensive, I am just trying to get a clear understanding who all the players are. Can I be confident that the correspondence that I send to you is not being shared with Zelinka Priamo Ltd?

Routing around the internet, I also noticed that Richard Zelinka and Greg Priamo are past employees of the London Planning Department.

It appears to me right now is that the deck is stacked against the current neighborhood that includes 536 and 542 Windermere. I have imaginings that phone calls have been made (possibly quiet money tossed around) and that this exercise of neighborhood participation is just a process to go through because the decision to build has already been guaranteed.

All that said, I would like to hear your side.

Kindest Regards,
Fred Rodger
131 Orkney Cres.

Subject:

Lots 536 and 542 Windermere Road - Re-zoning application from Zelinka Priamo on behalf of numbered company 2492222
London Planning file number: Z-8945

Comments from Lucy Hampton 94 Orkney Place, London, ON N5X 3S1

- Replacing 2 single family dwellings with 16 single family dwellings is excessive. A minimum of thirty-two (32) parking spaces would be required for the residents and additional parking spots are required to accommodate visitors. I could not see how that would be accommodated in the proposed plan. Will the residents and visitors start parking on Orkney Place near the walkway close to the proposed unit? If so, our street is too narrow, not long enough and just barely accommodates the visitors of the residents of Orkney Place, especially in the winter. If this goes through as proposed, it is very sad that the city supported a project knowing that they may be creating a parking issue for some of their highest residential tax payers.
- The building footprint is too large. There is very little green space and no backyard for children to play. Therefore, it is clearly not being built to attract families but instead university students. There is a 4-bedroom house on our street that was rented by university students for the last 2 – 3 years. They owned 4 cars. They put their blue boxes and garbage on top of snow banks which fell over before the city came to pick it up. Because the garbage was scattered all over, the city did not pick it up. It laid there scattered on the property and street for weeks. This was a normal occurrence.
- With no green space, rain water from the heavy rainfalls that we've been having will not be absorbed by the land and will have no place to go except the street and the storm drains. Will this development introduce flooding issues to this area? I would like to see the City Engineer's calculations that show that the storm drains will be able to handle the extra rain water that is currently being absorbed by the land of these two properties during major downpours.
- How will garbage be handled for 64+ people? There will be at least 32 bags of garbage per week plus blue box materials. Will there be a garbage bin at the back of the lot? If so, this garbage bin will start attracting more wildlife from the river area across the road. We have too many deer, skunks, racoons and groundhogs roaming our properties at night as it is and do not want more. I especially do not want to start seeing rats.
- How will snow removal be handled? Where will the snow from the parking lot be piled? Will it reduce the amount of parking spaces making the parking issue worse?
- Getting from Doon Drive onto Windermere Road in the morning when everyone is driving to work and the students are driving to school is a real problem and adding more traffic from this building is in my opinion an issue. This corner will need a street light, similar to the other end of Doon Drive and the speed limit should be lowered.
- Lastly, I am very disappointed that this is even being discussed since we have precedent at 570 Windermere Road where two similar lots were purchased a few years ago and replaced with 4 single family dwellings, a win-win solution for the developer and the neighbors. It is my understanding that the developer at the time went through the re-zoning process of these lots. Why isn't the city using 570 Windermere Road as precedent for the two proposed lots. What makes the proposed project eligible for different zoning

other than single family residences? Increasing the number of family units from 2 to 4 meets the city's objective of increasing density through infill and maintains the single-family concept which was the reason we bought here 31 years ago.

Thank you for your consideration.
Lucy Hampton

From: Brocklebank, Allan
Sent: Wednesday, September 19, 2018 10:10 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: 536 and 542 Windermere Rd.

re. Notice of Planning Application

Zoning By-Law Amendment

File: Z8945

Melissa Campbell:

My name is Allan Brocklebank and I own, and reside at, 58 Orkney Crescent, within the subject property's notification area.

Please allow me to provide my input related to what has been proposed. My comments cover a broad range of topics and I assume that you, as the forward person, will refer all related issues to the appropriate city departments (Planning/Zoning, Building, Fire Department, etc.) for their perusal and comment; please let me know if I must do this directly.

The planning consultants (Zelinka) have spent considerable time and effort, using their Planning Justification Report (PJR) to make a case for rezoning that would permit a development having a density considerably higher than the existing subject and abutting properties. The documents referenced, the Provincial Policy Statement, the City of London Official Plan and The London Plan (Under appeal) are guiding principles and are not intended to be interpreted (literally) and certainly not applied solely for the monetary benefit of the developer at the exclusion of quality of life issues for the future inhabitants of the development, the neighbours and all the citizens of London.

In principle intensification is admirable but this specific proposal is severely flawed.

Rezoning: from R1-6 to R5-7: Not including Site Specific Concessions requested.

Density:

- the 75 units/ha number as quoted in the Planning Justification Report (from the City of London Official Plan; Density and Form) is a guiding principle and therefore moot
- the max. permitted density for the R5-7 zone is 60 units/ha.
- the entire site (both properties) including the city boulevard (assumed by the city) is 30,437 ft² or 0.2804 ha. (Zelinka says 0.277 ha)
- the site excluding the boulevard (approx. 8m x 32m) is 27,437 ft² or 0.254898 ha.
- Zelinka has used the larger area (incl. boulevard) to rationalize their proposed density; 0.2804 x 60 = 16.824 units (or 0.277 x 60 = 16.62 units)
- I would suggest that the density for this development should be based on the smaller lot size (not including the boulevard); 0.254898 x 60 = 15.29388: **Zelinka is proposing one more unit than permitted in a R5-7 zone thus requiring another site specific concession**

It is interesting to consider that, due to the "no build" portion of the site (half of the site), for all intents and purposes, the actual density will be (effectively) twice that permitted.

Special Provisions: Site Specific Concessions requested.

Reduced front yard setback from 8m to 2.1m:

- it is reasonable to expect that this setback will be measured from a virtual property line from the south-west corner of 542 Windermere and the south-east corner of 123 Orkney Cres., providing for the city (assumed) boulevard; that being the case, this line indicated on the Zelinka Site Plan is shown inaccurately resulting actual setbacks less than those stated.

- according to the definitions provided in the Zoning By-Law (defined italicized words) this *Setback* is to the *Structure*; therefore this setback (from the virtual PL.) should be measured to the front face of the window well (or should I say 'Amenity Space') and not the building face (in the PJR, Zelinka has noted this as being only 200mm); note that a enclosed guard (that must prevent climbing) is required continuously around all window wells (to prevent people from falling 6 feet into these pits); conveniently Zelinka has used 'artistic license' (in their drawings) to downplay this reality

- Zelinka (in the PJR) states that this 200mm (8") will promote 'An active streetscape..... (with) direct pedestrian connection to the public sidewalk and patios at the front of the building'; this is an understatement, but unfortunately in a very negative way; later I will comment on these bleak amenity spaces and their proximity to public sidewalks, etc.

- Zelinka (in the PJR) acknowledges the problem with this non-setback by proposing that these areas 'will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering'; unfortunately this is more smoke and mirrors as no significant planting could be provided in a space less than 8"; Zelinka suggests/shows additional landscaping on the assumed city boulevard which is unreasonable and presumptuous

- A zero setback would be unprecedented for the Windermere streetscape; Site Plan Control 2.13.1.(c) states 'Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge'; the (relatively new) development at 570 Windermere has a setback of 8m which would be essential (the minimum) for the occupants, considering any future (planned for) road widening for the new realigned road edge (sound and snow removal issues to name a few)

To be clear this proposed non-setback is not based on good design principles but is required so the developer can shoehorn 64 bedrooms on the subject site

Reduced (west) side yard setback from *5.0m (not 4.5m) to 1.7m:

- *Note that Zelinka's stated setback on the Zoning Referral Record of 4.5m and is based on the proposed building height of 9m; using the actual height is 9.144m (see Zelinka drawing attached) results in a required setback of 5.5m (.5m of setback for 9+1m of building ht.= **5.0m setback required**)

- Zelinka (in the PJR) attempts to rationalize (I would say ignore and subvert the aforementioned guiding principles) why this 5.5m setback is not required by saying the following:

1. the height of the proposed townhouse buildings is of similar height to adjacent single detached dwellings because the lower grade of the site reduces the impact of the proposed height; **Response - A more explicit grading plan is required to make this determination; the Zelinka Site Cross Sections shows the subject site flat and at the same elevation as the street; actually there is a significant localized depression at the back of the property that is not representative of an actual building founding elevation**

2. the side yard is not an active space; **Response – I disagree, this dead zone will be uncontrolled, unmonitored and ripe for misuse**

3. the buildings do not contain any windows on the facing elevation; **Response – please look at the Cross Section and Side Elevation provided by Zelinka to realize how high and offensive (with no relief) this face would be to the neighbour; note that if windows were provided here, then the required setback would have to be increased to 6m for the R5-7 zone**

4. existing vegetation and trees on 123 Orkney Cres. will screen the buildings; **Response – the fact that there is some existing vegetation on the adjacent property is moot; amenities to mitigate this problem must be provided on the subject site at the developers expense; at any point these trees may have to be removed due to disease or to allow for permitted future expansion (building or deck)**

5. and a large hedge (identified as hedge #3 on the Tree Preservation Report) will screen the buildings; **Response – the shrub referenced is short, located only at the south of property offering zero screening; also note that it is proposed that this shrub is to be removed for construction**

6. shrubs and 1.8m fence are proposed for the area between the proposed buildings and the west lot line; **Response – BIG DEAL; these will do nothing to screen the proposed monstrosity (see attached sketch)**

7. as a comparison that a single detached dwelling is currently permitted under the R1-6 zoning regulations to locate at a 1.2m setback (1.8m setback for a 2-dwelling) with unlimited window coverage; **Response – once again moot; what is being proposed is not a single family dwelling and the setback requirements for a R5-7 must apply (see attached sketch); note that for a two and half storey building on a R1-6 zone the setback would be 2.4m (1.2+.6+.6=2.4)**

A minimum required setback of 5.0m for the R5-7 zone is mandated (and required) due the increased density of the subject site and the impact on the neighbouring lower density R1-6 zone. Any concession here will severely impact the neighbours now, severely limit the utilization of their property and ultimately tramples the occupant's rights.

Melissa, these are my concerns relate specifically to the re-zoning and site-specific concessions requested. Please anticipate another email shortly where I will comment on the following issues:

Other:

Insufficient 6m (south) rear yard setback:

Impossible 4.6m distance between opposing building faces

Ignored OBC Spatial Separation Issues

Inadequate amenity spaces

Problematic fire fighting

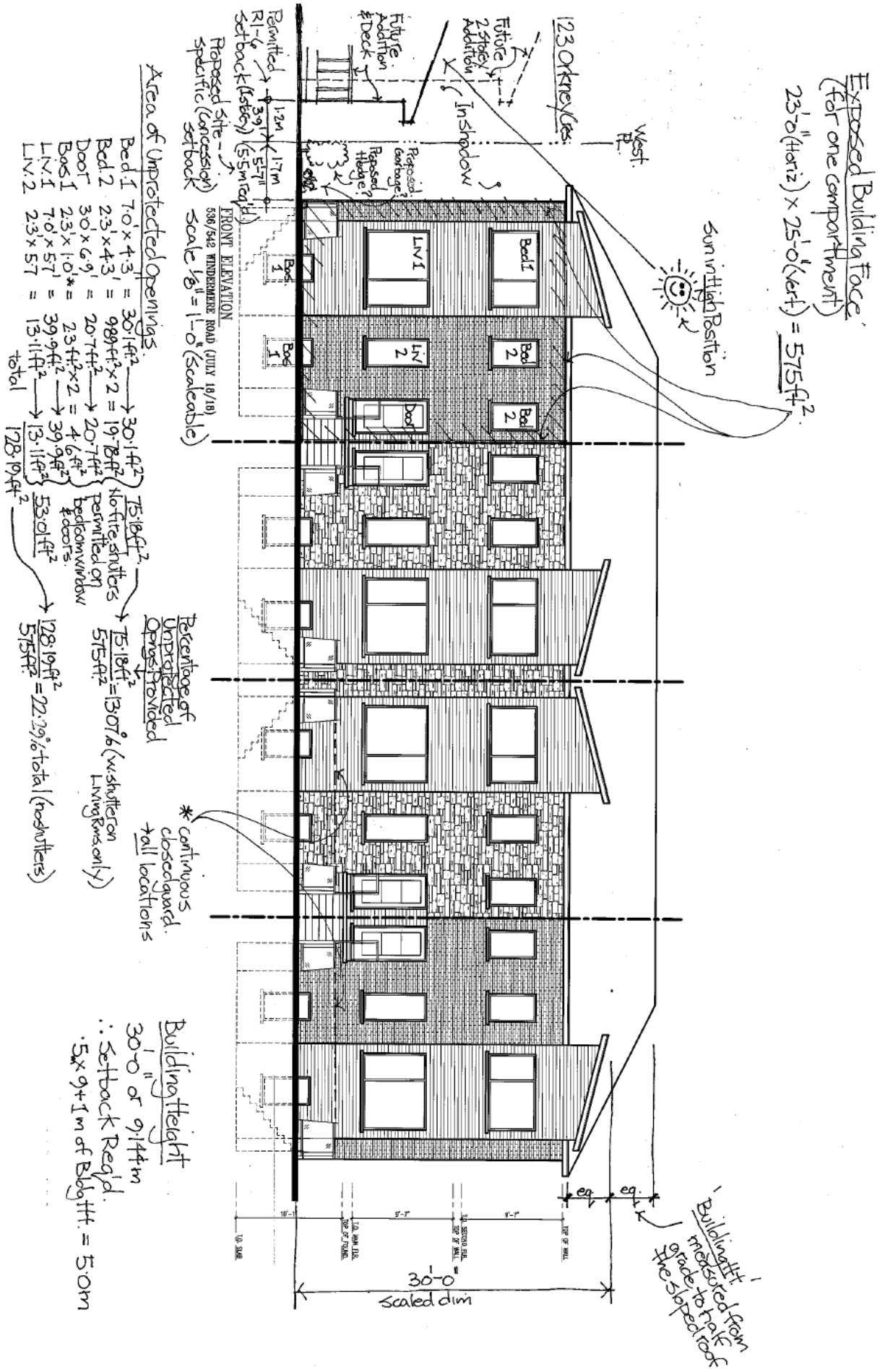
Unresolved parking

Unaddressed garbage collection

Melissa, thanks for your attention. I will talk to you soon.

Regards,

Allan Brocklebank



From: Rocky
Sent: Thursday, September 20, 2018 4:45 PM
To: 'Frederick Rodger'
Cc: Cassidy, Maureen <mcassidy@london.ca>; Campbell, Melissa <mecampbell@london.ca>
Subject: RE: Draft Response to Rezoning - Part 1

Hi Fred

I have reviewed the application and have also discussed it with the planner Melissa Campbell this afternoon. I too, have concerns over the level of intensification proposed for the site. As I stated to you earlier there will be some development on the site, the issue is how much. At the start my personal opinion is that one building with 8 units would be more than appropriate. That represents a 400% increase over what exists there now and surely satisfies the infill policies of the City. Some of my comments are listed below;

1. The application seeks variances from zoning setbacks on the front and west side of the west lot. There is no need for these variances other than to cram more units in. The restriction on the east lot (watermain easement) was surely priced in on the purchase of the lot and the developer should not profit further by pushing the second building on to the west lot.
2. There no reason to cut down mature trees along any property line other than to facilitate the placing of 2 buildings on the west lot.
3. The issue of parking raises red flags. The provided 24 spaces meets the bylaw for townhouse units (1.5 per unit) however it is clear to me that what is proposed is student housing and 64 bedrooms. How many of the 64 student renters will have cars. I doubt that 24 parking spaces are sufficient. Please refer to the Planning justification report that states for social events on street parking is available on Orkney Cres, Brussels Rd and Angus Crt. Social events really? or just student parties.
4. This site is close to Richmond st (the east limit of the near campus zoning regs), it should be included in those zoning regs and limit the number of bedrooms to 3 per unit. This would help reduce the over intensification.
5. The 2 buildings are less than 5m apart (along the east west line). This leaves barely room for a 1.5 m walkway due to the sunken patios. I personally have not seen this before. This causes fire separation issues uncommon in townhouse development and problems for first responders as well as efficient garbage collection. This issue requires further comment as more detailed information is provided by the developer or the City.

My neighbour Andrew Fox at 22 Angus Crt has reviewed and concurred in the comments noted above.

Rocky and Marilyn Cerminara

26 Angus Crt.

From: Leckie Sandra
Sent: Thursday, September 20, 2018 1:59 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Zoning By-Law Amendment; File Z-8945; Applicant 2492222 Ontario Inc.; 536 and 542 Windermere Road

Hi Melissa,

Further to my submission on September 8, 2018 the following quotation from the developer's planning submission has come to my notice:

"Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to

the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”

This further demonstrates how intrusive the proposed development will be upon our quiet neighbourhood. The developer clearly shows that their proposal’s design is inadequate to accommodate their needs. No mention is made of visitor parking and the generation of visitor needs for the development will certainly exceed those commonly experienced by our existing neighbourhood.

David Leckie

From: Donglin Bai

Sent: Thursday, September 20, 2018 4:26 PM

To: City of London, Mayor <mayor@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Squire, Phil <psquire@london.ca>; Morgan, Josh <joshmorgan@london.ca>; Salih, Mo Mohamed <msalih@london.ca>; van Holst, Michael <mvanholst@london.ca>; Armstrong, Bill <BArmstro@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Hubert, Paul <phubert@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Ridley, Virginia <vridley@london.ca>; Turner, Stephen <sturner@london.ca>; Usher, Harold <husher@london.ca>; Park, Tanya <tpark@london.ca>; Zaifman, Jared <jzaifman@london.ca>; Corby, Mike <mcorby@London.ca>

Subject: Reject Rezoning Application of 536 and 542 Windermere Road (File: Z-8945)

Dear City Councillors,

My name is Donglin Bai and I have been living at 74 Orkney Place for the past 16 years. My home is very close to this rezoning application at 536 and 542 Windermere Road. I love our home area with low density of single houses with very light traffic and noise issues. However, this may no longer the case with the proposed 3 story building contained 16 units and each with 4 bedrooms at 536 and 542 Windermere Road. This proposed building is much higher density in our neighbourhood and will create many issues to reduce the quality of life in our neighbours, including, the building is a lot larger than almost every building in our neighbourhood and directly affect the privacy of immediate neighbours around Orkney Crescent, much higher density with 16 units and 4 bedrooms each will bring in 16 families or more than 60 students which is 8 times more than the two independent single houses (2 families). The increase in higher density will create issues on the use of shared facilities (shared road), noise control issues, the parking space currently proposed (25 parking spots, including visitors parking spaces) is definitely not enough for 16 families or 64 individual students to use. The developer propose to use local street for the resident parking, which will severely change the local traffic in our current quiet neighbourhood. Higher density will also increase the local traffic, which is already getting worse with all students came back to school in September. This reduced quality of life will influence our local house resale values in the future. I believe that the by-law is created to protect the interests of our community and I hope that you guys can help to voice our local residents concerns to reduce the building size and the total number of units in this property. Thank you for your consideration,

Donglin Bai

From: Matthew Trovato

Sent: Friday, September 21, 2018 4:01 PM

To: Campbell, Melissa <mecampbell@london.ca>

Subject: London Planning File Z-8945 and Orkney Crescent

Good afternoon Melissa,

I am writing in response to the proposed zoning change adjacent to Orkney Crescent. The London Planning file number is Z-8945. The developer is – 249222 Inc. The developer’s consultants are Zelinka Priamo Ltd.

First and foremost, I would like to briefly give you some background as to why I am contacting you. My wife, one year old daughter and myself moved to Orkney Crescent in May of 2018. Our primary reason for moving was based on the beautiful, quite, family centered neighborhood that was afforded on Orkney Crescent. My wife's and my goal was to find a home where we could raise our family in a quite and well established neighborhood, where our daughter could enjoy time in our private backyard, and we would not have to worry about high traffic and noise in our front yard. We believed we found that in Orkney Crescent, and have been extremely happy with our decision since moving. However, this city and developer's plans to rezone lot 536, specifically as it relates to circumventing the established easements, causes us great concern. Below, please find a list of our concerns., Please note that this list is not exhaustive, and we would be happy to further discuss our concerns with you.

1. The building itself is too big for available land. The applicant is not only asking for rezoning beyond 'single family residential' but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m which in no way blends in with surrounding neighborhood.. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. As if this is not bad enough, the space that is there will become mostly concrete walkway at the front and back. In essence the applicant wants to cover the entirety of the west lot 536 with two buildings right up to the lot lines. There is no buffer space and no 'green'.
(Taken from the site plan.)
2. What is the proper zoning for these lots and what is an appropriate building? I could not find a precedent where R5-7 was used to subvert a single family residence area. The buildings do not adhere strictly to R5-7 and R5-7 is not used adjacent to R1, R2 nor R3 zones. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for that type of structure they want to build located in this type of neighborhood let alone this part of the city. The developer is trying to apply the rules for R5-7, to an area where R5-7 is not intended to be used. The developer is doing this in order to squeeze these buildings into the whole space of lot 536 because the developer was negligent and did not research the easement on lot 542 prior to purchase. Prior to this application the developer was planning for a single building that would be built across the two properties close Windermere with buffer space behind. Since the developer did not do its due diligence before making offers on the two properties it wants to jam two buildings onto lot 536 with no buffer zones and is expecting the planning committee to bail them out. The developer is arguing that it deserves to use R5-7 in this R1 zone to make up for its mistake and not have to apply for variances which it would normally have to do. There is a real mish-mash of zoning specifications around this project that need to be sorted out. I am sure R5-7 is not one of them. Planning committee, please do your due diligence and reject this application..
3. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the proposal, the rest of lot 542 is taken up with an asphalt parking lot. This is counter to the rest of the housing in the area where large expanses of concrete and asphalt would not be tolerated. This is a parking lot and cannot be considered buffer zone. There is no buffer zone at the back of the parking lot. Hence, the scheme of the entire proposed project is out of balance with the properties throughout the neighborhood. In essence, the buildings are too big for the property and are being jammed entirety onto lot 536 with no green space around them. A smaller better designed multi residential building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.
4. The area over the easement will be grassed over and called an amenity space. With this design, a mother (resident) is going to have to transport her children over the parking lot in order to enjoy the grass. The mother would then have to remain with the children to ensure parking lot activity did not threaten her children. That is a lot to ask. With a proper grassed buffer zone around the buildings these concerns would not be an issue and children could enjoy the out of doors at their unit. There is

nothing in the proposed design anywhere to accommodate the residents' children having access to the out of doors and a play area.

5. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are too close to the trees and property lines. These are valuable and irreplaceable trees. The developer has suggested replacement trees which are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these trees would provide any adequate coverage comparable to what is already in place. I suspect that the proposed replacement trees were the cheapest trees that the developer could find.
6. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development and parking lot will literally glow throughout the night radiating light across the adjacent properties. This will interfere directly with neighbors who sit outside throughout the night time hours enjoying the night time and the stars.. It will reduce/restrict the current neighbor's enjoyment of their properties.
7. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up.
8. The parking spaces for this property are totally inadequate. There are 16 units each with four bedrooms, a common room and a kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars crammed into the laneway. Even though bus routes are nearby and walking to the university is easily doable, every renter has a vehicle. This is the reality and not some BRT dream. Using the same criteria a building with 64 bedrooms will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result is a poor balance between the units and parking spaces. This will likely result in overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking.
9. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again this is a result of the buildings being too big for the property and being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties trees and vegetation.
10. The proposed rezoning will create a number of noise and privacy issues not only for the neighbors but for the residents of the proposed buildings as well. As stated above the proposed buildings are designed to be rented out by the bedroom. I am not stating that students should not live in the neighborhood. Far from it, they are already here. The problem with this rezoning application is the overbearing population density within the proposed buildings. This increased population density will impose stress on the residents/students within these buildings. Students are not livestock to be packed in as tightly as possible in order for greedy developers to maximize their profit. The buildings lack proper natural lighting. The narrow alley way between the two buildings have the windows of one apartment looking directly into the windows of the opposite apartment with only 4 m of separation. As if higher education is not stressful enough, these are additional social stressors that will be

imposed on the inhabitants because of the poor building design. In the case of students, they are naturally noisy, unruly and sometimes riotous as seen over the past few years with police cars and press vehicles being burned and neighboring fences completely torn out and destroyed. With this in mind we should not be adding subtle stressors to the inhabitants through poorly designed buildings. This housing proposal should be a more restful and calming design for both the inhabitants and the neighbors adjacent to the proposed apartment complex.

11. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old runoff swale. The adjacent properties to 536/542 were built up with dirt and rock when the subdivision was created. Lots 536 and 542 were already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and 542 starting at Brussels St. In fact, I compare this topographical layout to the Coliseum in Rome. The further back neighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Then privacy for the properties immediately adjacent (127/123/6) from the second floor units of the proposed buildings built so close to the property line. Again if there were a proper buffer space between the building and the property lines this would be much less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. The fence will have to be significantly taller in order to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the proposed apartment buildings and neighboring lands. The developer's documents are overly simplified and show the properties as relatively flat which they are not. The topography issues are not addressed in the application.
12. Surface drainage also needs to be addressed. Currently the eastern side and back of the proposed site is a water storage area for the spring runoff and snowmelt. Any fill added to this area will cause water backup onto the adjacent properties. During the spring, there can be 12 to 18 inches of water collected here until it eventually drains away or evaporates.
13. The proposed buildings abut right up to the public side walk on Windermere with insufficient setback from the roadway. In fact the public sidewalk is so close that it becomes part of the building development. Again the proposed buildings are too big for the property and need to be redesigned to a smaller footprint to provide the proper street setback and so that buffer zones can be incorporated to make the project better blend into the neighborhood. Nowhere near this residential area is there a building such as this butting right up to the public sidewalk? This type of sidewalk frontage is usually seen in commercial, downtown and light industrial/craft areas. It certainly does not fit into this area. (Taken from site plan).
14. Further to the above, why the developer would think that the stone/glass façade facing Windermere is better than the current trees along the front and side lots is anyone's guess. The trees near and along Windermere should be preserved.
15. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. These trees benefit the whole subdivision. With the proposed building construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier but they also provide sound

damping for all of the residences to the north of 123. Construction so close to this beautiful stand of pines will cause considerable harm to their root systems possibly killing these wonderful specimens. Damaging them or killing them in order to build so close to the property lines should not even be considered. How would the owner of 123 Orkney and the neighborhood as a whole be compensated in this scenario. The developer ignores all responsibility in the application should events such as this occur.

16. There are two safety concerns for the future residents of the proposed buildings. The unprotected window wells that surround both buildings (termed amenity spaces by the developer) are a safety hazard. It is not difficult imagining inebriated residents falling into these oversized window well dugouts and suffering injury or possible death. The window well dug outs (amenity spaces) are sufficiently deep enough to cause serious concern for injury. These holes are a lawsuit waiting to happen. That said, no lawsuit pay out would be enough if the victim were to become a paraplegic from a fall into one these holes. The row of window well dug outs (amenity spaces) adjacent to the public sidewalk along Windermere are particularly concerning for parents with children and toddlers passing by using the public sidewalk. These dugouts would be a curiosity magnet for children. Then there is the multiple window dugouts (amenity spaces) in the narrow alley way between the buildings, is it fair to expect an inebriated resident (or otherwise distracted) to safely traverse from one end of the alley to the other without falling into one of these drop zones? (Taken from site plan)
17. The second safety concern is the narrow alley way space is between the two buildings. The alley way is 4m wide and could not possibly be to the building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further to this, the windows and doors on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shudders'. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. The fire shudders in of themselves create another whole list of concerns and safety issues. If the roll up/roll down type fire shudders are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shudders are complex and require re-certification on a defined schedules. The electronic fire shudders would at least allow a person to escape provided that they were aware enough to find and press the release. Smoke inhalation, intoxication etc. could make it difficult for a trapped individual to locate and activate the shutter release. With a better project design, the person could simply exit through the door. Fire shudders are something that an absentee landlord is not likely to monitor and keep up to date. Again as mentioned above, fire shudders are a radical, expensive and complicated solution to bad design. I urge the planning committee to take these public safety and fire issues very seriously. (Taken from the site plan)

It appears that the developer is looking to the R5-7 zoning to bail themselves out for not having researched the deeds properly and is now constrained by the easements. R5-7 does not belong next to a R1 area. If the application was for R2, R3 or even R4 it would be much more suited to the location. It is not the planning committee's responsibility to bail out a developer or guarantee them a profit. This developer wants to come in, jam the biggest buildings it can onto lot 536, pull out as much profit as it can and then run off and leave the problems for the City of London and the neighbors to deal with. A smaller multi residential project that would help build good community probably would not experience any resistance from the neighborhood. With a better design, the new residents of the project would have a better quality of life and feel part of the neighborhood. As it stands now, this application is about quantity over quality. If we are looking for long term success, we have to focus on quality first. A good quality of life for these new residents should take precedence over cramming as many residents as possible in to a building with nothing to offer but four square walls. I solicit the planning committee to reject this R5-7 zoning and for them to request that the developer

come back with a project more fitting for the neighborhood that provides for good quality infill.

Thank you for your time,

Matthew A. Trovato, CPA, CA, HBA

From: Frank and Iva Joy MacNeil
Sent: Sunday, September 23, 2018 3:26 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: London Planning file number Z-8945

I wish to object to the proposed rezoning from Zelinka Priamo acting on behalf of the numbered company 2492222 at 536 and 542 Windermere Ave. I live in the neighborhood and feel this proposed building should not be allowed, for the following reasons. This is a residential neighborhood of single family homes and is zoned as such. Why have zoning if it can just be ignored or changed to suit a developer. This proposed buildings are too large and not appropriate for this neighborhood. There are not enough parking places and the developer is proposing that overflow parking can use both Orkney Crescent and Angus court as available parking places. This would not be allowed anywhere else.

On June 29, 2012 we received Access Requirements for the Watermain Easement on your Property from the City of London. In it is states according to the easement terms, you are restricted from placing any structures, or plant large trees with the easement boundaries as they may block access or worse, could damage the pipeline. The easement states that no person shall "excavate, drill, install or erect thereon, any pit, well, foundation, pavement, building or other structure or installation without the consent in writing" of the City of London. It also states that the City of London's Water Service Department is strongly committed to both the delivery of safe and reliable drinking water and to the safety and longevity of its infrastructure. Have they been notified of this proposal? Why would the city even consider giving permission to pave over the pipeline?

We think this would be setting a precedent. There are two large properties on Sunnyside and Carriage Hill. There would be lots of space to put similar buildings like the ones proposed by Zelinka Priamo. Will they be next.

We moved to area because we liked the neighborhood and now if this goes through it will be ruined.

Frank and Iva MacNeil

From: Brocklebank, Allan
Sent: Sunday, September 23, 2018 1:16 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: RE: 536 and 542 Windermere Rd.

Hello Melissa:

Thank you for the prompt email response and for taking the time for our subsequent (and lengthy) telephone conversation that day.

I would like to emphasize that the first set of comments I've sent you, relate specifically to the rezoning request (and Site Specific concessions) and had nothing to do with the Site Plan Approval or Building Permit processes. I did say I intend to comment (later) on a range of issues (including Building Code) that I feel have significant bearing on what has been proposed, particularly as it relates to the concession requested as part of the ZBA.

In your email you have suggested that some of my comments will be sent to Development Services. Specifically, which of my issues cannot be dealt with in the ZBA? Will those departments review and comment on the all deficiencies in the proposal as part of the rezoning request? Will any issues, deemed insignificant, be ignored until after rezoning is granted?

I'm having difficulty with the suggestion that the proposal being considered is conceptual. I am concerned that the decision to allow rezoning will be made in a vacuum without considering all the issues in this flawed proposal. What has been proposed will significantly influence the nature of any new development and have a profound impact on the neighbourhood. I am not confident that there will be any significant public consultation once the die is cast (rezoning granted) in spite of your assurances.

Like many of my neighbours, I am endeavoring to understand this process. Anything you can do to help us understand is appreciated.

ps. You mentioned that Zelinka has or will be submitting an amendment to to the ZBA to give further relief for the the Front Yard Setback. Was this made before or after I had raised the issue?

We'll speak again.

Allan Brocklebank

From: m s
Sent: Tuesday, September 25, 2018 7:11 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: 536 & 542 Windermere Rd Proposed Development

Hi Melissa,

Please find below some of my concerns/issues regarding the proposed development that is located next to my home at 123 Orkney Crescent.

1. According to the Tree Preservation Plan submitted by the Landscape Architect there are 10 emerald cedars (#3 on the plan) shown to be located on the property belonging to 736 Windermere Rd and slated to be removed due to construction. These cedars are actually located on my property in the southeast corner of my lot. I have attached a picture for clarification.

2. The side yard to the west of the proposed development will **not** be an active space according to the developer. I see it as another pathway for pedestrian traffic. The developer plans to locate shrubs in this area to prevent occupant use. The shrubs will not survive due to lack of sunshine and irrigation. If the shrubs were to be replaced with hardscaping this would not deter occupants from using this space. There is also the problem of litter accumulation and refuse being left here.

3. The Planning Justification Report states that "No shadowing, beyond which would otherwise be present with a single detached dwelling, is expected as a result of the proposed development....Lands to the west are already shadowed by existing mature trees." From the attached pictures you can see that the sunlight that is cast on the east side of my property would be significantly reduced by the proposed multi storey development. As well this lack of sunlight would significantly impact the health and longevity of the current mature spruce trees that run along the property line.

I am looking forward to your visit to gain a better understanding of the issues I have expressed.

Sincerely,

Mario Scopazzi
123 Orkney Cr.



From:
Sent: Thursday, September 27, 2018 7:51 PM
To: Planning <Planning@london.ca>
Subject: File Z-8945

Re:536 and 542 Windermere Road
London.ca/planapps

We are completely opposed to the application for this building project going ahead as it is very unsatisfactory to our neighbourhood.

It is very unfair to construct a building of this nature that attaches itself to several neighbours properties after so many trees have to be removed to build there.

It will definitely devalue several properties in the area, especially on Orkney Cres.

Good taxpayers do not deserve to be treated this way.

The parking is another huge issue. Just where do you expect all of these tenants will be able to park. They will probably all be students, and most students try to get as close to their school as possible. Therefore I believe they will park on all of the streets around the area and be annoying to many families.

As well I do know that many students (not all) love to party and they also leave many messes behind. This is not a subdivision for that type of behaviour.

I also can imagine that these buildings will certainly look out of place for this lovely area.

Please take into consideration that many, many of us and our neighbours are very very upset with you even considering this project.

Hopefully your clients can find a much better property on which to build these out of place buildings.

This is a request from Patricia and John Orlebar, at 26 Ravine Ridge Way, London Ontario

I hope you will add this request to stop these buildings from ever being built.

Thank you in advance

Sent from my iPad

From: Gary turner
Sent: Friday, September 28, 2018 11:52 AM
To: Planning <Planning@london.ca>
Cc: Campbell, Melissa <mecampbell@london.ca>; gary turner
Subject: Response to Rezoning App. Z-8945 – 536/542 Windermere

Response to Rezoning App. Z-8945 – 536/542 Windermere

Why is this particular project so important, and to whom, that this committee would grant such drastic and unreasonable variations to current bylaws? The following points clarify that the developer is misleading in its application and more importantly it highlights that the planning department has failed in its obligation to properly assess and provide due diligence to city tax payers.

This response is broken up into several sections to make it easier for the planning committee members to cross reference details with the documents submitted by the planning consultant. The first section is a preamble: a message directly to the members of the planning committee. The second section has a focus on the first three of the submitted documents and primarily on the Planning Justification Report. This section includes quotes directly from various documents and my responses to those quotes. The third section is a list of concerns and issues with the proposed rezoning application written in a conversational manner and without quoting specific documents.

Section 1 – Message directly to the Planning Committee Members

The proposed structure if allowed to be constructed will leave behind numerous problems for the City of London and the neighbors to deal with long after the developer has taken its profit and fled. The submitted documents in and of themselves are rather odd. For example, the Planning Justification document could have been about six

pages in length. For some reason the author felt he/she had to keep repeating specific points over and over and over however, I suspect this repetition is not an accident and is intentional. The author knows that the planning committee is made of citizens that are not familiar with this type of dogma. Nowhere in the rezoning documents does the author clearly state what the beneficial aspects of these buildings are to the neighborhood, the City of London and the greater community. The author's constant repetition of his selected points gives the impression that the author his/her self is not convinced of the benefits of the proposal. It appears that the author is attempting to convince him/her self of the benefits.

Further to this, much of this repetitive mantra is about statements that are not factually correct. Regardless of how many times the falsehoods are repeated, it still does not make the falsehoods factual.

Some of the author's repetitive hammering is to use aspects of the London Plan and the 1989 Official Plan to justify the over-intensification proposed in this project. Small portions of these policies are quoted to justify a point the author is trying to make. Upon further examination when the quote is read in its larger context of these policies we see that the author is violating the spirit of these plans. The London Plan and the 1989 Official Plan state a desire for development and quality infill that will benefit the city and its citizens in the long term. These plans envision development that builds community and does not create ongoing problematic issues that will have to be dealt with for decades to come. You will see these misleading passages brought to light in my response as well as the responses of my fellow neighbors.

The proposed development is about quantity over quality. In many places within the rezoning documents the author attempts to describe the proposed building as a townhouse complex like other townhouse complexes within the city. Throughout the city other townhouses generally consist of 1, 2- or 3-bedroom units. This proposal is designed for every unit to have four bedrooms, a common room and a kitchen. If you try to find a four-bedroom townhouse within the city, what you might find is a unit where a handyman has added a bedroom to the basement. There are very few townhouse units designed to have four bedrooms. So, make no mistake, the buildings in this proposal do not fit the normal townhouse description as laid out in the City of London's zoning policies. The proposed buildings are a high-density housing complex specifically designed to be rented out by the bedroom. This is where the over-intensification of this project becomes apparent. You will see the related math identifying the over-intensification later in Section 2 of my response. This housing complex more resembles the student residence buildings at the University of Western Ontario than it does a townhouse. Over-intensification is more about quantity and profits than it is about a quality of life for the inhabitants and a design that is based on good urban design principals.

A planning consultant's certification comes with an oath and the expectation of honest, truthful and ethical behavior. These qualities are expected of every professional in their field of expertise. As you review the rezoning documents, question what you are reading and evaluate if the author is being honest in his depiction of the proposed buildings and their relationship to the existing neighborhood and its residents. Has the author presented an ethical case or is the author trying to 'bully' his way forward with little respect for the neighboring citizens? Has the author made this proposal based on the spirit of the 1989 Official Plan and the London Plan? Are the details of the proposal based on sound urban design principles? From my perspective, the author's over-intensification proposal has elevated profit above all else regardless of who gets trampled in the aftermath. The human component is not mentioned in the proposal, not the inhabitants of the new building nor the existing neighbors. When we consider how many people will be impacted, it is apparent that this proposal is of a very low professional standard. This proposal is over bearing and uncaring of the affected individuals. As you review the rezoning documents, I believe that this will become self-evident.

The members of the planning committee are elected by the citizens of the City of London. It is everyone's understanding that it is the duty of the elected official to represent the citizens that elected them. Nowhere in that mandate is it the responsibly of the Planning Committee Member to ensure that a developer makes a profit, nor to

ensure a maximized profit. This proposal is all about maximized profit to the detriment of anything that gets in the way. The proposed buildings do not fit the specifications of the R5-7 zoning and this application should have been rejected before the application was sent out to the neighborhood. This will also become evident as we proceed.

In section two I analyze the first three proposal documents in some detail. It is going to be somewhat repetitious as it is required that I follow the pattern in the rezoning application documents

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

Section 2 - Document Review

1. From zoning by-law documentation, section 9 (R5 zoning) Section 9.1 General Purpose of the R5 Zone states "This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. Different intensities of development are permitted using the seven zone variations. **Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate town housing development adjacent to lower density areas**, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centers. The **higher density zone variation** has been designed to **accommodate stacked townhouses**. The middle range zone variations are designed for most suburban town housing developments". Since all the surrounding area of the proposed site is low density R1-6 the maximum units per hectare (UPH) is 25 units as stated by the above policy. However, in the rezoning application the author is requesting the maximum of 60 UPH which as the policy states used in high density areas. When we do the calculations, we see the following: The area of lot 536 is 32m x 41.7m = 1,334.4 sqm. The area of lot 542 is 25.7m x 46.2m = 1,187.3 sqm. The total area available is 2,521.7 sqm or 0.25 hectares. With 16 units and .25 hectares we see a UPH of 64 UPH which exceeds even the 60 UPH that is used for high density areas. In the Planning Justification Report. Page 17, Section 3.2.2 near the top middle the author quotes the 1989 Plan "Within the Low-Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare." Here we have a statement taken out of context. When the referred section is taken as whole we see that 75 UPH is a possible upper limit providing a whole series of conditions are met that include buffering, landscaping, privacy mechanisms, height, massing etc. and does not mandate a 75 UPH density next to a low-density area.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

2. On the Conceptual Site Plan the author is misleading the viewer by including land area that will not be available to the developer. Lot 536 was designated long ago possibly when Windermere was still a gravel road and as such juts out into the current boulevard portion of Windermere. If this property changes hands the city will recover 8.1m from the property's frontage. The dark line that outlines the old property lines is not what will be available to the new purchaser of the property. It appears that the author did this intentionally to make the buildings appear to have more set back than what they would actually have once the property transfer took place. If a new dark line is placed where the new property line will be after the 8.1m is removed, it is easy to see how the building has no setback and impinges on the streetscape. The author could have been more forthright by placing a bold line to show the loss of the front 8.1m. This would more correctly show the buildings in proportion to the land that would be available at the time of construction.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

3. Building Elevation and Site Plan Document: The pages are not numbered but the Site Cross Section (North to South) page is grossly out of scale. It overestimates the distance between the buildings and the property lines including the adjacent dwelling. This diagram also understates the gradient difference between 127 Orkney and the proposed buildings while not show the gradient changes at 123 Orkney. The artist is attempting is to show the site as more acceptable than it really is (with these errors). By 'squashing' the buildings down in the diagram, the artist is trying to show the buildings as not too big. But remember that these buildings are 35 ft tall and abut right up to the property lines. It is important for all members of the planning committee to visit this site and see for themselves the multiple grading issues between the adjacent properties and the proposed site. I would be happy to provide a tour at any time either as a group or individually. This can be checked against the site plan.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

4. Building Elevation and Site Plan Document: Site Cross Section (North to South) page (same page as above) shows Windermere lower in elevation than the property. Currently this is not the case which means that fill would have to be used to increase the grade thus raising the buildings up. This further complicates this diagrams lack of scale and proportion because the roof lines of the proposed buildings will be much higher than the adjacent residents at 127 and 123 Orkney. Adding fill to have the road a lower than the buildings as the image shows will raise the roof line even higher (35 ft plus). This diagram shows the proposed buildings not to scale but the artist has squashed them down to make the image more pleasing. These images are even more deceiving because these images do not include the window well drop zones. This is an attempt to create the effect further that the buildings fit in. These details can be checked against the site plan.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

5. Planning Justification Report. The image on the title page of the report plus the image Figure 3, page 6 and the image on the title page of the Urban design brief are very misleading and do not portray some very negative aspects of the two buildings. The image does not represent how the building appear will relative to Windermere and the public sidewalk. You will notice that the window well drop zones have been eliminated in the diagram. From the site plan we see that these drop zones almost touch the public sidewalk. The grass in front of the building will be just a narrow strip between the public sidewalk and the building (from site plan). The foundation plants in the image are currently hovering in space over the window well drop zones. There simply is no space for the landscaping plants to exist. The broad expanse of grass between the sidewalk and the building will not exist. At the back of the building should see a fence and the side of 127 Orkney. It certainly will not be the forest setting as depicted in the image. The actual street scene will be much starker due the lack of setback. Upon reviewing this sketch, I am sure that you will realize that this building falls under the description of 'curb sprawl'. These details can be checked against the site plan.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

6. Planning Justification Report. Page 7 paragraph below figure 5 the statement "allows maximum sunlight into all units from the front and rear" is clearly erroneous and deceptive. The units facing the narrow alleyway between the

building and the basement units with the window well/amenity space dugouts will certainly not receive maximum sunlight. For the units in the narrow walkway, only a very minimum of sunlight will penetrate to ground level much less the windows in the window well drop zones. The south building will completely shade the alley way between the buildings for most of the year. There will possibly some weaker sunlight entering the alleyway from the west end starting in mid-September through November/December.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

7. Planning Justification Report. Page 8 at the top. The statement “it is anticipated that the front of the development, visible from the street, will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering” This statement is clearly false as there is only 0.2m available. This is repeat and has already been discussed in #5 above. Considering that the building is basically right on the public sidewalk there is very little room for any landscaping at all (See site plan). The developer wants the planning committee member to focus on the pretty picture. The reality will be much starker. Again, this highlights the lack of proper street set back. This can quickly be verified via the Site Plan.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

8. Planning Justification Report. Page 10 at the top. The author states “Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code.” This statement is highly suspect and needs to be checked by a certified architect. (see #10 below) If this alley way is to building code I am sure that it is a code that applies to an existing downtown or commercial area and would not apply to fixed residences.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

9. Planning Justification Report. Page 10 at the top. The author states “Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code.” That are a number of safety concerns associated with this narrow alley way between the two buildings. As a comparison, in Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way will inhibit emergency services and fire response teams. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install ‘fire shudders’ on the windows. This is a very radical and expensive solution to the poor design. Is it poor design that is creating the fire/safety issues in the first place. The fire shudders in of themselves create another whole list of concerns. If the roll up/roll down type fire shudders are used, then there is the possibility of the occupants being trapped inside? Electronic controlled fire shudders are complex and require re-certification on defined schedules. The electronic fire shudders would at least allow a person to escape provided that the person was aware enough to find and press the release. Smoke inhalation, sleepiness, intoxication, drug use could make it difficult for a trapped individual to activate the shudder release. With better design, the person could simply exit

through a door. Fire shutters are something that an absentee landlord is not likely to monitor and keep up to date.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

10. Planning Justification Report. Page 10 para 2 states “Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks.” This is like comparing apples to bulldozers. This is another false equivalency statement. These two proposed buildings are full scale apartment buildings and as such the setbacks cannot be compared to a single-family dwelling in a R1 zone. These larger buildings require larger setbacks and buffer zones as per Table 9.3 ‘Regulations for R5 Zone Variations of the London Zoning Bylaws. This table states a front set back of 8m. The side lot is 0.5m per 1.0m of building height; for these buildings at 10.7 meters tall the side lot clearance would be 5.35m with a minimum of 6.0m if the wall did not have any windows. Since the wall between the buildings and 123 Orkney does not have any windows (as stated by the developer) the side lot clearance is 6.0m. The back-lot clearance would be 5.35m because the back of the building has windows. This can be verified on the www.london.ca website.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

11. Planning Justification Report. Page 10 para 2 states “It is anticipated that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low-density residential uses, thereby preserving privacy.” The “anticipated” screening measures to preserve privacy are completely inadequate for the topography of the surrounding properties. A simple 1.8m fence is totally inadequate to provide privacy to anyone on either side of the fence much less contain the occupants of the proposed buildings. Given the topography challenges, a 12-foot closed type of fence would be required. The proposed species of trees are an imported Norway scrub species that have weak branches and are susceptible to mild/moderate wind damage. Since the trees are on the fully shaded side of the north building they would receive little if any sun. It is doubtful that any species of tree would take hold here. If a species of tree were to survive at this location it would 35 to 40 years before they provided any coverage anywhere near what the existing trees currently provide. It is imperative that the existing healthy trees be preserved, and a proper buffer zone established at the back and side of the buildings. Again, it is important that the members of the planning committee visit the site to appraise the topographical issues for themselves.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

12. Planning Justification Report. Page 10 para 3 from the top states “A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space.” As highlighted above, since the buildings are designed to be rented out by the bedroom (64 bedrooms) the parking is totally inadequate. If the developer insists that it is designed for families, professionals etc. which would generally mean 2 vehicles per unit which would equate to 32 parking spaces. This does not account for handicap spaces or visitor parking. The developer is counting on overflow parking that will land on Orkney and Angus via the walk ways or holes ripped in the fence. Then again on page 21 near the bottom the author states “Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on

Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.” In this statement the proposal itself is stating that the project does not provide enough parking spaces. The calculation of 1.5 spaces per townhouse unit is inadequate for the over-intensification of these buildings. The 1.5 calculation is designed for townhouses with 1, 2 or 3 bedrooms. These buildings are designed to rent out by the bedroom and each unit has four bedrooms. Due to this intensification beyond that of a normal townhouse, a more accurate calculator factor of 2.5 parking spaces per unit would be more realistic.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

13. Planning Justification Report. Page 10 para 4 from the top states “residential intensification redevelopments may be permitted to provide a residential density of 75 units per hectare (UPH) in the *“Low Density Residential”* land use designation, the proposed development with 16 units provides a lower density of 58 UPH.” As shown in #1 above the 75 UPH is a possible upper limit as defined by 1989 Plan with other specifications. The 58 UPH calculated by the author is based on land the developer will not own once the land is transferred to the new owner. My calculation as shown in #1 above uses the correct land surface that the developer will have to work with and gives a correct result of 64 UPH. I revisit this topic here again to show the tactics used by the author to try and subvert the spirit of the 1989 Plan and the London Plan. If this were a normal infill project the buildings would be spread across the two properties with parking in the rear. Due to easement constraints the developer has decided to put both buildings onto lot 536. If we want to be silly about it, we will use just the surface area of lot 536 and the result would be over 100 UPH. This further illustrates that these buildings and the associated level of intensification the developer is proposing are seriously over the limit for the available property. The density calculations are skewed by the four bedrooms per unit and the fact that these buildings are designed to be rented out by the bedroom. This skewing of the density calculations is an attempt to cloud over the spirit of official plans vs the singular calculation.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

14. Planning Justification Report. Page 10 Section 5.0 states “The proposed development is not currently permitted under the *R1-6* zoning. As such, it is proposed that the subject lands be re-zoned from the *“Residential R1 Zone (R1-6)”* to a site-specific *“Residential R5 Zone (R5-7(_))”* to permit two, 2.5-storey, back-to-back, 8-unit townhouse buildings (total of 16 units), with special provisions as follows: Minimum front yard setback of 2.1m and Minimum interior side yard setback of 1.7m” The reason that the developer is requesting these two ‘special provisions’ (read variances) is because the developer is unwilling to design a building that fits the property. This speaks directly to the greed that is driving the developer to maximize its profit at all costs. When speaking with the developers at the July neighborhood meeting, Christopher Tsiropoulos and Danny Partalas told me that they had to have 16 units with a minimum of 1500 sq. ft each and that they would accept nothing smaller. The topics of the discussion never included good urban design, sustainability, harmony with neighborhood, privacy for the existing neighbors or the new residents or any other topics that part of good urban design. The developer’s goal is to get the largest buildings possible onto this site regardless of anything else. The fact that these oversized buildings will impinge on the neighbor’s properties does not seem to matter to the developer. This request for the ‘special provisions’ (variances) is a result of the fact that the developer did not adequately search the

property titles prior to making offers on the two lots (536/542) After submitting the offer to purchase the two properties the developer learned of the easement on the east of lot 542. only after the planning consultants became involved. Now the developer wants to jam two buildings onto lot 536 instead of having a single building spread across both lots that would have had proper buffer zones and more parking in the rear. The developer wants the planning council to bastardize the existing proper zones and bail the developer out. Please know that the developer has only conditional offers on the properties and can exit easily. Any pleadings from the developer should be turned down and this rezoning application declined with prejudice for wasting everyone's time. It is not council's responsibility to ensure the profitability of the developer. This proposed application is urban design at its worst. A smaller building with proper setbacks and buffer zones would be welcomed.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

15. Planning Justification Report. Page 11 Section 7.1.1 states "The proposed development makes efficient use of underutilized lands well suited for increased density, and appropriately adds to the mix of residential dwelling types in the area to meet the housing needs in this area". Is this really correct? Currently the two properties are fully utilized with fully functioning habitable homes. The residence at 542 is currently rented out to students and 536 is also a fully functioning habituated home. Based on this, there is no reason for rezoning at all. As for housing needs in this area, well they are fully met with the current occupants happily living their lives.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

16. Planning Justification Report. Page 12 near top states "The proposed development contributes to the range of residential forms and intensities in the area...." There is plenty of diversified housing in this and adjacent areas as identified later in these rezoning applicant documents. There really is no need to jam the maximum number of people onto these two small lots. Intensification is not about putting the maximum number of people into the smallest possible volume of space. Intensification is also about good urban design and comfortable living for everyone. That includes those living in the 'intensified building as well as neighboring properties. We should be building harmonious neighborhoods where everyone can grow and develop to their full potential. An 'overly intensified' building(s) will add stress to the occupants as well as the neighborhood resulting in a multitude of problems that are left for the city and residents to deal with long after the developer has fled the scene. Have we not seen enough of this already? Turn down this application for rezoning and send it back to the developer to come back with a better design. Have them come back with a design that better suits the property, the neighborhood and provides a stress reduced quality of life for the residents of the proposed development.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

17. Planning Justification Report. Page 12 near middle states "The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations." The site-specific changes certainly are not minor and are not consistent with other apartment intensification projects in the city. Similar projects are designed with adequate buffer spaces etc. which are missing from this request.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

18. Planning Justification Report. Page 12 near middle states “There are no risks to public health and safety.” As shown with examples in paragraphs above there certainly are public health and safety issues not only to the occupants but also to passer’s by on the public sidewalk. There are issues of fire safety as well as the problems with window well/amenity dug outs. These dug outs are unprotected and deep enough that a fall would certainly result in injury.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

19. Planning Justification Report. Page 12 near middle states “The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west.” Well this statement is just plain wrong, the homes on these lots are exactly the same as the rest of the neighborhood. Their laneway joins Windermere but that certainly does not make the properties distinct from the rest of subdivision. The logic is faulty because the fact that my house faces Orkney and my neighbor’s house faces Angus it does not meet the criteria as being distinct as cited in Section 1.1.3 of the London Plan. Again, this is a violation of the spirit of the London Plan relative to the developer’s ‘spin’ to justify the rezoning request.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

20. Planning Justification Report. Page 13 near the top states “The proposed development is located within the existing built-up area; is a compact form of residential development; and makes efficient use of land, infrastructure, and public service facilities. The efficiency of the development is evidenced by the proposed density of 58 UPH.” This is a red herring to draw attention away from the fact that the buildings are too big for the available property. Yes, the building is compact but there is too much of the ‘compact’ (read building volume) to allow suitable buffer zones and street set back. As shown above, with both buildings are situated entirely on lot 536. Hence the 58 uph is calculated spin. The corrected calculation gives a result over 100 which violates the zoning restrictions.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

21. Planning Justification Report. Page 13 near the bottom states, “the proposed development contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London and contributes to Council’s intent to encourage appropriate intensification” The proposed buildings do NOT comply with appropriate intensification. These buildings will leave behind a whole series of problems for the city to deal with going forward. A smaller footprint with appropriate buffer areas and street setbacks would be welcomed. Intensification is not about quantity of humans in a property this size. Intensification is more about quality of life, building compatible communities and better use of resources. This proposal does meet any of these qualities

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

22. Planning Justification Report. Page 13 near the bottom states “The massing, although larger than the adjacent single detached dwellings, is appropriate for the site.” As stated above, the two buildings are too massive for the available property. If the developer did not have to deal with the easement and the buildings were side by side across the properties there would be proper buffer zones and setbacks. The people of the City of London should not be responsible to compensate the developer for its error by allowing a badly designed project just, so the developer can make a larger profit. Again, a building with a smaller foot print with a better design to fit onto the property would be welcomed. The current design is urban design at its worst.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

23. Planning Justification Report. Page 14 Section 1.6.6.1 talks about servicing the proposed development. Clearly absent from this discussion is the servicing for garbage collection. A plan will have to be developed that does NOT include a smelly dumpster sitting against the back fences (which would be next to the adjacent properties).

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

24. Planning Justification Report. Page 14 near bottom states “The proposed development has been designed to be respectful and compatible with adjacent low-density residential uses to the north, east, and west.” I suppose this the developer’s opinion. It clearly is not a fact. The existing residents of the neighborhood vehemently disagree with this opinion.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

25. Planning Justification Report. Page 15 above the diagram states “The subject lands are well suited to accommodate the proposed development and can contribute to the supply of a range of housing forms and tenures to meet current demand in the area.” Well again this not factually correct. It may be the developer’s opinion, but it certainly is not fact. If the proposed development were suited the subject lands, the developer would not be requesting the elimination of buffer zones around the buildings. Clearly the buildings are too big for the property. Therefore, the buildings are not suitable as verified by the fact that the developer is requesting special consideration zoning exceptions (the elimination of buffer zones and street setbacks) that a suitable apartment building would recognize. If it was a suitable building for the property we would not even be having this discussion.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

26. Planning Justification Report. Page 16 near the top states “There are no concerns with soil conditions, topographic features, and environmental considerations on the subject lands as they pertain to the proposed development.” Again, this is not correct. The back and easterly side of the 542 property is a collection area for water during the spring runoff and snow melt. This is a topographic feature and has not been identified in this proposal. This year’s water level can be seen by the flotsam debris adhering to the landscaping timbers at the back of 6 Angus Ct.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

27. Planning Justification Report. Page 16 near the top states “The proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses.” I suspect the author had his fingers cross when this was penned. AS argued in numerous paragraphs the proposed development is NOT compatible with existing land uses because buffering and screening mechanisms are totally absent or in the case of the fence total inadequate. As for the privacy issues, there is nothing about these overbearing structures that facilitates privacy of any sort for either of the parties involved. This statement is so absurd that is indeed laughable.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

28. Planning Justification Report. Page 16 near the top states “the lands to the north and west are higher in elevation that the subject lands and therefore the proposed development will appear shorter than its actual height relative to abutting single detached dwellings to the north and west.” Clearly the author has never left his desk and visited the site. See the paragraph above siting the ‘Coliseum’ effect. I invite each of the planning committee members to the site so that they can gauge for themselves how the surrounding topography renders the developers statement incorrect.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

29. Planning Justification Report. Page 16 near the top states “the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents.” It does not matter how many times the developer states these erroneous statements it does not make them true. This is ‘spin’ and ‘fake news’. The tree plantings are inadequate and a poor choice of species. A simple 1.8m fence is not going to provide any privacy for anyone on either side of it. Again, the planning committee need to visit the site. I will be happy to accommodate the committee as a group or as individuals any day, at any time. You can see for yourself how short of the mark the developer’s remedial proposals are.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

30. Planning Justification Report. Page 16, Section 3.1.1 near the bottom states “In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space.” As pointed out previously the lowered unprotected patios are a health and safety concern. As for the outdoor amenity space, I guess a mother with children would have to drag the children across the parking in order to get to the grass. As I work through this document I have realized that this design is a joke to the point it is just plain sad. For the people that would live here, it would not be funny. It seems that there are work-arounds required for practically everything.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

31. Planning Justification Report. Page 17, Section 3.1.2 near the top states “The height, massing, privacy mechanisms, and design of the proposed development create a compatible site and building design within its surrounding context of

single detached dwellings and institutional uses.” The developer states this over and over and no matter how many times it is stated, it is still a lie. This monstrosity of a building does not fit into the surrounding area in any shape or form.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

32. Planning Justification Report. Page 17, Section 3.1.2 near the top states “The proposed development has frontage on Windermere Road (an Arterial Road), creating a separate and distinct lot that will enhance Windermere Road streetscape with the site’s development.” This project will not be distinct because the drive goes south to Windermere and will stand out in its starkness on the Windermere street scape. No other buildings on Windermere are plopped down right at the public sidewalk. All other buildings adhere to proper street setbacks. This building will ruin the Windermere streetscape by its obtrusiveness.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

33. Planning Justification Report. Page 17, Section 3.1.2 near the top states “frontage on Windermere Road (an Arterial Road)” This was addressed several years ago, and millions of dollars were spent to widen Fanshaw Road for it to become the main east/west arterial road. It was decided at that time that Windermere would remain as it is. The environmentally sensitive area to the east and west of Windermere prevents its expansion.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

34. Planning Justification Report. Page 17, Section 3.1.2 near the top states “The character of the existing residential areas to the north, east, and west along Orkney Crescent, Brussel’s Road, and Angus Court will not be affected.” This again is lies and spin. These areas are going to be affected grossly.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

35. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states” no shadowing impacts are anticipated beyond what would be present with a single detached dwelling.” For these paragraphs to be true the building would have to be setback from the property lines. Since the buildings are being built up to the property lines the shadowing effect will kill vegetation on the neighboring properties including a row of emerald cedars and a row of pines to the west.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

36. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states “Privacy will be maintained with the use of tree plantings, fencing, and the presence of mature trees on abutting lands.” As stated repeatedly above and below. The 1.8 m fence will not provide privacy for anyone on either side of the fence. The scrawny scrub trees proposed for the plantings are weak structurally and will not provide any cover for 30 to 35 years if perchance they survive that London with their roots buried under concrete.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

37. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states”
Within the Low-Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare.”

The proposed development adds a greater number of units to the subject lands than what currently exists and is therefore considered intensification. The proposed development is below the maximum permitted density of 75 UPH, being 58 UPH.” This is contradiction to the R5-7 Zoning which states that the UPH maximum will be 60. The actual UPH for this project is 64 which is over the zoning allowance. Calculations as follows: Current lot sizes are:

536 Windermere: 32m x 41.7m=1,334.4sqm

542 Windermere: 25.7m x 46.2m =1,187.3sqm

Combined lot size (after new public sidewalk is installed) 2,521.7sqm or 0.252 hectares. This gives us a 61.7 uph which is well over the R5-7 specification of 60. This alone should have had the planning coordinator reject this application it should not have been allowed to proceed.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

38. Planning Justification Report. Page 18, Section 3.2.3.5 ii near the middle is mostly ‘Trump speak’. The building without any common sense of setback in any direction imposes significant privacy concerns for existing properties with no concern to any design principles let alone good ones.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

39. Planning Justification Report. Page 18 near the bottom states” while the northernmost patios provide a similar interface with 127 Orkney Crescent as would a typical townhouse rear yard. “A typical town house will have a green space buffer behind the building. This statement is false.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

40. Planning Justification Report. Page 18 near the bottom states” the positioning of the proposed buildings, combined with the proposed setbacks, creates a non-functional space between the buildings and 123 Orkney Crescent, which aids in the maintenance of privacy” Well that is a pretty stupid assumption. It is well known throughout the city that these empty non-functional spaces become locations of crime and the disposal of stolen. This is already happening at the Bell property adjacent to 123 Orkney where the neighbors have to call the police regularly to come and pick up stolen bicycles and other materials. As at the Bell property, this “non-functional area” will become a functioning criminal hide spot. Also, according to the site diagram this will be the buildings garbage collection point.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

41. Planning Justification Report. Page 18 near the bottom states “Fencing, landscaping, and planting buffers are proposed to be used to maintain privacy between the proposed development and abutting single detached dwellings. Additional urban design details are discussed in the *Urban Design Brief*. Considering the above information, the proposed development complies with the policies of **Section 3.2.3.5.ii.**” There are no buffers at all, the fence offers no

privacy and the project as whole does not adhere to the R5-7 specifications and should be rejected.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

42. Planning Justification Report. Page 19 near the top states “The proposed development provides adequate off-street parking supply and buffering from adjacent low density residential dwellings. The use of existing trees, along with tree plantings, landscaping, and fencing will be used to screen and buffer the parking area from the abutting uses.” Again, more spin of the same thing. There is not enough parking for 64 rental bedrooms and there are no buffer areas at all between the buildings and the neighbors. This whole section is spin and Trump speak because it certainly is not true.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

43. Planning Justification Report. Page 19 near the top states “No Traffic Impact Study (TIS) was required from the City of London, as no significant impacts to traffic are anticipated.” Do not believe this either because the developer has severely understated the number of cars that will reside here. A traffic study is necessary. The developer is understating the facts so that the planners will not look further.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

44. Planning Justification Report. Page 19 near the bottom states “One of the design goals of the proposed development is to ensure compatibility and fit within the surrounding context. The two proposed 2.5-storey height of the buildings is similar to the 2-storey, single-detached dwellings to the north of the subject lands, maintaining the low rise character of the area.” This is a deceitful statement in that the building mass is much larger than the surrounding 2 story houses. This building is actually over 30 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses are in the 20-foot-tall range. The proposed rises well above anything else along Windermere until you get to the apartment buildings closer to Adelaide. This building is a hideous monstrosity and belongs down town rather than polluting a residential area. Anyone who has studied design in any form can see that. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. The size of the proposed buildings has been downsized in appearance by giving them a flattened roof. This is another example of the developer being deceptive and misleading because these buildings would appear much larger if the drawings were done to scale. The lack of scale proportion makes the proposed buildings look smaller than they really are.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

45. Planning Justification Report. Page 19 near the bottom states “As there is an approximately 2.0 m elevation drop between the abutting properties to the north and west and the subject lands, the proposed buildings will appear to be shorter than their actual height relative to the abutting single detached dwellings.” Notice how the developer refutes the grade topography issues previously when it works against the proposal but here is trying to spin it as an advantage. Here again we see false statements.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

46. Planning Justification Report. Page 19 near the bottom states “The exterior design of the building provides a well-executed design with modern architectural details, drawing from existing designs and materials of the surrounding residential area, while being noticeably distinct. The combination of similar height, exterior materials and colours (i.e. brick/masonry in neutral colours) create a compatible proposed design with the adjacent single detached dwellings. The use of landscaping, tree plantings, existing mature trees and fencing maintain the existing level of privacy for adjacent residents. The use of these elements will screen the building and parking areas from view (Figure 11).” What landscaping? The buildings butt up to the property lines, there is no room for landscaping. The planting is too small, and it will be 30 years before they can replace the coverage of the existing trees. A 1.8 m fence will do nothing for privacy. The fence will have to be 4 m tall before any privacy comes into play. For the first part, the building material are no more drawn from the surrounding residential area than pixie dust. These are the cheapest materials the developer can find, and everybody know it.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

47. Planning Justification Report. Page 20, top Figure 11. This is a very deceptive image and was intentionally taken out of scale to show more space between the property lines and the buildings as well as at the front where the side walk is actually touching the window well pits. There is not green inside the sidewalk. This is a clear example of the dishonesty that the developer is putting forth in these documents. (Check against the site plan)

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

48. Planning Justification Report. Page 20, near middle states “Privacy will be maintained for 123 Orkney Crescent as the interior side yard is not an active space and the buildings do not contain any windows on the facing elevation.” This interior space will obviously become a garbage collection area as well as an area for criminal planning sessions similar to the Bell building two doors down.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

49. Planning Justification Report. Page 20, near top states “Due to the frontage of the subject lands onto Windermere Road, the lands are a separate, but related, component of the single detached neighbourhood to the north.” Notice the double speak here, previously the developer stated that properties were not related. The author flips back and forth on the details as it suits the spin at the moment. This goes to the lack of integrity of the author and these documents.
50. Planning Justification Report. Page 20, near top states “There are currently no lands that are proximate to the subject lands (within 1 km) that are available for redevelopment and are appropriately zoned that could accommodate the proposed development.” Well these lands aren't appropriately zoned either for what they wat to do. You cannot find another project like this in the entire city where buildings such as these are jammed up against the property lines. These types of projects always have suitable setbacks and buffer spaces.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

51. Planning Justification Report. Page 20, near middle states “Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.” Here the developer freely admits that he has not provided enough parking spaces for the two buildings. This is a 64-bedroom complex that is designed for the units to be rented out by the bedroom. The parking spaces normally allocated to a townhouse such as this are inadequate. Normal townhouses do not have four-bedroom units and are more family orientated. This sort of project requires much more parking.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

52. Planning Justification Report. Page 20 is asking the neighbors at 123 and 127 Orkney and 6 Angus to supply vegetative screening for the project. It is the developer’s responsibility to provide vegetation and screening on their property which is to be maintained by the developer. The developer should not be riding on the backs of the neighbors. The proposed vegetation and fence screen are totally inadequate and the current mature tree along the property lines need to be preserved.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

53. Planning Justification Report. Page 21, near top states “There is no reasonable expectation that the proposed development would generate noise beyond what would typically be expected from a residential development.” This is false speak again, there is every expectation that there will be a large increase in noise from this complex. Anyone with a synapse know this and there is no mitigation effort made.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

54. Planning Justification Report. Page 21, near top states “The visual impacts of the proposed development are minimal given the height of the proposed buildings and proposed landscape and fencing treatments.” This is a deceitful statement in that the building mass is much larger than the surrounding 2 story houses. This building is actually over 30 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses are in the 20-foot-tall range. The proposed rises well above anything else along Windermere until you get to the apartment buildings closer to Adelaide. This building is a hideous monstrosity and belongs down town rather than polluting a residential area. Anyone who has studied design in any form can see that. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. In the images the size of the proposed buildings has been downsized in appearance by giving them a flattened roof. This is another example of the developer being deceptive and misleading because these buildings would appear much larger if the drawings were done to scale. The lack of scale proportion makes the proposed buildings look smaller than they really are.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

55. Planning Justification Report. Page 22, near top states “As noted above, no shadowing on abutting lands is anticipated from the proposed development beyond which would be present with a single detached dwelling. The proposed

setbacks are generally consistent with setbacks normally permitted for single detached dwellings in the R1-6 zone. As such, adverse impacts are appropriately mitigated.” The author continually quotes that this project should be able to use the setbacks of a normal single detached dwelling. BUT THIS IS NOT A SINGLE DETACHED DWELLING! This is a 64-bedroom housing complex designed as a high return income property. It should not have the same specifications as a single-family dwelling. This is a commercial building and as such requires proper street set back and green buffer zones around the buildings on its own property.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

56. Planning Justification Report. Page 22, near middle states “the proposal represents an appropriate and compatible form of residential intensification and is consistent with the policies and the intent of the 1989 City of London Official Plan, including residential intensification policies, urban design, compatibility, scale and massing, and maintenance of privacy. The proposal is consistent with the planned function of the “*Low Density Residential*” land use designation to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH.” This is not true, this is not a good quality intensification plan. The building is too big for the property and the developer through various modes of spin is trying to skim off the rules from three different zoning requirements to facilitate jamming this commercial residential building into a property that cannot sustain on the ongoing healthy livelihood of the building nor its residents. The developer is trying to fit an elephant onto a postage stamp.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

57. Planning Justification Report. Page 22, near middle states “to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH.” This 75 UPH does not apply in this situation. R5-7 clearly states a maximum UPH of 60 and this project has UPH of 61.7 as calculated above. The planning committee must also consider that both buildings are jammed onto and take up the whole of lot 536. Normally the buildings would be spread across both lots, but since both buildings are jammed onto one lot the UPH is now over 100.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

58. Planning Justification Report. Page 22, near bottom states “The proposed development, at 2.5-storeys, is consistent with the range of permitted uses and heights.” This is a deceptive statement, this is not a 2.5 story single dwelling. It is a commercial 2.5 building and as such it is much higher than a normal single detached dwelling. The buildings are over 30 ft high and surpassed anything in sight.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

59. Planning Justification Report. Page 25, near top states “More than adequate parking is provided for the proposed development (24 spaces required; 25 spaces are provided).” 25 parking spaces might be adequate for a townhouse complex of 2 and 3 bedrooms (according to the formula). However, 25 spaces will not be enough for a 64-bedroom housing complex. If this is left as is, it will be causing problems for the neighbors and the London Police Force for centuries to come.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

60. Planning Justification Report. Page 25, near middle states “Dark sky lighting is proposed for the surface parking lot, walkways, and building exterior lights. This form of lighting reduces the amount of upward projected lighting, projecting all the light to the ground. This significantly reduces or eliminates light pollution into adjacent yards and windows of abutting single detached dwellings.” Regardless of what lightning is used this project is going to emit a bright glow that will prevent the neighbors from enjoying the nighttime and star watching. This will greatly reduce the neighbor’s enjoyment of their properties.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

61. Planning Justification Report. Page 25, near middle states “Numerous screening and buffering mechanisms are proposed to maintain and/or enhance privacy between the proposed development and adjacent single detached dwellings.” This is deceptive statement. With buildings butting up against the properties, there is no buffer area which is part of the screen process. The proposed trees are cheap imports and will not amount to any noticeable coverage. The mature trees around the property need to remain and a suitable buffer zone around these two buildings established. These buildings are not a similar height to the neighboring buildings it rises over 30 ft tall and overwhelms the neighborhood. A building with a smaller foot print would help mitigate all of these problems and create a better living experience for the new residents.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

62. Planning Justification Report. Page 25, near middle states “No shadowing is expected beyond which would otherwise be present with a single detached dwelling. Existing off-site mature trees to the north and east currently provide shadowing on those properties.” Again, notice the double speak and the twisting of words. Yes, there is vegetation on the adjoining properties and the shadowing from the project will cause irreparable harm to this vegetation if not kill it. Again, this is not a 2.5 single family dwelling. This is a 2.5 story commercial housing building that is well over 30 ft in height. THEY ARE NOT THE SAME!

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

63. Planning Justification Report. Page 25, near bottom states, “Together with the proposed similar height of the development with the adjacent single detached dwellings, the proposed buildings create a compatible development with limited visual impacts” The author continues with his mantra over and over similar to as I said before. I hope the planning committee can see through this nonsense. Again, this is not a 2.5 single family dwelling. This is a 2.5 story commercial housing building that is well over 30 ft in height. THEY ARE NOT THE SAME!

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

Section Two – Descriptive Discussion

64. There is no need to rezone these two properties. Both lots are NOT vacant and are currently in use. The house at 542 has been a student rental for some time which is making good use of the property. The home 536 is currently occupied and is a beautiful brick home that makes good use of the property. Both are properly zoned and provide excellent housing that blends in with the surrounding neighborhood. As such no rezoning is required because the properties are not underutilized. Since 542 has already been used for student housing it would be not difficult to convert the home at 536 into student housing as well. This would give a good level of intensification and still not require rezoning and both building would continue to blend in with the neighborhood.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

65. The two buildings are simply too big for available land that these two properties provide. To make the situation worst, instead of balancing the buildings across both properties, the developer wants to jam both buildings onto the single lot of 536. By doing so, the buildings take up the whole of lot 536 right up to the property lines. The applicant is not only asking for rezoning beyond 'single family residential' but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. These small spaces that are left between the buildings and the lot lines are mostly covered by concrete and window well drop zones (dug outs) at the front and back. In essence the applicant wants to cover the entirety of the west lot with the two buildings right up to the lot lines. The only location this type of construction is done is in the down town area or commercial areas. There is absolutely no buffer space or 'green' space around these buildings.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

66. The developer attempts to compare these buildings with town houses. Throughout the rest of the city town houses have proper buffer zones and appropriate set back from the streets. However, this proposal is not a townhouse, this proposal is a commercial type residence that does not qualify for the 'townhouse' designation. This building is designed to have four bedrooms per unit. Normally, townhouses come in two- or three-bedroom varieties. This difference then requires a discussion about population density. The proposed buildings are designed such that it the units will be rented out by the bedroom. These units with four bedrooms, a living room and kitchen are not designed for families the way townhouses are. By renting by the bedroom the population density increases by 30% to 50% over a regular townhouse.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

67. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for those type of structures. The developer is trying to mix the rules for low density housing zoning and a high/medium density housing zoning in order to squeeze these buildings into the small space of lot 536. The developer is arguing that it deserves the best of both zoning areas using the R5-7 with additional concessions in order to avoid providing a proper urban design principal in order to maximize the developer's profit. The important point here is that R5-7 zoning as laid out by the applicant is not to be used adjacent to R1

single family residences. It is to be used in built up areas, the downtown and commercial.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

68. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the developer's proposal, with the two buildings jammed onto lot 536, lot 542 is then taken up with an asphalt parking lot. This is a parking lot and cannot be considered buffer zone. The parking lot is close to the property at 127 Orkney which results in no buffer zone the parking lot and 127 Orkney. The site diagram shows the parking lot covering up the drainage swale that runs across the back of lot 542. This swale drains the water from the south side of lot 127 and some water and snow melt from the north corner of lot 123 via the depression along the fence line at the back of 536. The drainage swale at the back and eastern side of 542 collects rain runoff and snowmelt for the properties up to Brussels Road to the north and Angus Court to the east. This area floods in the spring with standing water. Measuring from the lowest point of the swale there has been water here 3 and 4 feet deep in the spring. The water eventually evaporates and seeps away. The elevation of the swale area cannot be changed. Any soil added to this area to facilitate the building of the parking lot will cause water to back up onto the neighboring properties.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

69. The entirety of the proposed project is out of balance not only with the properties throughout the neighborhood but out of balance within itself. These proposed buildings are huge. These buildings cannot be compared to the surrounding building and homes. This building with its basement two thirds of which is exposed above ground is 35 ft tall. The average of the surrounding one floor and two floor homes would be 18 feet tall. The proposed buildings will tower over everything in the neighborhood. The proposed buildings are too big for the property and are being jammed entirety onto lot 536 with no green space around them, hence the balance within the project is lopsided as well. A smaller single building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

70. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are so close to the trees and property lines. These are valuable and irreplaceable trees. The developer's suggested replacement trees are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these or any replacement trees would provide any adequate coverage comparable to what is already in place. It is likely that the proposed replacement Norway trees were the cheapest trees that the developer could find.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

71. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development will literally glow throughout the night. This will interfere directly with neighbors who sit outside throughout the night time hours. It will reduce/restrict the current resident's enjoyment of their property.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

72. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up. The developer describes the small space between the proposed buildings and the fence at 123 Orkney as a non-functional space. For any residents that 'missed garbage day', this non-functional space is where the garbage will end up.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

73. The parking for this property is totally inadequate. There are 16 units each with four bedrooms, a common room and a small kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four-bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars in the laneway in each property. Even though bus routes are nearby, every bedroom renter has a vehicle. With 64 bedrooms, the proposed buildings will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result of this poor balance between units and parking spaces is that there will be overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking. The developer quotes that 1.5 parking spaces per unit would be adequate. Here again, this is not a normal townhouse where the 1.5 might work. The proposed buildings are an apartment complex designed for a transient demographic. As with the other rentals in the area, the allotted parking spaces are inadequate for the anticipated demographic and the increased population density of the units. The 1.5 multiplier does not meet the reality and will cause problems for the city and neighbors long after the developer has left.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

74. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again, this is a result of the buildings being too big and too tall for the property. This is further complicated with the buildings being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties' trees and vegetation. The shadowing will cause irreparable damage or death to the vegetation on adjoining properties. Again, this project will remove the enjoyment of their properties that the neighbors now have.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

75. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old ravine/runoff swale where the adjacent properties were built up with dirt and rock when the subdivision was created (See #5 above). Lots 536 and 542 were already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and 542. In fact, this topographical layout can be compared to the Coliseum in Rome. The further back neighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Also, privacy for the properties immediately adjacent (127/123/6) from the second-floor units of the proposed buildings built so close to the property line. Again, if there were a proper buffer space between the building and the property lines this would be less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. Because of this 'Coliseum effect' the fence would have to be significantly taller to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the 'Coliseum effect'.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

76. The proposed design has the sheer front face of the building sitting right up to the public sidewalk. Nowhere on Windermere or any streets for miles around is there such a hideous affront to the street sightlines. This design would be a hideous wart on the Windermere streetscape. Why the developer would think that the stone façade facing Windermere is better than the current trees along the front of the properties is anyone's guess. The trees near and along Windermere should be preserved. We see again the proposed buildings are too big for the property. Buildings designed with a smaller footprint to provide the proper buffer zones and street setback would be welcomed.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

77. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. With the proposed buildings construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier, but they also provide sound damping for all of the subdivision to the north of 123. Damaging them or killing them in order to build so close to the property lines should not even be considered.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

78. The second safety concern is how narrow the alley way space is between the two buildings. This could not possibly be to building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shutters' on the windows. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. It is a radical and costly solution for poor design.

In closing let me state that the collective neighbourhood is vehemently against this development as it is presented today. The city planning department appears to have grossly failed in its obligation to properly vet this proposal and this rebuttal should provide the basis of an independent review of the department.

J. Gary Turner
130 Orkney Crescent
London, ON N5X 3R9

From: Andrea Qureshi
Sent: Friday, September 28, 2018 10:42 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Windermere rezoning

Hello Melissa,

In regards to the rezoning application from Zelinka Priamo acting on half of the numbered company [2492222](#) who is requesting rezoning for 536 and 542 Windermere.

As a resident of Orkney crescent (specifically one that lives beside one of the pathways listed in the developers plans as a walkway to street parking available on Orkney crescent- specially listed as overflow parking for residents of the new proposed building that doesn't have enough parking of its own) I am opposed to this building development for a number of reasons.

Most importantly and most simply:

1) This plan does not include enough parking spaces for the the units which will undoubtedly be rented by students - several students per unit means several cars per unit which are not accounted for in the plans. In facts, it is even suggested that overflow parking will be available on Orkney and angus via nearby pathways. - this is especially concerning as my young family and I live alongside the path and would not withstand noisy students walking up and down the path at all hours and starting their cars and parking in front of our property.

2) This building is too large for the land is it being placed on. Too much green space and too many mature trees will be lost.

3) The excess light, noise, garbage etc that will be created by a structure this size will pollute the residents surrounding the building and beyond.

Below you will see a more detailed listing of what our neighbourhood concerns are:

1. The building itself is too big for available land. The applicant is not only asking for rezoning beyond 'single family residential' but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m which in no way blends in with surrounding neighborhood.. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. As if this is not bad enough, the space that is there will become mostly concrete walkway at the front and back. In essence the applicant wants to cover the entirety of the west lot 536 with two buildings

- right up to the lot lines. There is no buffer space and no 'green'. (Taken from the site plan.)
2. What is the proper zoning for these lots and what is an appropriate building? I could not find a precedent where R5-7 was used to subvert a single family residence area. The buildings do not adhere strictly to R5-7 and R5-7 is not used adjacent to R1, R2 nor R3 zones. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for that type of structure they want to build located in this type of neighborhood let alone this part of the city. The developer is trying to apply the rules for R5-7, to an area where R5-7 is not intended to be used. The developer is doing this in order to squeeze these buildings into the whole space of lot 536 because the developer was negligent and did not research the easement on lot 542 prior to purchase. Prior to this application the developer was planning for a single building that would be built across the two properties close Windermere with buffer space behind. Since the developer did not do its due diligence before making offers on the two properties it wants to jam two buildings onto lot 536 with no buffer zones and is expecting the planning committee to bail them out. The developer is arguing that it deserves to use R5-7 in this R1 zone to make up for its mistake and not have to apply for variances which it would normally have to do. There is a real mish-mash of zoning specifications around this project that need to be sorted out. I am sure R5-7 is not one of them. Planning committee, please do your due diligence and reject this application..
 3. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the proposal, the rest of lot 542 is taken up with an asphalt parking lot. This is counter to the rest of the housing in the area where large expanses of concrete and asphalt would not be tolerated. This is a parking lot and cannot be considered buffer zone. There is no buffer zone at the back of the parking lot. Hence, the scheme of the entire proposed project is out of balance with the properties throughout the neighborhood. In essence, the buildings are too big for the property and are being jammed entirely onto lot 536 with no green space around them. A smaller better designed multi residential building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.
 4. The area over the easement will be grassed over and called an amenity space. With this design, a mother (resident) is going to have to transport her children over the parking lot in order to enjoy the grass. The mother would then have to remain with the children to ensure parking lot activity did not threaten her children. That is a lot to ask. With a proper grassed buffer zone around the buildings these concerns would not be an issue and children could enjoy the out of doors at their unit. There is nothing in the proposed design anywhere to accommodate the residents' children having access to the out of doors and a play area.
 5. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are too close to the trees and property lines. These are valuable and irreplaceable trees. The developer has suggested replacement trees which are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these trees would provide any adequate coverage comparable to what is already in place. I suspect that the proposed replacement trees were the cheapest trees that the developer could find.
 6. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development and parking lot will

- literally glow throughout the night radiating light across the adjacent properties. This will interfere directly with neighbors who sit outside throughout the night time hours enjoying the night time and the stars.. It will reduce/restrict the current neighbor's enjoyment of their properties.
7. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up.
 8. The parking spaces for this property are totally inadequate. There are 16 units each with four bedrooms, a common room and a kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars crammed into the laneway. Even though bus routes are nearby and walking to the university is easily doable, every renter has a vehicle. This is the reality and not some BRT dream. Using the same criteria a building with 64 bedrooms will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result is a poor balance between the units and parking spaces. This will likely result in overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking.
 9. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again this is a result of the buildings being too big for the property and being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties trees and vegetation.
 10. The proposed rezoning will create a number of noise and privacy issues not only for the neighbors but for the residents of the proposed buildings as well. As stated above the proposed buildings are designed to be rented out by the bedroom. I am not stating that students should not live in the neighborhood. Far from it, they are already here. The problem with this rezoning application is the overbearing population density within the proposed buildings. This increased population density will impose stress on the residents/students within these buildings. Students are not livestock to be packed in as tightly as possible in order for greedy developers to maximize their profit. The buildings lack proper natural lighting. The narrow alley way between the two buildings have the windows of one apartment looking directly into the windows of the opposite apartment with only 4 m of separation. As if higher education is not stressful enough, these are additional social stressors that will be imposed on the inhabitants because of the poor building design. In the case of students, they are naturally noisy, unruly and sometimes riotous as seen over the past few years with police cars and press vehicles being burned and neighboring fences completely torn out and destroyed. With this in mind we should not be adding subtle stressors to the inhabitants through poorly designed buildings. This housing proposal should be a more restful and calming design for both the inhabitants and the neighbors adjacent to the proposed apartment complex.
 11. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old runoff

- swale. The adjacent properties to 536/542 were built up with dirt and rock when the subdivision was created. Lots 536 and 542 were already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and [542 starting at Brussels St.](#) In fact, I compare this topographical layout to the Coliseum in Rome. The further backneighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Then privacy for the properties immediately adjacent (127/123/6) from the second floor units of the proposed buildings built so close to the property line. Again if there were a proper buffer space between the building and the property lines this would be much less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. The fence will have to be significantly taller in order to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the proposed apartment buildings and neighboring lands. The developer's documents are overly simplified and show the properties as relatively flat which they are not. The topography issues are not addressed in the application.
12. Surface drainage also needs to be addressed. Currently the eastern side and back of the proposed site is a water storage area for the spring runoff and snowmelt. Any fill added to this area will cause water backup onto the adjacent properties. During the spring, there can be 12 to 18 inches of water collected here until it eventually drains away or evaporates.
 13. The proposed buildings abut right up to the public sidewalk on Windermere with insufficient setback from the roadway. In fact the public sidewalk is so close that it becomes part of the building development. Again the proposed buildings are too big for the property and need to be redesigned to a smaller footprint to provide the proper street setback and so that buffer zones can be incorporated to make the project better blend into the neighborhood. Nowhere near this residential area is there a building such as this butting right up to the public sidewalk? This type of sidewalk frontage is usually seen in commercial, downtown and light industrial/craft areas. It certainly does not fit into this area. (Taken from site plan).
 14. Further to the above, why the developer would think that the stone/glass façade facing Windermere is better than the current trees along the front and side lots is anyone's guess. The trees near and along Windermere should be preserved.
 15. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. These trees benefit the whole subdivision. With the proposed building construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier but they also provide sound damping for all of the residences to the north of 123. Construction so close to this beautiful stand of pines will cause considerable harm to their root systems possibly killing these wonderful specimens. Damaging them or killing them in order to build so close to the property lines should not even be considered. How would the owner of 123 Orkney and the neighborhood as a whole be compensated in this scenario. The developer ignores all responsibility in the application should events such as this occur.

16. There are two safety concerns for the future residents of the proposed buildings. The unprotected window wells that surround both buildings (termed amenity spaces by the developer) are a safety hazard. It is not difficult imagining inebriated residents falling into these oversized window well dugouts and suffering injury or possible death. The window well dug outs (amenity spaces) are sufficiently deep enough to cause serious concern for injury. These holes are a lawsuit waiting to happen. That said, no lawsuit pay out would be enough if the victim were to become a paraplegic from a fall into one these holes. The row of window well dug outs (amenity spaces) adjacent to the public sidewalk along Windermere are particularly concerning for parents with children and toddlers passing by using the public sidewalk. These dugouts would be a curiosity magnet for children. Then there is the multiple window dugouts (amenity spaces) in the narrow alley way between the buildings, is it fair to expect an inebriated resident (or otherwise distracted) to safely traverse from one end of the alley to the other without falling into one of these drop zones? (Taken from site plan)
17. The second safety concern is the narrow alley way space is between the two buildings. The alley way is 4m wide and could not possibly be to the building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further to this, the windows and doors on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shutters'. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. The fire shutters in of themselves create another whole list of concerns and safety issues. If the roll up/roll down type fire shutters are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shutters are complex and require re-certification on a defined schedules. The electronic fire shutters would at least allow a person to escape provided that they were aware enough to find and press the release. Smoke inhalation, intoxication etc. could make it difficult for a trapped individual to locate and activate the shutter release. With a better project design, the person could simply exit through the door. Fire shutters are something that an absentee landlord is not likely to monitor and keep up to date. Again as mentioned above, fire shutters are a radical, expensive and complicated solution to bad design. I urge the planning committee to take these public safety and fire issues very seriously. (Taken from the site plan)

The developer is looking to the R5-7 zoning to bail themselves out for not having researched the deeds properly and is now constrained by the easements. R5-7 does not belong next to a R1 area. If the application was for R2, R3 or even R4 it would be much more suited to the location. It is not the planning committee's responsibility to bail out a developer or guarantee them a profit. This developer wants to come in, jam the biggest buildings it can onto lot 536, pull out as much profit as it can and then run off and leave the problems for the City of London and the neighbors to deal with. A smaller multi residential project that would help build good community probably would not experience any resistance from the neighborhood. With a better design, the new residents of the project would have a better quality of life and feel part of the neighborhood. As it stands now, this application is about quantity over quality. If we are looking for long term success, we have to focus on quality first. A good quality of life for these new residents should take precedence over cramming as many residents as possible in to a building with nothing to offer but four square walls. I solicit the planning committee to reject this R5-7 zoning and for them to request that the developer come back with a project more fitting for the neighborhood that provides for good quality infill.

Please consider the unnecessary impact a building of this stature would have on our neighbourhood. This is not okay and this is not what we as a neighbourhood value.

Sincerely,
Andrea Pollard (resident of Orkney Crescent)

From: Frederick Rodger
Sent: Saturday, September 29, 2018 1:38 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Response to Z-8945 - Parts 1 & 2 - Part 3 to Follow

Hello Melissa,

Please find attached Parts 1 and 2 of my response to Z-8945 in MSWord format. Part 3 will follow under separate cover.

I have left my response in MSWord format to make it easy for you to transfer it to the public record document. If you would like me to send my response in another format, please let me know.

Also could you please reply with confirmation of receipt.

All the Best,
Fred Rodger
131 Orkney Cr.

Response to Rezoning App. Z-8945 – 536/542 Windermere Road

“How many legs does a dog have if you call the tail a leg.....? Four. Calling the tail a leg doesn’t make it a leg.” --- Abraham Lincoln

This is my response to the Z-8945 rezoning application. My response is divided into three sections to make it easier for the planning committee members to cross reference details with the documents submitted by the planning consultant. The first section is a preamble: a message directly to the members of the planning committee. The second section has a focus on the first three of the submitted documents and primarily on the Planning Justification Report. This section includes quotes directly from various documents and my responses to those quotes. The third section is a summary of the concerns and issues with the proposed rezoning application written in a more conversational manner and will follow under separate cover.

Section 1 – Preamble: A message directly to the Planning Committee Members

The proposed structure if allowed to be constructed will leave behind numerous problems for the City of London and the neighbors to deal with long after the developer has taken their profit and fled. The submitted documents in and of themselves are rather odd. For example the Planning Justification document could have been about six pages in length. For some reason the Planning Justification document keeps repeating specific points over and over. The document’s repetitive mantra leaves the reader frustrated and dare I say bored. However, I suspect this repetition is not an accident and is intentional. Knowing that the planning committee is made of elected citizens that may not be familiar with this type of dogma, the purpose of this repetitive mantra may be to induce a state of boredom and suggestibility within the planning committee member’s mind, thereby stimulating the member to approve the application just to get rid of it. I know this may sound a little lame but as you read through the Planning Justification Report and the Urban Design Brief see if you notice what I have mentioned here.

Nowhere in the rezoning documents does it clearly state what the beneficial aspects of these buildings are to the neighborhood, the City of London and the greater community as a whole. The document’s constant repetition of its selected points gives the impression that the authors themselves are not entirely convinced of the benefits of the proposal.

Further to this, much of this repetitive mantra is about statements that are not factually correct. Regardless of how many times a falsehood is repeated, it still does not make the falsehood factual. You will see this yourself as you review the rezoning documents and Section 2 below.

Some of the document's repetitive hammering is to use aspects of the London Plan and the 1989 Official Plan to justify the over-intensification proposed in this project. Small portions of these policies are quoted in the Planning Justification document in order to justify a particular point the document is trying to make. Upon further examination when the quote from the official plans is read in its larger context of these policies we see that the quote in the Planning Justification document is actually violating the spirit of these plans. The London Plan and the 1989 Official Plan state a desire for development and quality infill that will benefit the city and its citizens in the long term. These plans envision development that builds community and does not create problems that will have to be dealt with for decades to come. You will see misleading passages in the Planning Justification Report brought to light in my responses as well as the responses of my fellow neighbors.

The proposed development is about quantity over quality. In many places within the rezoning documents there is the attempt to describe the proposed building as a townhouse similar to other townhouse complexes within the city. This is a false equivalency. Throughout the city other townhouses generally consist of a mix of 1, 2 or 3 bedroom units. During the June neighborhood meeting with the neighbors and the developer, Chris Tsiropoulos and Danny Partalas (who identified themselves as the developer) informed me that the buildings would contain 16 units of 1500 sq. ft. each and have four bedrooms each. If you try to find a four bedroom townhouse within the city, what you might find is a unit where a handyman has added a bedroom to the basement. There are very few townhouse units designed to have four bedrooms. So make no mistake, the buildings in this proposal do not fit the normal townhouse description as laid out in the City of London's zoning policies. The proposed buildings are a high density housing complex specifically designed to be rented out by the bedroom. This is one element where the over-intensification of this project becomes apparent. You will see the related math identifying the over-intensification later in Section 2 of my response. This housing complex more resembles the student residence buildings at the University of Western Ontario than it does a townhouse. Over-intensification is more about quantity and profits than it is about a quality of life for the inhabitants. The 1989 Plan and the London Plan desire intensification that is based on good urban design principals and harmonious integration into its surroundings that provide for a vibrant community with a good quality of life for both the neighbors and the new residents.

As you review the rezoning documents, question what you are reading and evaluate if the documents are being honest in their depiction of the proposed buildings and their relationship to the existing neighborhood and its residents. Does the document present an ethical and truthful case for this project or is the proposal trying to 'bully' its way forward with little respect for the neighboring citizens? Is this proposal based on the spirit of the 1989 Official Plan and the London Plan? Are the details of the proposal based on sound urban design principles? From my perspective, the over-intensification of this project has elevated profit above all else regardless of who gets trampled in the aftermath. The human component is not mentioned in the proposal, not the inhabitants of the new building nor the existing neighbors. When we consider how many people will be impacted, it is apparent that the value added aspect of this proposal is questionable. It appears to me that this proposal is over bearing to the adjacent properties and uncaring of the affected individuals. As you review the rezoning documents, I believe that this will become self-evident.

The members of the planning committee are elected by the citizens of the City of London. It is everyone's understanding that it is the duty of the elected officials to represent the citizens that elected them. Nowhere in that mandate is it the responsibly of the Planning Committee Members to ensure that a developer makes a maximized profit. This proposal is all about maximized profit to the detriment of anything that gets in the way. The proposed buildings do not fit the specifications of the R5 zoning specifications. This will also become apparent in Paragraph 1 of Section 2 below.

In Section 2, I analyze the first three proposal documents in some detail. It is going to be somewhat repetitious. The repetition is required as I follow the pattern in the Planning Justification Report. I apologize that this will be a lengthy read, however, it is necessary in order to validate the statements in the preamble above.

Section 2 - Document Review

1. From zoning by-law documentation, section 9 (R5 zoning) Section 9.1 General Purpose of the R5 Zone states “*This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. Different intensities of development are permitted through the use of the seven zone variations. **Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate townhousing development adjacent to lower density areas,** to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres. The **higher density zone variation** has been designed to **accommodate stacked townhouses.** The middle range zone variations are designed for most suburban town housing developments”.* From the bold typeface above we see that the maximum UPH for R5-7 building sites adjacent to low density areas is 25 Units Per Hectare (UPH). Clearly the surrounding area of the proposed site is low density zoned R1-6 with single family homes. Therefore the maximum units per hectare is 25 as stated by the London zoning bylaws. However, the rezoning application document is requesting the maximum of 60 UPH which as the policy states is used in high density areas. When we do the calculations we see the following: The area of lot 536 is 32m x 41.7m = 1,334.4 sqm. The area of lot 542 is 25.7m x 46.2m = 1,187.3 sqm. The total area available is 2,521.7 sqm or 0.25 hectares. With 16 units and .25 hectares of surface area we see a UPH of 64 UPH which exceeds even the 60 UPH that is used for high density areas. In the Planning Justification Report Page 17, Section 3.2.2 near the top middle the document quotes the 1989 Plan “*Within the Low Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare.*” Here we have a statement taken out of context. When the referred section is taken as whole we see that 75 UPH is a possible upper limit providing a whole series of conditions are met that include buffering, landscaping, privacy mechanisms, height, massing etc. The 1989 Plan clearly does not mandate a 75 UPH density next to a low density area without all of the associated conditions being met.
2. On the Conceptual Site Plan the document is misleading to the viewer by including land area that will not be available to the developer. Lot 536 was designated long ago possibly when Windermere Road was still a gravel road and as such the lot juts out into the current boulevard portion of Windermere Road. If and when this property changes hands the city will recover 8.1m from the property’s frontage. The dark line that outlines the old property lines is not what will be available to the new purchaser of the property. I suggest that the document does this intentionally in order to make the buildings appear to have more setback from Windermere Road than what land would actually be available once the property transfer takes place. If a new dark line is placed where the new property line will be after the 8.1m is removed, it is easy to see how the building has no setback and impinges on the streetscape. The document could have been more forthright by placing a bold line to show the loss of the front 8.1m. This would more correctly show the buildings in proportion to the land that would be available at the time of construction. When a matching dark line is placed on the new property boundary it becomes much more apparent how the two buildings are being squeezed onto the property.
3. Building Elevation and Site Plan Document: The pages are not numbered but the Site Cross Section (North to South) page is grossly out of scale. It overestimates the distance between the buildings and the property lines including the adjacent 127 Orkney. This diagram also understates the gradient difference between 127 Orkney and the proposed buildings while not showing the gradient

changes at 123 Orkney. The artist is attempting to show the site as more acceptable than it really is (with these errors). By 'squishing' the buildings down in the diagram, the artist is trying to show the buildings as less massive than they actually would be. But remember that these buildings are 35 ft tall and abut right up to the property lines. It is important for all members of the planning committee to visit this site and see for themselves the multiple grading issues between the adjacent properties and the proposed site. I would be happy to provide a tour at any time either as a group or individually. The scaling details of this paragraph can be checked against the proposed site plan.

4. Building Elevation and Site Plan Document: Site Cross Section (North to South) page (same page as above) shows Windermere Road lower in elevation than the property. Currently this is not the case which means that fill would have to be used to increase the grade thus raising the buildings up even higher. This further complicates this diagram's lack of scale and proportion because the roof lines of the proposed buildings will already be much higher than the adjacent residents at 127 and 123 Orkney. Adding the required fill to the site in order to make Windermere Road lower than the buildings will raise the roof line even higher above the 35 ft. that is currently shown in the image. This diagram shows the proposed buildings not to scale and again the artist has squashed them down to make the image more pleasing. These images are even more deceiving because these images do not include the window well drop zones. This is an attempt to create the effect that the buildings fit in. The scaling details can be checked against the site plan.
5. Planning Justification Report. The image on the title page of the report, plus the image in Figure 3, page 6, plus the image on the title page of the Urban Design Brief (all three are the same image) are very misleading and do not portray some very negative aspects of the two buildings. The image does not represent how the building will appear relative to Windermere Road and the new public sidewalk. You will notice that the window well drop zones have been eliminated in the image. From the site plan we see that these window well drop zones almost touch the new public sidewalk. The grass in front of the building will be just a narrow strip (approx. 1.0m) between the public sidewalk and the building (from site plan). The foundation plants in the image are currently hovering in empty space over the window well drop zones. There simply is no space for the landscaping plants to exist. The broad expanse of grass between the sidewalk and the building will not exist as shown in the image. At the back of the building you should see a fence and the side of 127 Orkney. It certainly will not be the forest setting as depicted in the image. The actual street scene will be very much starker due the lack of setback. These details can be checked against the site plan.
6. The Planning Justification Report refers to the London Plan, please keep in mind that the London Plan is currently under appeal and probably should not be relied on heavily as justification. Note that not all parts of the London Plan are in force yet including elements relating to intensification which are currently experiencing opposition.
7. Planning Justification Report. Page 7 paragraph below figure 5 the statement "*allows maximum sunlight into all units from the front and rear*" is clearly erroneous and deceptive. The units facing the narrow alleyway between the buildings and the basement units with the window well drop zones will certainly not receive maximum sunlight. For the units in the narrow walkway, only a very minimum of sunlight will penetrate to ground level much less the windows in the window well drop zones. This alley way will almost always be in constant shade. The south building will completely shade the alley way between the buildings for most of the year. There will possibly be some weaker sunlight entering the

alleyway from the west end starting in mid-September through November/December. The north side of the northern building will experience the same absence of sunlight as will the alley way between the buildings. This will include the window well drop zones on the north side.

8. Planning Justification Report. Page 8 at the top. The statement *"it is anticipated that the front of the development, visible from the street, will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering"* This statement is clearly false as there is only approx. 1.0m available. This is a repeat and has already been discussed in #5 above. Considering that the building is basically right on the public sidewalk there is very little room for any landscaping at all (See site plan). The document wants the planning committee member to focus on the pretty picture. The reality will be much starker. Again, this highlights the lack of a proper street setback. This can quickly be verified via the Site Plan.
9. Planning Justification Report. Page 10 at the top. The author states *"Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code."* This statement is highly suspect and needs to be checked by a certified architect. (see #10 below) If this alley way is to building code I am sure that it is a code that applies to an existing downtown or commercial area. A restrictive alley way such as described surely would not be allowed as part of an apartment residence complex.
10. Planning Justification Report. Page 10 at the top. The author states *"Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code."* There are a number of safety concerns associated with this narrow alley way (1.5m sidewalk) between the two buildings. As a comparison, in Toronto these inter townhouse walking spaces are to be 11m minimum. This narrow alley way will inhibit emergency services and fire response teams. In an emergency situation, how a fire team would be expected to maneuver and set up a ladder on the 1.5m sidewalk with the window well drop zones on both sides is hard to imagine. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns during the July meeting, the planning consultant stated that they would install "fire shutters" on the windows. This is a very radical and expensive solution to the poor design. Especially when it is poor design that is creating the fire/safety issues in the first place. The fire shutters in and of themselves create another whole list of safety concerns. If the roll up/roll down type fire shutters are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shutters are complex and require re-certification on defined schedules. The electronic fire shutters would at least allow a person to open the shutters to escape provided that the person was aware enough to find and press the release and physically open the shutters. Smoke inhalation, sleepiness and/or intoxication could make it difficult for a trapped individual to activate the shutter release and open the shutters. With better design, the person could simply exit quickly through a door. Fire shutters are something that an absentee landlord is not likely to monitor and keep up-to-date. I am sure that the City of London does not want to set a precedent by allowing builders to start installing fire shutters to compensate for poor design.
11. From 10 above; another safety concern for the future residents of the proposed buildings is related to the window well drop zones in both the narrow alley way and front/back of the buildings. These unprotected window well drop zones that

surround both buildings are termed “amenity spaces” by the developer. These drop zones are a safety hazard especially when placed into an overly dense population such as these buildings are designed to house. The window well dug outs are sufficiently deep enough to cause serious concern. I suggest that these unprotected drop zones are a lawsuit waiting to happen. The row of window well drop zones adjacent to the public sidewalk along Windermere Road are particularly concerning for parents with children and toddlers passing by. These drop zones would be a curiosity magnet for children. For the multiple window well drop zones in the narrow alley way, is it fair to expect an inebriated or otherwise distracted resident to safely make it from one end of the alley to the other without falling into one of these drop zones? I urge the Planning Committee members to give these fire and safety concerns very serious thought. I would not want to see anyone injured.

12. Planning Justification Report. Page 10 para 2 states *“Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks.”* This is like comparing apples to bulldozers. This is false equivalency statement. The two proposed buildings are full scale townhouse apartment buildings and as such the setbacks cannot be compared to a single family dwelling in a R1 zone. These larger buildings require larger setbacks and buffer zones as per Table 9.3 Regulations for R5 Zone Variations of the London Zoning Bylaws. This table states for R5 a front setback of 8m. The side lot is 0.5m per 1.0m of building height; for these buildings at 10.7 meters tall the side lot clearance would be 5.35m with a minimum of 6.0m if the wall did not have any windows. Since the wall between the buildings and 123 Orkney does not have any windows (as stated by the developer) the side lot clearance required is 6.0m. The back lot clearance would be 5.35m because the back of the building has windows. These specifications can be verified in the zoning bylaws on the www.london.ca website. It is clear that these buildings do not meet the specifications for R5 zone and the variances being requested are not small and practically eliminate the setbacks entirely.
13. Planning Justification Report. Page 10 para 2 states *“It is anticipated that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low density residential uses, thereby preserving privacy.”* The “anticipated” screening measures to preserve privacy are completely inadequate for the topography of the surrounding properties. A simple 1.8m fence is totally inadequate to provide privacy to anyone on either side of the fence much less contain the occupants of the proposed buildings. Given the topography challenges, a 12 foot closed type of fence would be required. The developer’s proposed species of trees are an imported Norway scrub species that have weak branches and are susceptible to mild/moderate wind damage. Since the trees are on the fully shaded side of the north building they would receive little if any sun. It is doubtful that any species of tree would take hold here. If a species of tree were to survive at this location it would be 40 to 50 years before they provided any coverage anywhere near what the existing trees currently provide. It is imperative that the existing healthy trees be preserved and a proper buffer zone established at the back and side of the buildings. Again, it is important that the members of the planning committee visit the site to appraise the topographical issues for themselves. I would be happy to provide a tour on any day at any time.
14. Planning Justification Report. Page 10 para 3 from the top states *“A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space.”* As highlighted above, since these buildings are designed to be rented out by the bedroom (64 bedrooms) the parking is totally inadequate. If the developer changes its mind about the targeted demographic and states the buildings are designed for families,

professionals etc. then reality dictates that family/professional couples parking would require 2 vehicles per unit which would equate to 32 parking spaces. This does not take into account two handicap spaces nor visitor parking. The developer is counting on overflow parking that will land on Orkney and Angus via the walkways (or possibly holes ripped in the fence as a short cut). Then again on page 21 near the bottom the developer states *“Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”* In this statement the proposal itself is stating that the project does not provide enough parking spaces. The calculation of 1.5 spaces per townhouse unit is NOT adequate for the over-intensification of these buildings. The 1.5 calculation is designed for townhouses with a mix of 1, 2 or 3 bedrooms. These buildings are designed to rent out by the bedroom and each unit has four bedrooms. Due to this intensification beyond that of a normal townhouse, a more accurate calculation factor of 2.5 parking spaces per unit would be more realistic.

15. Planning Justification Report. Page 10 para 4 from the top states *“residential intensification redevelopments may be permitted to provide a residential density of 75 units per hectare (UPH) in the "Low Density Residential" land use designation, the proposed development with 16 units provides a lower density of 58 UPH.”* As shown in #1 above the 75 UPH is a possible upper limit as defined by 1989 Plan along with other specifications. The 58 UPH calculated by the document is based on land the developer will not own once the land is transferred to the new owner. My calculation as shown in #1 above uses the correct land surface that the developer will have to work with (once the land transfer occurs) and gives a correct result of 64 UPH. I revisit this topic here again, along with the document itself, to show the tactics used to try to subvert the spirit of the 1989 Plan and the London Plan. If this were a normal infill project the buildings would be spread across the two properties with parking in the rear. Due to easement constraints the developer has decided to put both buildings onto lot 536. If we want to be silly about the calculations we will use just the surface area of lot 536 and the result would be over 100 UPH. This further illustrates that these buildings and the associated level of intensification of this proposal are seriously over the specifications limit for the available property. In this project the density calculations is skewed by the four bedrooms per unit and the fact that these buildings are designed to be rented out by the bedroom. By not taking this skewing of the density calculations into account it appears as an attempt to cloud over the spirit of the 1989 Plan and the London Official Plan.
16. Planning Justification Report. Page 10 Section 5.0 states *“The proposed development is not currently permitted under the R1-6 zoning. As such, it is proposed that the subject lands be re-zoned from the “Residential R1 Zone (R1-6)” to a site-specific “Residential R5 Zone (R5-7())” to permit two, 2.5-storey, back-to-back, 8-unit townhouse buildings (total of 16 units), with special provisions as follows: Minimum front yard setback of 2.1m and Minimum interior side yard setback of 1.7m”* The reason that the developer is requesting these two “special provisions” (read variances) is to get the largest buildings possible onto the property. This is driven by the effort to maximize profitability. At this time the developer is unwilling to design a smaller building that better fits the property. During the June neighborhood introductory meeting, myself and several neighbors had conversations with Christopher Tsiropoulos and Danny Partalas (the developers). During our discussion Chris and Danny told us that they must have 16 individual four bedroom units of 1500 sq. ft. each to make a profit on the site. During our lengthy conversation with Chris and Danny we discussed the size of the buildings, appearance of the buildings and closeness of

the buildings to the property lines. We were trying to convince Chris and Danny that other sizes and types of projects could be viable as well such as the new condo buildings at 580 Windermere Road. It is not my goal to tarnish Chris and Danny's reputation. I liked them both, they were sincere and I enjoyed speaking with them. I do hope that we can still talk when all of this is settled. All that said, it is the developer's goal to get the largest buildings possible onto this site. The fact that these oversized buildings will impinge on the neighbor's properties does not seem to be a factor in the rezoning proposal. During our discussion we learned that this request for the "special provisions" (variances) is a result of the fact that the developer did not adequately search the property titles prior to making conditional offers on the two lots (536/542). Chris and Danny made the offers to purchase and then learned later about the easement on the east side of lot 542 once the planning consultants became involved. The developer has conditional (upon rezoning) offers on the properties and can exit easily. This proposal wants to cram two buildings onto lot 536 instead of having a single building spread across both lots. This rezoning request with its variances is asking the City of London to bastardize proper zoning specifications in order to bail the developer out. This proposal should be rejected and this rezoning application declined. This proposed application is urban design at its worst, a smaller building with proper setbacks and buffer zones would be welcomed.

17. Planning Justification Report. Page 11 Section 7.1.1 states "*The proposed development makes efficient use of underutilized lands well suited for increased density, and appropriately adds to the mix of residential dwelling types in the area to meet the housing needs in this area*" These properties are not underutilized. These two properties are efficiently used R1-6 addresses with fully functioning habitable homes as they stand today. These are not vacant lots. Two perfectly good homes will have to be demolished to facilitate this project. The residence at 542 is currently rented out to students and 536 is a fully functioning family home that is currently inhabited. Based on this, there is no reason for rezoning at all. As for housing needs in this area, they are fully met with the current occupants living their normal lives. These lands are not underutilized.
18. Planning Justification Report. Page 12 near top states "*The proposed development contributes to the range of residential forms and intensities in the area....*" Currently there are a variety of diversified housing in this and adjacent areas as identified later in these rezoning documents. There is no need to jam the maximum number of people onto these two small lots as if they are livestock. Intensification is not about putting the maximum number of people into the smallest possible volume of space. Intensification is also about good urban design and a comfortable, good quality of life for everyone. That includes those that will be living in the intensified building as well as neighboring properties. We should be building harmonious neighborhoods where everyone can grow and develop to their full potential. An 'overly intensified' building(s) will add stress to the occupants as well as the neighborhood resulting in a multitude of problems that will be left for the city and residents to deal with long after the developer has fled the scene. Have we not seen enough of this already? This application for rezoning should be rejected and sent back to the developer to come back with a better design. Have them come back with a design that better suits the property, the neighborhood and provides a stress reduced quality of life for the future residents of the proposed development.
19. Planning Justification Report. Page 12 near middle states "*The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations.*" This proposal does not honor the specifications R5-7 as detailed in Table 9.3 Regulations for R5 Zone Variations which were also identified in

paragraph 12 above. The site specific changes certainly are not minor and are not consistent with other townhouse intensification projects within the city. Upon review of the City of London Zoning Bylaws we see that the description of townhouses fall into the R4 zoning designation. The R4 zoning is likely where this project should be zoned. The buildings would then have the adequate buffer spaces, setbacks etc. which are missing from this zoning request.

20. Planning Justification Report. Page 12 near middle states *“There are no risks to public health and safety.”* As shown in paragraphs 9, 10 & 11 above there certainly are public health and safety issues not only to the occupants but also to people and children walking on the public sidewalk. There are issues of fire safety as well as the problems with window well drop zones. These drop zones are unprotected and deep enough that a fall would certainly result in injury.
21. Planning Justification Report. Page 12 near middle states *“The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west.”* This statement is just plain wrong, the homes on lots 532 and 542 are exactly the same as the rest of the neighborhood and zoned R1. Their laneway points South towards Windermere Road but that certainly does not make the properties distinct from the rest of subdivision. The document’s logic is faulty. For example, the fact that my house faces Orkney and my neighbor’s house faces Angus, it cannot be said that they meet the criteria as being distinct as cited in Section 1.1.3 of the London Plan. Again, this is a violation of the spirit of the London Plan when compared to the documents spin in order to justify its rezoning request.
22. Planning Justification Report. Page 13 near the top states *“The proposed development is located within the existing built-up area; is a compact form of residential development; and makes efficient use of land, infrastructure, and public service facilities. The efficiency of the development is evidenced by the proposed density of 58 UPH.”* This is a red herring to draw attention away from the fact that the buildings are too big for the available property. Yes, the building is compact but there is too much of the “compact” (read building volume) to allow suitable buffer zones and street setback with both buildings situated entirely on lot 536. Hence the 58 UPH is calculated spin with the corrected calculation shown in paragraph 1 above. The zoning bylaws for R5 state clearly that the maximum UPH is 25 for a townhouse adjacent to a R1 zone. This again is an example of the repetition that is identified in the preamble.
23. Planning Justification Report. Page 13 near the bottom states *“the proposed development contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London, and contributes to Council’s intent to encourage appropriate intensification”* The proposed buildings do NOT comply with appropriate intensification. This has been stated above in paragraph 1 and within the City of London Zoning Bylaws. A UPH of 25 is the maximum allowed. These buildings will leave behind a series of problems for the city to deal with going forward. A smaller footprint with appropriate buffer areas and street setbacks would be welcomed. Intensification is not about the quantity of humans that can be housed in a property this size. Intensification is more about quality of life, building compatible communities and better use of resources. This proposal does NOT meet these qualities nor does it encompass the spirit of the 1989 Plan or the London Plan.
24. Planning Justification Report. Page 13 near the bottom states *“The massing, although larger than the adjacent single detached dwellings, is appropriate for the site.”* As stated above, these two buildings are too massive for the available property not to mention too massive in relation to the neighboring homes. If the massing was appropriate for the site we would not be continually coming back to

the problems of setback and buffer zones. Also, these buildings are 35 feet tall while the average height of the surrounding buildings is 18 to 20 feet tall. These buildings are going rise above everything around them. This will be particularly evident when approaching from either Orkney or Angus. If the developer had done their due diligence they would not have to be dealing with the problem of the easement constraints. Without the easement constraints the buildings could have been built across the two properties with proper buffer zones and setbacks. The people of the City of London should not be responsible to compensate the developer for its error by allowing a badly designed project just so that the developer can make the same profit as if the property did not have an easement. Again to the Planning Committee I say, a building with a smaller foot print with a better design and buffer zones to save the trees which would fit properly onto the property would be welcomed. This current proposal is urban design at its worst.

25. Planning Justification Report. Page 14 Section 1.6.6.1 talks about servicing the proposed development. Clearly absent from this discussion is the servicing for garbage collection. A plan will have to be developed that does NOT include a smelly dumpster sitting against the back fences (which would be next to the adjacent properties).
26. Planning Justification Report. Page 14 near bottom states *“The proposed development has been designed to be respectful and compatible with adjacent low density residential uses to the north, east, and west”* This clearly is not factual and should not be stated as such. The existing residents of the neighborhood vehemently disagree with this opinion and want this rezoning rejected and instructions sent back to the developer to return with a smaller and better designed building. This is another example of the repetition described in the preamble.
27. Planning Justification Report. Page 15 above the diagram states *“The subject lands are well suited to accommodate the proposed development and can contribute to the supply of a range of housing forms and tenures to meet current demand in the area.”* Well again this clearly is not factual and should not be stated as such. It may be the developer’s opinion but it certainly is not fact. If the proposed development were suited to the subject lands, the developer would not be requesting the elimination of buffer zones around the buildings. Clearly the buildings are too big for the property. Therefore the buildings are not suitable as verified by the fact that the developer is requesting special consideration zoning exceptions (the elimination of buffer zones and street setbacks) that a suitable townhouse apartment building would recognize. If it was a suitable building for the property we would not even be having this discussion.
28. Planning Justification Report. Page 16 near the top states *“There are no concerns with soil conditions, topographic features, and environmental considerations on the subject lands as they pertain to the proposed development.”* Again, this is not correct. There are a number of topography issues as identified in Section 3 to follow and my response in Section 2. The back and easterly side of the 542 property is a collection area for water during the spring runoff and snow melt. This is a topographic feature that has not been identified in this proposal. This year’s water level can be seen by the flotsam debris adhering to the landscaping timbers at the back of 6 Angus Ct.
29. Planning Justification Report. Page 16 near the top states *“The proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses.”* This section’s statements are a repeat of many of the above paragraphs above. In this quote the document bunches a number of these misleading statements together. These statements were not true in the above paragraphs and repeating them

again does not make them true now. As argued in numerous paragraphs above the proposed development is NOT compatible with existing land uses. The buffering and screening mechanisms are totally absent and in the case of the fence totally inadequate. As for the privacy issues, there is nothing about these overbearing structures that facilitates privacy of any sort for any of the parties involved.

30. Planning Justification Report. Page 16 near the top states *“the lands to the north and west are higher in elevation than the subject lands and therefore the proposed development will appear shorter than its actual height relative to abutting single detached dwellings to the north and west.”* The overbearing massing of these buildings still overpower everything in the neighborhood regardless of the grade difference. There is nothing the grade difference can do to shorten the height (35 ft tall) of these structures. The property to the west known as 123 Orkney tapers from 3 ft difference at the front to no difference midway across the property towards the back. These grading issues have no power to shrink these large buildings. I invite each of the planning committee members to the site so that they can gauge for themselves how the surrounding topography renders the statement above incorrect.
31. Planning Justification Report. Page 16 near the top states *“the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents.”* This is a plagiarized repeat of the documents statement in Paragraph 3 above. It does not matter how many times the document repeatedly states these erroneous statements, it does not make them true. This is ‘spin’ and a waste of everyone’s time. So to respond again, the tree plantings are inadequate and a poor choice of species. The healthy trees already on the site perimeter that currently provide cover need to be preserved. A simple 1.8m fence is not going to provide any privacy for anyone on either side of it. Again, the planning committee need to visit the site. I will be happy to accommodate the Planning Committee Members as a group or as individuals any day, at any time. You can see for yourself how short of the mark the developer’s remedial proposals are.
32. Planning Justification Report. Page 16, Section 3.1.1 near the bottom states *“In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space.”* As pointed out previously the lowered unprotected patios are a health and safety concern. As for the outdoor amenity space, a mother with children would have to take the children across the parking area in order to get to the grass. There is no other area on the site for children to be outdoors nor is there a playground for children. The 1989 Plan directs developers to provide children play areas in multifamily residential areas. If there were adequate green buffer spaces around the buildings there would at least be something for the children. Personally I think that the planning committee should direct the builder to create a play area for children as well as the buffer zones. As I work with these rezoning documents I have come to realize that this design is lacking in so many ways that relate to the livability of this project. It gets a little absurd and humorous because it seems that there are work-arounds required for practically everything. From the dugout window well patio things, the fire shutters, the narrow alleyway, the front apartments being right on top of the public sidewalk, extensive shadowing, lack of parking, lack of privacy, too fat to fit etc., etc. For the people that would live here, this would not be funny! I now see that this project has not been designed but rather it has been cobbled together.

33. Planning Justification Report. Page 17, Section 3.1.2 near the top states *“The height, massing, privacy mechanisms, and design of the proposed development create a compatible site and building design within its surrounding context of single detached dwellings and institutional uses.”* This document states this over and over and over. No matter how many times it is stated, it still is not true. This monstrosity of the building does not fit into the surrounding area in any shape or form nor does it fit onto lot 536.
34. Planning Justification Report. Page 17, Section 3.1.2 near the top states *“The proposed development has frontage on Windermere Road (an Arterial Road), creating a separate and distinct lot that will enhance Windermere Road streetscape with the site’s development.”* This document has repeated this a number of times already. This project will not be distinct just because the driveway goes south to Windermere Road. It will be part of the Orkney Angus landscape regardless of which direction the laneway points. The front facade of the south building will stand out in its starkness on the Windermere street scape. No other buildings anywhere along Windermere Road are plopped down right at the public sidewalk. This building is not set back from the street. ALL other buildings on Windermere do adhere to proper street setbacks. This building will ruin the Windermere streetscape by its obtrusiveness. It will stick out as a massive wart. Its appearance will be that of something that needs to be removed.
35. Planning Justification Report. Page 17, Section 3.1.2 near the top states *“frontage on Windermere Road (an Arterial Road)”* The “Windermere as an Arterial Road” issue was addressed several years ago. Millions of dollars were spent to widen Fanshawe Road for it to become the main east/west arterial road in the north end. At that time, council decided that Windermere Road is what it is and will stay that way for a long time to come. The environmentally sensitive areas to the east and west of Windermere Road prevent its expansion. Windermere Road was considered for ‘Arterial’ in the past but that changed after the multiple Fanshawe Road expansion projects. Construction was completed just last year. It was decided that the moniker ‘arterial’ would be removed from Windermere Road. This topic is discussed again below in paragraph 50 and I have responded with the same response.
36. Planning Justification Report. Page 17, Section 3.1.2 near the top states *“The character of the existing residential areas to the north, east, and west along Orkney Crescent, Brussels Road, and Angus Court will not be affected.”* Again this document is spinning nothing more than the tiresome spin it has repeated numerous times previously. It is as if the author is trying to convince himself that this project is a good design. To the Planning Committee Members, see it for what it is, misleading and spin. Make no mistake that these areas are going to be affected grossly with noise and the loss of privacy. Everyone in the area will lose some of the enjoyment of their properties as well as the loss of a beautiful stand of trees. All of the neighbors will have to tolerate the interruption of the sight lines by these obese buildings as people approach via Angus, Orkney and Windermere streets. For these problems and the many more that are identified in my response and the responses of my neighbors, please know that the character of our neighborhood will be assaulted in a very major way that can never be remedied once the damage is done.
37. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states *“no shadowing impacts are anticipated beyond what would be present with a single detached dwelling.”* This statement is clearly not true. This is a false equivalency since you cannot compare these oversized townhouses to a single family dwelling and expect the shadowing to be the same. For these paragraphs to be true the building would have to be setback from the property lines the same as single detached dwellings and be the same size as single detached dwellings.

The buildings would have to be reduced in height and size for the shadowing to be comparable. Since the buildings are being constructed right up to the property lines, the excessive height will cause a shadowing effect that will kill vegetation on the neighboring properties including a row of emerald cedars and a row of pines to the west on 123 Orkney.

38. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states *"Privacy will be maintained with the use of tree plantings, fencing, and the presence of mature trees on abutting lands."* This is another example of the documents repetitive hammering. As stated numerous times above and below, the 1.8 m fence will not provide privacy for anyone on either side of the fence. The scrawny scrub trees proposed for the plantings are weak structurally and will not provide any cover for 40 to 50 years if perchance they survive the lack of sunshine from the shadowing of the building.
39. Planning Justification Report. Page 18, Section 3.2.3.5 ii near the middle refers to Public Site Plan Review. *"Residential intensification site plan proposals shall address the following matters: a.) Sensitivity to existing private amenity spaces as they relate to the location of the proposed building entrances, garbage receptacles, and parking spaces and other features that may impact the use and privacy of such spaces: b.) the use of fencing, landscaping and planting buffers to mitigate the impacts of the proposed development on existing properties; and c.) Consideration of ...Design Principles."* The developer has missed the mark on every one of these policies. Many of the response paragraphs above and below identify the shortcomings of the above stated policies. These buildings are without any common sense of setback in any direction which imposes significant privacy concerns for existing properties in any direction. The proposed site shows little concern for design principles as specified in the 1989 Plan. As mentioned in paragraph 32 above, this project has not used good Urban Design Principals to build a reasonably sized building that would fit into either the R4 or the R5 zoning specifications. This project has been cobbled together with different odd work-arounds to mitigate the constraints of the easement without doing any work other than mashing the buildings together one behind the other on one lot. There really has not been any design work done to effectively deal with the constraints of the easement. The goal seems to be to build something big and fast in order to get the profit rolling in. I hope that the London Planning Committee can certainly see the misleading and deceptive statements that are spun continuously throughout these submitted documents. This is not good urban design. It is rather obvious that this is a developer taking advantage of the citizens of London in order maximize its profit and then leave behind a variety of problems for the City and the neighbors to deal with. There are no principals here, urban or otherwise.
40. Planning Justification Report. Page 18 near the bottom states *"while the northernmost patios provide a similar interface with 127 Orkney Crescent as would a typical townhouse rear yard"*. This is not a true statement, a typical town house will have a green space buffer behind the building. This document specifies holes in the ground (window drop zones) and is trying to convince the reader that these holes are the same as grass (a typical townhouse rear yard). The logic here is ludicrous not to mention flawed.
41. Planning Justification Report. Page 18 near the bottom states *"The positioning of the proposed buildings, combined with the proposed setbacks, creates a non-functional space between the buildings and 123 Orkney Crescent, which aids in the maintenance of privacy"*. This statement is extremely misleading. The narrow alley way between these two building leads right onto this non-functional space. Residents traversing the alleyway look directly into the dining room window of 123 Orkney. How that would aid to privacy is beyond any sensible

rational. The proposal documents make no mention of any structure or building element that will provide privacy to the dining room window at 123 Orkney from residents traversing the narrow alley way between the building and onto the non-functional space. Moving farther along the non-functional spaces (northward and southward) become a narrow walkway. It is well known throughout the city that these empty non-functional spaces become meeting places and a place for the disposal of all manner of items. A non-functional space such as this will become a garbage collection point especially for "missed garbage pickup day" bags of trash. Human nature dictates that this non-functional space will become a handy spot for all sorts of refuse and discarded items.

42. Planning Justification Report. Page 18 near the bottom states "*Fencing, landscaping, and planting buffers are proposed to be used to maintain privacy between the proposed development and abutting single detached dwellings. Additional urban design details are discussed in the Urban Design Brief. Considering the above information, the proposed development complies with the policies of **Section 3.2.3.5.ii.***" Here again we see aspects of the proposal that have been repeated numerous times in this proposal previously. As I indicated several times above there are no buffer or green spaces around the buildings, the fence offers no privacy and the project as whole does not adhere to the R5-7 specifications and should be rejected.
43. Planning Justification Report. Page 19 near the top states "*The proposed development provides adequate off-street parking supply and buffering from adjacent low density residential dwellings. The use of existing trees, along with tree plantings, landscaping, and fencing will be used to screen and buffer the parking area from the abutting uses.*" Again this document presents spin around the same parking problems. Please review my response in paragraph 14 above stating that there is not enough parking for the intended intensity of this project. This document freely admits to the shortage of parking spaces in the following quote from page 21 of the Planning Justification Report "*Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands*". There is no visitor parking and not enough parking for the intended demographic expected to reside here.
44. Planning Justification Report. Page 19 near the bottom states "*One of the design goals of the proposed development is to ensure compatibility and fit within the surrounding context. The two proposed 2.5-storey height of the buildings is similar to the 2-storey, single-detached dwellings to the north of the subject lands, maintaining the low rise character of the area.*" This is a misleading statement in that the building mass is much larger than the surrounding 2 story houses by approximately 450%. These buildings are actually over 35 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses' heights being in the 18 - 20 foot tall range. The proposed buildings rise above anything else along Windermere Road until you get to the apartment buildings closer to Adelaide. This building would be a monstrosity on Windermere Road. It would be better suited downtown rather than polluting a residential area. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. The size of the proposed buildings have been downsized in appearance by giving them a flattened roof. On the site plan the buildings extend almost to the back of 127 Orkney. Yet in these images the building's width only extends slightly past the garage of 127 Orkney. Compare these images to the site plan to see the difference. This is another example of the document being deceptive in its presentation. These buildings would appear much larger if the drawings were

drawn to scale and the roof height was added proportionally. The lack of scale makes the proposed buildings look smaller than they actually would be.

45. Planning Justification Report. Page 19 near the bottom states *“As there is an approximately 2.0 m elevation drop between the abutting properties to the north and west and the subject lands, the proposed buildings will appear to be shorter than their actual height relative to the abutting single detached dwellings.”* Notice how the developer refuted the grade topography issues previously when it works against the proposal but here the author is trying to spin it as an advantage. The grading difference is meaningful only when it comes to fencing. The buildings are so big that the any grading discussion relative to the size of the buildings is a moot point. Factually, there is a 2m grade difference at the height of the driveway at 127 Orkney. However that grade quickly reduces to 1.0m at the north corner. Further to that the grade to the west at 123 Orkney is only 1.0m at the corner and diminishes to no grade difference half way down the lot where it matches the grading of lot 536. Even with the grade difference, it does not reduce the heavy massing of the buildings nor the 35 ft tallness of the buildings. To the Planning Committee, it is important that you see the grading and topographical issues that this Planning Justification Document entails. I would be happy to provide a tour any day at any time.
46. Planning Justification Report. Page 19 near the bottom states *“The exterior design of the building provides a well-executed design with modern architectural details, drawing from existing designs and materials of the surrounding residential area, while being noticeably distinct. The combination of similar height, exterior materials and colours (i.e. brick/masonry in neutral colours) create a compatible proposed design with the adjacent single detached dwellings. The use of landscaping, tree plantings, existing mature trees and fencing maintain the existing level of privacy for adjacent residents. The use of these elements will screen the building and parking areas from view (Figure 11).”* This is another of the document’s repetition of statements made previously in the Planning Justification document. This time the document bunches together previous statements in order to continue the spin with a different arrangement of the words. As in my previous responses, the buildings butt up so close to the property lines that there is no room for landscaping of any significance. The plantings are too small and it will be 40 to 50 years before they can replace the coverage of the existing trees if perchance they survive the shading on the north side of the buildings. A 1.8 m fence will do nothing for privacy for persons on either side of the fence. The fence will have to be 4m tall before any privacy comes into play. For the first part of the quote, the building materials are no more drawn from the surrounding residential area than pixie dust.
47. Planning Justification Report. Page 20, top Figure 11. This is a very deceptive image. The artist has included the 8.1m of frontage that will not be part of the property after the land transfer. This 8.1m of frontage becomes boulevard owned by the city. You can see in this diagram that the cement window well drop zones are very close to touching the true property line at the front of the south building. Remove the 8.1m from the image and the viewer can then see how packed onto lot 536 these buildings are. Use a piece of paper and cover the 8.1m that will be lost from the front of the property. Line the edge of the paper with the property line across the front of the parking lot. See how this easy correction changes the whole dynamic of the site. You can now see the correct available surface area and see how congested the site becomes. Building arrangements such at this are common in a downtown or commercial area, however, there is no place for this within a R1 single dwelling residential area. Additionally this image was intentionally taken out of scale to show more space between the property lines and the buildings at both the north and west sides. This is a clear attempt to

make the buildings appear more presentable than they would actually be. You can check these details against the site plan.

48. Planning Justification Report. Page 20, near middle states *“Privacy will be maintained for 123 Orkney Crescent as the interior side yard is not an active space and the buildings do not contain any windows on the facing elevation.”* This is another repetitive passage within the Planning Justification document that I responded to in paragraph 41 above. This interior space will obviously become a garbage/refuse collection area.
49. Planning Justification Report. Page 20, near bottom states *“A larger fence may be utilized in consultation with the City and with abutting landowners.”* This is not a consideration but an absolute must. I would suggest that since the grade difference at 127 Orkney is 2.0m that the fence should be 4.0m. of a solid type construction
50. Planning Justification Report. Page 20, near top states *“The proposed development is located along an Arterial Road”* This is a repeat of paragraph 35 above so I am responding with the **same** response for your convenience. The “Windermere as an Arterial Road” issue was addressed several years ago. Millions of dollars were spent to widen Fanshawe Road for it to become the main east/west arterial road in the north end. It was decided at that time that Windermere Road would remain as it is. The environmentally sensitive areas to the east and west of Windermere Road prevent its expansion. Council decided that Windermere Road is what it is and will stay that way for a long time to come. Windermere Road was considered for ‘Arterial’ in the past time but that changed with multiple Fanshawe Road expansion projects. Construction was completed just last year. It was decided at the time that moniker ‘arterial’ would be removed from Windermere Road.
51. Planning Justification Report. Page 20, near top states *“Due to the frontage of the subject lands onto Windermere Road, the lands are a separate, but related, component of the single detached neighbourhood to the north.”* This is another repetition within the Planning Justification document but notice the flip-flop here. Previously the document stated that properties were not related but in this instance now they are. The author flips back and forth on the details as it suits the spin of the argument being presented.
52. Planning Justification Report. Page 20, near top states *“There are currently no lands that are proximate to the subject lands (within 1 km) that are available for redevelopment and are appropriately zoned that could accommodate the proposed development.”* Well you can say that again! To be clear, these are not vacant lots. There are two stable functioning single dwelling homes here. You cannot find another project like this in the entire city where buildings such as these are jammed up against the property lines with no street setbacks in an R1 zoned residential area. Townhouse projects always have suitable setbacks and buffer spaces not to mention child play areas. The document laments that this is the only space available to abuse in such a manner. I respond by asking to be shown a similar project with two tall townhouse apartment buildings jammed onto a single lot that is built right up to the property lines in an R1 residential area. I am playing the devil’s advocate here and simply saying “Show me?”
53. Planning Justification Report. Page 20, near middle states *“Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”* As I have pointed out in several paragraphs above using this very quote, there is insufficient parking for the anticipated demographic of residents as well as the

lack of visitor parking. With this statement the developer admits that they have not provided adequate parking spaces for the two buildings. The developer is asking the neighborhood to supply some of the townhouse parking requirements. Also of note is the fact that overnight parking is not allowed from September to May. This project has no provision for visitor parking as part of its design. This is an apartment complex that is designed for the units to be rented out by the bedroom which creates intensification above a normal townhouse complex. The parking spaces normally allocated to a townhouse are inadequate for a project such as this. Normal townhouses are more family orientated and have a different parking demographic. This project simply requires more parking.

54. Planning Justification Report. Page 20, is asking the neighbors at 123 and 127 Orkney and 6 Angus to supply vegetative screening for the project. The 1989 Plan and the London Plan clearly state that it is the developer's responsibility to provide vegetation and screening on their property which is to be maintained by the developer. The developer should not be riding on the backs of the neighbors. The proposed vegetation and fence screen are totally inadequate. The current mature trees along the property lines need to be preserved.
55. Planning Justification Report. Page 21, near top states "*There is no reasonable expectation that the proposed development would generate noise beyond what would typically be expected from a residential development.*" This is a false equivalency. The reason is because we already know what noise is generated by the two single dwelling homes at 536 and 542 Windermere Road and other single family homes in the neighborhood. The proposed units are designed to be rented out by the bedroom creating a higher than normal population density. It is easy to envision parties with loud music and raucous behavior which is normal for this transient demographic. The fact is that there is every expectation that there will be a significant increase in noise from this complex. Anyone with a synapse knows this. There is no effort to mitigate this extra noise in this proposal, neither in the design nor the screening.
56. Planning Justification Report. Page 21, near top states "*The visual impacts of the proposed development are minimal given the height of the proposed buildings and proposed landscape and fencing treatments.*" This is another misleading statement of the documents repetitive mantra of issues that have already been responded to in previous paragraphs. Clearly the buildings mass is very much larger than anything in the neighborhood. The mass of just one of these buildings is larger than four of the surrounding houses put together. These buildings are 35 feet tall whereas the next tallest building is 24 feet tall with the average surrounding houses in the 22 foot tall range. The house beside these building at 123 Orkney is only 18 feet tall. There can be no question that the proposed buildings will tower over 123 Orkney. In addition the proposed buildings will rise well above anything else along Windermere Raod until you get to the apartment buildings closer to Adelaide about a 1 km away. This townhouse apartment complex is a monstrosity that belongs downtown rather than polluting a R1 residential area. Anyone who has studied design or appreciates art can see how incongruous this project will be for the whole Windermere streetscape as well as the surrounding neighborhood. Once again by using Figure 24, 25, 26 and 27 of the Urban Design Brief you can see how huge and incongruous these buildings are in comparison to the surrounding houses. In the images the size of the proposed buildings have been downsized in appearance by giving them a flattened roof and a lack of scale proportion. This is where the artist was trying to make the buildings look smaller as identified in previous paragraphs. These buildings would appear much larger if the drawings were done to scale and the roof was drawn in proportion to the rest of the building.

57. Planning Justification Report. Page 22, near top states *“As noted above, no shadowing on abutting lands is anticipated from the proposed development beyond which would be present with a single detached dwelling. The proposed setbacks are generally consistent with setbacks normally permitted for single detached dwellings in the R1-6 zone. As such, adverse impacts are appropriately mitigated.”* Here again the document has grouped several previous false and misleading statements from above together. This document continually pushes the idea that it should have the same shadowing specification and setback as a normal single detached dwelling. BUT THIS IS NOT A SINGLE DETACHED DWELLING! This is a large townhouse type apartment housing complex designed as a high return income property. It clearly should not have the same specifications as a single family dwelling. This is a building designed to create income and profit and as such requires proper street setback and green buffer zones around the buildings on its own property. The developer wants to mix zoning requirements of the R1 zone with the R5 zone. The developer should be made to pick one zone or the other and develop a design accordingly.
58. Planning Justification Report. Page 22, near middle states *“the proposal represents an appropriate and compatible form of residential intensification and is consistent with the policies and the intent of the 1989 City of London Official Plan, including residential intensification policies, urban design, compatibility, scale and massing, and maintenance of privacy. The proposal is consistent with the planned function of the “Low Density Residential” land use designation to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH.”* Here again this Planning Justification document has grouped together a series of statements that have been addressed in previous paragraphs. Regardless of how many times the document repeats this mantra, the statements are still untrue and misleading. This is not a good quality intensification plan. It is an over-intensification plan to build a townhouse apartment complex that will generate high returns. The planning committee surely must realize that it is the carrot of high profits that is driving this project rather than creating a wholesome livable residence for its occupants. The building is too big for the property plain and simple. This document through various modes of spin is trying to pick the best of the rules from three different zoning specifications to justify jamming these two buildings onto a property that cannot sustain the ongoing healthy livelihood of the buildings nor its residents. The developer is trying to fit an elephant onto a postage stamp.
59. Planning Justification Report. Page 22, near middle states *“to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH.”* The document has made this statement several times previously trying to convince us that 75 is the magic UPH number. However when we read the greater context of the 1989 Plan this number is only a possible maximum and its use is in combination with a series of constraints and specifications that are not met by this proposal document. As stated in above paragraphs this 75 UPH does not apply in this situation. R5-7 clearly states a maximum UPH of 25 for a project within a R1 residential area. The planning committee must also consider how both buildings are squeezed onto one side of the project and does not resemble a normal townhouse project. The setbacks and buffer zones need to be established such that a building of some sort can be built here within a reasonable zoning framework.
60. Planning Justification Report. Page 22, near bottom states *“The proposed development, at 2.5-storays, is consistent with the range of permitted uses and heights.”* This is a deceptive statement, this is not a 2.5 story dwelling in the manner of a R1 single detached dwelling. The proposed building is an apartment type townhouse with an overall height of 35 ft. and a hugely more

significant massing when compared to a single dwelling. There is absolutely nothing comparable to this proposed structure anywhere near the site.

61. Planning Justification Report. Page 25, near top states *“More than adequate parking is provided for the proposed development (24 spaces required; 25 spaces are provided).”* This document has come back to the parking problems again. Please review my responses in paragraphs 14 and 53 above. The 25 parking spaces might be adequate for a townhouse complex that consists a mix of 1, 2 and 3 bedrooms (according to the formula). However, 25 spaces will not be enough for a 64 bedroom rooming complex. If this situation is left as is, it will cause problems for the neighbors and the London Police Force for years to come.
62. Planning Justification Report. Page 25, near middle states *“Dark sky lighting is proposed for the surface parking lot, walkways, and building exterior lights. This form of lighting reduces the amount of upward projected lighting, projecting all the light to the ground. This significantly reduces or eliminates light pollution into adjacent yards and windows of abutting single detached dwellings.”* Regardless of what lightning is used this project is going to emit a continuous bright glow that will prevent the neighbors from enjoying the nighttime out of doors. This will greatly reduce the neighbor’s enjoyment of their properties.
63. Planning Justification Report. Page 25, near middle states *“Numerous screening and buffering mechanisms are proposed to maintain and/or enhance privacy between the proposed development and adjacent single detached dwellings.”* This is a deceptive statement that I have responded to in previous paragraphs. With buildings butting up against the neighboring properties, there is no buffer area which is part of the normal screen process. The proposed tree replacements are cheap imports and will not amount to any noticeable coverage for 40 to 50 years. The mature trees around the property need to be preserved. A suitable buffer zone around these two buildings needs to be established so that the trees can remain healthy and provide some ‘distance screen’ between these buildings and the neighboring homes. These buildings are not a similar height to the neighboring residences and are over 35 ft tall. These tall buildings will overwhelm the neighborhood. A building with a smaller footprint would help mitigate all of these problems and create a better living experience for the new residents. A smaller building with appropriate buffer zones would be welcomed by the Orkney/Angus Ratepayers Association.
64. Planning Justification Report. Page 25, near middle states *“No shadowing is expected beyond which would otherwise be present with a single detached dwelling. Existing off-site mature trees to the north and east currently provide shadowing on those properties.”* Once again the document cycles back to the shadowing problems only changing a few words. I have responded to the shadowing problems in previous paragraphs. You certainly cannot compare the shadowing from a 35 ft tall building abutting right up to the property lines with a single detached dwelling sitting in the middle of its lot. There is vegetation and trees on the neighboring residences that will die from the shadowing that these buildings will project. This will be irreparable harm to that vegetation and trees. The tall trees around these properties must be protected at all costs.
65. Planning Justification Report. Page 25, near bottom states *“Together with the proposed similar height of the development with the adjacent single detached dwellings, the proposed buildings create a compatible development with limited visual impacts”* Here it is again, this document continues with this mantra over and over again. I have responded to this in previous paragraphs. Regardless, this project is two townhouse apartment buildings and there is no rational comparison with a single family dwelling. **THEY ARE NOT NEARLY THE SAME!** I mentioned in previous paragraphs how the sightlines as you approach from

Angus and Orkney are going to be very adversely affected. In a previous paragraph relating to the sightlines as you approach on Windermere Road, this building will appear as a huge wart on the streetscape. All of the other buildings on Windermere Road from one end to the other have proper street setbacks without exception. There is nothing for miles that this building is comparable to.

66. Planning Justification Report pages 25 to 31 are regurgitations of most of the topics addressed above. There is nothing new in these last pages other than the topics are jumbled around and grouped into segments and paragraphed differently. I will save the Planning Committee member's time and not address these same topics over again. These buildings do not fit into the landscape and indeed will be an eye sore from any angle whether you are in the subdivision on Orkney or Angus or driving down Windermere Road. I urge the London Planning Committee to reject this application with intensity.

From: Don Bodrug
Sent: Sunday, September 30, 2018 12:18 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Plann Z-8945 Development

To; Melissa Campbell, City Planner,
City of London, Ontario.

From; Don Bodrug
10 Angus Court, London, Ontario

Re; Planning File Z-8945, Developer 249222Inc

I was given notice of a rezoning application for the R-1 designated properties at 536 and 542 Windermere Ave. I attended the meeting with the developers prior to the above application when input provided by a very large contingent of residents was not favourable at all about the proposed building plan. There are critical concerns that were put forward by the assembly at that time that have been completely ignored by the developers and the consultants. I concur with my neighbours' viewpoints and the concerns that include the following;

- The properties are not suitable for the apartment complex proposed given the extreme lack of buffer space and inadequate parking for the potential number of residents.

- The tree population now present will be destroyed resulting in a loss of forestation and the benefits associated with the large trees in the neighbourhood such as the reduction of sound from the very busy Windermere Ave.

- Privacy and noise will be issues with the building design overshadowing the current adjacent single family residences especially since all the existing trees will be gone from the properties and a large population of residents will occupy the apartments.

- The proximity of the buildings to Windermere Ave. will not provide the required easement for proper future development of the main traffic corridor to and from Western University and the Hospital.

- The development does not consider the quality of the existing housing in the area and will present as a ghetto-like eyesore with population congestion, more traffic, motion, and noise that is not a good fit for the area.

I implore the planning committee to reject the R5-7 rezoning and request the committee to direct the developer to come back with a plan providing good quality infill. I believe the residents will support a Zone change to R3 or R4 that I am given to understand would see a development of single storey units, detached or attached, with

individual garages. The development in this case would take on the appearance of a housing enclave community similar to what we see on East Doon Drive.

Respectfully Submitted

Don Bodrug

From: Gordon Payne
Sent: Wednesday, October 3, 2018 10:24 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Rezoning Application for 536 and 542 Windermere

Dear Ms. Campbell,

It is my understanding that the proposed development at 536/542 Windermere Road will house 16 units that will have 4 bedrooms each. It is therefore reasonable to assume that this complex will house approximately 64 university students. This seems more like a university residence than a family-friendly complex.

It is certain that many of the residents will have cars, as will their visiting guests. According to the proposal, "A total of 25 surface parking spaces are proposed." Where will all of these cars be parked? I cannot understand how the City can entertain such a ridiculous proposal.

When I built my dental office in 2015 on Adelaide Street, I was required by the City to have 27 parking spaces, even though no more than 10 spaces are required at any given time. So, my dental office would actually have more parking spaces than this proposed development.

Where will all of these extra vehicles be parked overnight? Let's look at the options:

- 1) Along Windermere Road – No parking allowed there.
- 2) Spencer Leadership parking lot – They will likely put a stop to that.
- 3) Scouts Canada parking lot – Not likely to be allowed either.
- 4) Orkney Crescent, Angus Road and Brussels Road with access via two walkways onto Windermere Rd.

As I live on Orkney Crescent, I do not wish to have overnight vehicles parked in front of my home. Myself and other residents are concerned for the following reasons:

- 1) Those areas are meant for our own occasional guests – day or night.
- 2) Parked cars will prevent proper snow removal in the winter.
- 3) Several parked cars also pose a threat for playing children, as driver visibility will be reduced.
- 4) Parked cars also interfere with garbage pick-up, lawn-cutting, etc.
- 5) People walking to and from their cars late at night will cause unnecessary noise and be a disturbance for homeowners, especially those whose homes are proximate to the walkways.

The developer has, in fact stated that, "Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands."

It therefore appears that even the developers have recognized that their project does not have enough parking spaces. What local resident could possibly find this acceptable? Would you or any other City planner want vehicles constantly parked in front of their own homes?

This proposal either needs to be dramatically scaled down, so that an appropriate number of parking spaces can be planned, or the rezoning application denied.

Please feel free to contact me if you have any questions.

Sincerely,

Gord Payne (70 Orkney Crescent)

From: DeVouge, Christine
Sent: Friday, October 05, 2018 9:21 AM
To: Planning <Planning@london.ca>; Cassidy, Maureen <mcassidy@london.ca>
Subject: 536 and 542 Windermere Road

Good morning,

I would like to provide my comments on the proposed development at 536 and 542 Windermere Rd. I live on Doon Drive and have a number of concerns.

I am opposed to the City allowing the developers to reduce the depth minimums. If townhomes are to be built on the property, they should not be allowed to cram as many as possible on this land. The drawings show buildings and parking very close to the property lines with very limited green space. The surrounding properties include a lot of green space and trees. Cluster “back-to-back” townhouse dwellings are not appropriate at this location. It would impose on the homes behind it and be an absolute eyesore on a street that includes beautiful properties set back from the road such as the Ivey Spencer Leadership Centre, Scouts Canada – Spencer Lodge and the Sisters of St. Joseph.

I am very much concerned with the following paragraph in the planning justification report:

“No significant transportation impacts are anticipated with the proposed development, as evidence by the fact that the City of London has not requested a Traffic Impact Study. The increase in residential units to the neighbourhood supports public transit ridership, especially for the planned future Bus Rapid Transit development along the Richmond Street corridor approximately 750 m to the west. Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”

Why has the City not requested a Traffic Impact Study? The plan clearly points out that there is limited parking – only 24 spaces for 16 units. They actually plan to send vehicular traffic through our neighbourhood to use the street parking on a quiet cul-de-sac. To just suggest that this parking would be needed for the occasional social event is dishonest and unrealistic. We already have a big problem with vehicles speeding on Doon Drive, which the City should have a record of because my neighbours and I have been in contact with the City numerous times about this issue over the years.

For the record, I am not concerned that the homes may be occupied by students. I live near the University and love how students contribute to our City. I went to Western and took the 32 Windermere bus route to school every day. My concern solely lies with the greedy plan to build as much cheap housing as they can fit on the property with no concern for the surrounding neighbourhood. I am very opposed to the City amending the by-laws to help the developers turn this property into as much profit as possible.

The planning justification report states “The overall design goal of the development is to ensure compatibility and fit with the surrounding properties, specifically in terms of height, massing, and privacy.” I have read every word of the report and am not convinced that they have made a strong case. I hope that this is also apparent to those that are not familiar with the neighbourhood. I could go on with numerous other

concerns, but I do not want to bore you with an even longer email. I'm sure that anyone reading the plan can find as many holes in it as I have.

Thanks for your time and consideration.

Christine DeVouge

From: DeVouge, Christine
Sent: Monday, October 15, 2018 10:37 AM
To: Cassidy, Maureen <mcassidy@london.ca>
Cc: Rafuna, Liridona <lrafuna@london.ca>
Subject: RE: 536 and 542 Windermere Road

Hi Maureen,

Thanks for following up. If needed, my address is 71 Doon Drive.

No, I have not been in touch with any other neighbours. You can share my information.

Not mentioned in my previous email is my concern for the loss of trees. Between the large townhomes and the parking lot, there will not be much room to replace them. I very strongly disagree with the assessment in the report that the development would improve the streetscape on Windermere. If you take a walk down Windermere, you will see that it is characterized by large front and back yards populated with many trees. On what basis can they conclude that a huge GTA-style row of townhomes built as close to the street as possible will improve the streetscape? All other buildings are set back much further. The townhouses would really stick out.

Overall, the plan is just too much for the property. I strongly feel that the City should require the developers to scale back.

Thanks

Christine DeVouge

Rebuttal of Proposed By-Law Amendment & Building Plan.

Response to: Application for Zoning By-Law Amendment

536 & 542 Windemere Road

File Number: Z-8945

Applicant: 2492222 Ontario Inc.

Submission date: August 9th., 2018.

To: City of London Planning Department

From: Paul C. Culliton
163 Orkney Crescent
London, Ontario, N5X 3R5

Date: October 16, 2018

Introduction & Initial Comments.

As a resident in the area, I have no issues with re-development of a property. As long as the design is realistic and the target audience is in sync with the surrounding community. The above proposal is totally unrealistic in its intent to introduce "student housing" and higher density residential buildings.

Student Housing Creep & destruction of London neighborhoods.

If it doesn't, then the City of London needs to have a policy to address "Student Housing Creep". There needs to be limits to how much this is allowed to expand. There needs to be protective measures that safe guard the nearby communities from erosion and degradation.

One only needs to drive around the neighborhoods that surround both Western University and Fanshawe College to see this social erosion at work. The purchase of nearby homes for rent and the jamming in of multiple housing units and apartments to facilitate the appetite for student housing. This is great for the students. It is great for the land lords. But it is never good or beneficial for the once thriving neighborhoods that are swallowed up in their path.

This was painfully evident in the aftermath of the Western University "Fake Home Coming" in early October, 2018.

Student Housing Creep is a disturbing trend that has been death knell of residential areas surrounding Western University & Fanshawe College. Bringing with it a population that is disruptive and not in harmony with long term community growth or stability.

This is already a neighborhood under duress. Homes in the area are being bought for rental purposes. Result being the introduction of a transient student & adult population and lack of care & upkeep of rental homes. Most of all a degradation of the community.

The following are observations & counter points directed toward the proposal for development for 536 & 542 Windemere Road.

1.) The design submitted by the developer is unrealistic.

- It is clear the developer failed to research the actual potential and applicable restrictions attached to the two properties.
- To compensate for the fact that only one of the two properties will allow construction, they propose to shoe horn two buildings on to lot 536 with no buffer zones. Asking the planning committee to allow them to circumvent current zoning in favor of a revised zoning decision to allow them to increase capacity of land use.
- Two buildings on one property is too much congestion. With only 4 meters separating them, the buildings are on top of each other. Residents would literally be looking into each others front window.
- Fire Hazard? With the close proximity of the two buildings what is the potential danger in the event of a fire? In the event of a fire could the London Fire Dept. get equipment between the buildings?

2.) North to south easement due to Huron - London water delivery pipeline.

- Per City of London, status quo within the neighborhood is the easement cannot be built upon. Why should an exception be made for a developer over residents?

- The development plan has lot 542 taken up with an asphalt parking lot. A parking lot has been proposed to compensate. However a parking lot and cannot be considered buffer zone.
- Two buildings on lot 536 with no green space around them is totally unrealistic.
- Residential building with proper buffer would be more acceptable.

3.) Removal of trees

- The removal of 50+ trees mainly because they are deemed in the way is simply wrong. Showing a lack of will to be in harmony with the city plan to increase and maintain current tree canopy. Especially with regard to the existing canopy of the surrounding the property & neighborhood. Many of the trees in the neighborhood are 30-40 years old, with life spans in excess of 200+ years.
- Removal of trees will cause a lack of privacy for the properties on Orkney Crescent & Angus Court.
- Replacement trees suggested are barely adequate and will take decades to reach the current level of maturity of the existing trees on the property.

4) Lighting & Noise Pollution

- Lighting will have to be installed to accommodate 24/7 parking and access coming & going from the buildings. Vehicles starting & running.
- Will seriously infringe on adjacent residential properties.

5.) Garbage disposal bins

Where in the developers plan do they propose to put the garbage disposal bins? There appears to be no allocation for placement of bins.

- The only available area is dedicated to parking. The bins would mean the loss of at least 2-3 parking spots. Parking which is already minimal.
- Where are the residents going to store garbage in between pick-ups?

6.) Parking & Snow Removal

Parking alone has potential to be the biggest issue with the most potential for disruption.

- There is no allocation for handicapped parking in the plan.
- It is painfully obvious parking will be inadequate. Allocation of -24 parking spaces for a development proposing up to 64 students is very clearly short sighted and will be a 24/7 and year round problem.
- Residents without assigned spots & visitors can't park on Windemere, meaning they would park behind the development on Orkney Cresc. & Angus Court.
- The planners flippantly suggest excess parking during "social events" can overflow on the streets behind in front of the residential homes on Orkney Crescent & Angus Court.
- This would also increase foot traffic using the walkways linking the residential area to Windemere road. Bringing strangers and non residents in to the neighborhood.

- Snow removal will be a problem. It would have to be removed after every snow event as there is no room for a pile in the parking area.

Conclusion

The developer's plan is flawed and totally unrealistic. There is a lack of professional due diligence and research on their part.

As pointed out by other residents of the Orkney Crescent & Angus Court areas, the objective of the developer is very clear. Maximize the size of the buildings. Maximize profit. Get out of Dodge and leave the local residents and city of London to deal with the issues.

Even though the development targets students, the project does not invoke an ideal setting for academic lifestyle. It indicates maximum congestion of living space, lack of privacy and lack of adequate accommodation. In particular parking and sanitation. A development such as this would not do the students any favors.

A revised plan with a more realistic non student based residency design and land usage is clearly required. The Planning Committee needs to reject the current development proposal and it's request for rezoning.

The Planning Committee should direct the developer to return to the drawing board and come back with a proposal that is geared toward permanent residents and more appropriate and in sync with the community & surrounding area.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Culliton". The signature is written in a cursive, somewhat stylized font.

Paul Culliton
163 Orkney Crescent
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Re-Zoning Application Z-8945

Proposal for the re-development of 536 and 542 Windermere Road

Submitted **17 October 2018** to the Planning Staff at the City for their consideration and inclusion in the Staff Report to the Planning and Environmental Committee.

Dear Melissa Campbell,

Below is our coordinated response to the Re-Zoning Application, File # Z-8945, specifically to the Urban Design Brief (UDB) and Planning Justification Report (PJR) submitted by Zelinka Priamo Ltd., Consultant to the Developer 249222 Inc. Please also refer to feedback from individual residents affected by the Application, which responds in further detail.

We thank you and the Planning Staff for your consideration of the following response. We have been encouraged by your willingness to gain a proper perspective on how this development would affect surrounding properties, including on-site visits. We look forward to continued discussions as we head toward the Public Participation Meeting.

Signed,

Members of the Orkney-Angus Ratepayers Association and
Concerned residents within the Orkney-Angus neighbourhood
United in opposition to development application Z-8945

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INTRODUCTION

We are sympathetic to the City's mandate to re-develop existing sites within City limits in order to curtail urban sprawl. However, Re-Zoning Application Z-8945 – a proposal to re-develop single-family properties at 532 and 542 Windermere Road to accommodate 16 stacked townhomes (4 bedrooms each) – **contravenes the limits of responsible, sustainable intensification and is inconsistent, often glaringly so, with the 1989 Official City of London Plan and the current London Plan.**

Our concerns outlined in the following pages stem from one central fact: **the proposed development is far too large for the existing properties**, resulting in unprecedented and unnecessary excessive density. Even with the requested R5-7 zoning designation, which allows for the maximum level of density, the proposed development cannot meet the zoning by-law requirements regarding minimum setbacks. Moreover, the dramatic shift in scale and massing from the current R1-6 designation to R5-7 would introduce a host of negative issues for adjacent properties, for pedestrian and auto traffic along Windermere Road, and for residents of the townhomes themselves: **inadequate buffers and green space between adjacent properties leading to loss of privacy, insufficient on-site parking, insufficient space for proper waste management, significant height transitions causing lack of access to sunlight and excessive shadowing, significant loss of trees**, among others.

The PJR states: "The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west" (page 12). This claim is a red herring, for currently 536 and 542 Windermere Road, regardless of the fact that they access Windermere Road and not the streets behind, fit precisely with the current density and makeup of the surrounding neighbourhood on the north side of Windermere Road. The PJR also states: "The massing [of buildings], although larger than the adjacent single detached dwellings, is appropriate for the site" (page 13). As we will go on to show with reference to the 1989 Plan and current London Plan, these are also misleading claims.

Windermere Road between Adelaide and Richmond Streets is a productive mix of low to high density residential, institutional, religious, and professional properties – **in all cases with appropriate setbacks**. Z-8945 would constitute **an utterly singular development that has no precedent along Windermere Road and would result in a blight on the current neighbourhood, community, and urban landscape**. If the City is sincere in its desire to strike a healthy balance between progressive and sustainable development for the sake of maintaining liveable, vibrant community spaces across the City, then it will recognize Z-8945 as an extraordinary overreach of this desire.

Z-8945 as it currently stands is indefensible. In the strongest possible terms, we urge the Planning and Environment to reject the re-zoning application.

ZONING & DENSITY

536 and 542 Windermere Road are zoned R1-6, “the **most restrictive residential zone**, and . . . is restricted to only single detached dwelling units” (City Zoning By-laws, 5.1 General Purpose of the R1 Zone). Application Z-8945 asks to re-zone these properties from R1-6 to R5-7:

This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. . . . Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate townhousing development adjacent to lower density areas, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres. The higher density zone variation has been designed to accommodate stacked townhouses. (9.1 General Purpose of the R5 Zone)

Why would the City consider a re-zoning application that moves from the “most restrictive,” lowest residential density designation to the highest possible density designation for townhouses when the R5 By-law clearly states that the lower density provisions are designed for “townhousing developments adjacent to lower density areas”?

Using stacked townhouses, Z-8945 proposes “a compact form of residential development” that “makes efficient use of land, infrastructure, and public service facilities” by proposing a slightly lesser density of “58 UPH” (PJR pp. 13).¹ However, Z-8945 must obey a 19 metre easement along the east side of 542 Windermere to accommodate the Lake Huron pipeline, which reduces available construction space to 2/3 of the remaining total property. This necessitates cramming the complex on the north, west, and south sides of the subject lands – essentially onto 536 Windermere alone – **which thus recalculates density for the proposed development at 100+ UPH, far beyond any acceptable standard.**

Even with the requested maximum density zoning for townhouses, Application Z-8945, as currently designed, can not meet minimum setbacks as required by the R5 zoning by-law. The applicant is requesting special consideration for variances on multiple sides (elevations). These requests for variances are not minimal, but significant. In fact, as originally filed this application did not accurately disclose the true setbacks on two elevations. When our community pointed this out, the developer’s response was not to re-design in order to reduce the “footprint” of their townhouse buildings, but instead to request further exemptions by making allowances for additional encroachments.

- **Along the south side (facing Windermere):** from the required 8m to the requested 2.1m, although the actual setback from the Site Plan is estimated at 0.2m – **almost zero!** This minimal space between building and public sidewalk would be unprecedented for the Windermere streetscape.²

¹ The PJR also states: “residential intensification redevelopments may be permitted to provide a residential density of **75 units per hectare (UPH)** in the ‘Low Density Residential’ land use designation” (p. 10). It is not clear what this density provision is referencing, but is far in excess of the allowable density within the R5 zoning by-law.

² Site Plan Control 2.13.1. (c) states: “Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge.” Images in the Proposed Site Plan (PJR p. 8) do not reflect how the southern building will next to Windermere and minimize the size and impact of amenity patios, and Conceptual Renderings (cover page, p. 6) greatly exaggerate the minimal green space between building and public sidewalk. The 8m setback at **570 Windermere** is far more amenable for future road widening, adequate and safe snow removal, etc.

- **To the west side:** from the required 5m (based on building height greater than 9m) to the requested 1.7m.
- **To the north side:** from required 6m to 4m (from edge of stairs and patios, which are part of the building).

The PJR reads: "The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations" (p. 12). And again: "Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks" (p. 10). **How are these extraordinary concessions "generally consistent" with other intensification projects within similar areas/neighbourhoods?**

The zoning by-law concessions requested clearly indicate that the proposed buildings are not suitable for the site.

We thus call upon London's Planning Staff, Planning and Environmental Committee, and City Council to follow its own rules. Consider these statements from official City documents:

*The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses, and shall result in net densities that range to an approximate **upper limit of 30 units per hectare**. (1989 Official London Plan, 3.2.2. Scale of Development: Density of Residential Uses)*

*While residential intensification located within the Low Density Residential designation may be allowed up to a maximum scale permitted under the Multi-Family, Medium Density Residential Designation, Zoning By-law provisions will **ensure that new development recognize the scale of adjacent land uses and are compatible with the character of the area**. (3.2.3.8, Zoning By-law)*

*Zoning will be applied to ensure an intensity of development that is appropriate to the neighbourhood context, **utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open spaces**. (current London Plan, Neighbourhood Place Type Policies)*

*The City of London's Zoning By-law establishes and regulates the use of land by implementing the policies of the City's Official Plan. It provides the municipality with a **legally enforceable means of regulating land use, scale and intensity of development**. Zoning also serves to protect areas by preventing or limiting incompatible uses, and **establishing appropriate standards for development**. . . . Zoning By-laws regulate how land and buildings are used, the location of buildings, lot coverage, building heights, and other provisions **necessary to ensure proper development**. (City of London's Zoning By-law web page)*

The City of London cannot approve this application. To do so disregards its mandate to protect the integrity of its neighbourhoods and communities and undermines the integrity of its policies and zoning by-laws.

In short, the Subject Lands are **not** “of a sufficient size and configuration to accommodate the proposed residential intensification” (PJR p. 21). **Even if the highest density R5-7 zoning designation was acceptable (which it is not), Z-8945 does not meet the city’s zoning requirements and should be rejected.**

PRIVACY

The 1989 Official London Plan states:

*Development within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and **loss of privacy**.* (3.2.2. Scale of Development)

*Residential Intensification site plan proposals shall address the following matters: **Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces.*** (3.2.3.5 Public Site Plan Review and Urban Design)

*Buildings should be positioned to define usable and secure open space areas on the site and to afford a **reasonable measure of privacy to individual dwelling units.***

From the Z-8945 application: “Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties” and “anticipate[s] that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low density residential uses, thereby preserving privacy” (PJR p. 10).

However, required setback variances that would locate the buildings as close as possible to the north, west, and south perimeters of the proposed site would vastly limit if not eliminate altogether the current level of privacy ensured between adjacent properties. Several issues arise here:

- The development would remove mature trees (12m+) between 536 Windermere and 127 Orkney. Until equally mature, new trees would not compensate for this loss of privacy.³
- A 1.8m replacement wood fence between 536 Windermere and 123 and 127 Orkney would not ensure greater privacy, even with the minimal elevation difference between 123 Orkney and townhomes. The difference between 536 Windermere and 127 Orkney requires a significantly higher level of fencing and tree line to provide an effective buffer between properties.

³ The UDB states: “Although specific landscape treatments will be refined through the Site Plan Approval process, evergreen plantings (Christina Norway Spruce) are proposed along the north lot line and additional evergreen shrubs are proposed between the buildings and westerly lot line. Street trees will also be added along the Windermere Road frontage.” The .1 – 0m setback along Windermere affords little to no room for trees of any kind. The planned replacements along the north lot line are scrub trees susceptible even to light storm damage. Moreover, even under ideal conditions it would be 25 to 30 years before any replacements would provide adequate coverage or create a buffer equal to existing vegetation.

- The proposed development “allows for views into and out of the building,” what it calls “**passive surveillance**” (UDB p. 13). However, considering that the building facing 127 Orkney is almost identical to the one facing Windermere; that 127 Orkney is a single-family dwelling for a family of 6 with bedroom and bathroom windows directly facing the townhomes; that the interior faces of the townhome buildings will have a clear view of 123 Orkney Crescent; and that there will be significant glazing (windows) on both the north and south sides of the townhouse buildings, the use of the term “passive surveillance” by the applicant is important. Based on building design within Z-8945, this same level of surveillance will be applied to the properties of 127 Orkney and 123 Orkney. This demonstrates a significant lack of “sensitivity” to the privacy of these adjacent properties.
- Both 123 and 127 Orkney would be subject to noise pollution – 123 Orkney because of its close proximity to the walkway between the townhome buildings and two of its entrances, and 127 Orkney because of the proposed outdoor patios for townhouse residents.
- The UDB notes: “no windows are proposed on the east or west elevations to enhance privacy.” However, it fails to mention how close 123 Orkney is to the townhouse walkway and entrances and lowered “amenity spaces.” Residents of each building will have a clear view of the home and rear yard of 123 Orkney.
- The interior faces of the townhouse buildings are also designed similarly to the front side facing Windermere, full of primary entrances, windows and lowered “amenity spaces.” With very little space separating each building (only 4m separating the building faces and approximately 1.5m separating each building’s lowered amenity areas), there will be little privacy available for units within each building.

MASSING

According to the 1989 City of London Official Plan (6.2.2 Additional Urban Design Considerations for Residential Intensification), the “intensity (i.e. massing, height, scale) and design” of a proposed development must be “compatible with character and features of the surrounding neighbourhood.” Z-8945 argues that its proposed development “is compatible and fits within the existing context.” **Our review of the PJR and UDB, however, raises serious concerns about this development’s Massing.**

The 1989 Official London Plan states that any application for residential intensification must “**clearly demonstrate that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3.1. of the plan**” (3.2.3.4 Compatibility of Proposed Residential Intensification Development).

The current London Plan states that “**All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood’s character and demonstrate how the proposal has been designed to fit within that context**” (199, City Building Policies) and that the “**Site layout should be designed to minimize and mitigate impacts on adjacent properties**” (253) in order “**to realize our goals of purposeful, sensitive, and compatible intensification within our neighbourhoods**” (939, Neighbourhood Place Type Policies).

The Plan thus calls for the following design policies to govern all intensification proposals:

1. **A Planning and Design Report . . . [that] will clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood.**
2. **Compatibility and fit, from a form perspective, will be evaluated based on such matters as:**
 - a. **Site layout within the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, building location, and parking.**
 - b. **Building and main entrance orientation.**
 - c. **Building line and setback from the street.**
 - d. **Character and features of the neighbourhood.**
 - e. **Height transitions with adjacent development.**
 - f. **Massing appropriate to the scale of the surrounding neighbourhood.**
3. **The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and garbage storage areas. (953)**

Z-8945 implies that it follows the above principles and policies from both the 1989 Official and current London Plans in order to “enhance” and “activate” the surrounding community.

Nowhere does the application effectively do so, however.

HEIGHT TRANSITION

536 Windermere is adjacent to 123 Orkney, a **1-storey**, single family home less than 5m in height. **There is no significant elevation difference between 123 Orkney and the proposed building on 536 Windermere** (less than 1m at the front of the house and almost level at the rear of the house).

536 and 542 Windermere are adjacent to 127 Orkney, a **2-storey**, single family home. 127 Orkney and 536 Windermere are currently separated by a 1.2m wood fence as well as mature (12m+) trees on the 536 Windermere side, which provide significant privacy for each side and **all of which will be removed due to proposed construction**. 127 Orkney sits approximately 2m higher than 536 Windermere.

The current London Plan states that *"Within the context of the relevant place type policies, the height of buildings should have a proportional relationship to the width of the abutting public right-of-way to achieve a sense of enclosure"* (287) and that *"An appropriate transition of building height, scale and massing should be provided between developments of significantly different intensities"* (298).

The UDB for Z-8945 argues the following:

- The housing stock within the "Low Density Residential" areas are primarily large single detached dwellings, 1 to 2.5 storeys in height (3.0 Spatial Analysis).

This is false, unless further evidence of 2.5-storey buildings within the residential area is provided.

- The buildings are proposed to be approximately 9m in height, generally consistent with proximate single detached dwellings in the area. (Part 2 5.0 Proposed Development).

This is false. The proposed buildings exceed 9m. Also, no residential buildings in the neighbourhood are even close to 9m in height.

- The height of the buildings is consistent with the upper end of typical low-density residential buildings heights, being 2-3 storeys.⁴ However, due to the grade differential between the subject lands and lands to the north and west, the proposed buildings will appear approximately 2m shorter, when viewed from the north or west. (8.0 Compatibility Report).

This is false. Because the grade elevation between 536 Windermere and 123 Orkney is 0-1m, **no** significant grading differential will help to offset height differences between a 1-storey home and adjacent 2.5-storey townhouses. In fact, their close proximity to 123 Orkney (1.7m) makes for an **even more extreme height transition**.

⁴ Since 123 and 127 Orkney are 1-storey and 2-storey single family homes respectively, what examples of 3-storey residences in the neighbourhood is the ODB referring to?

ACCESS TO SUNLIGHT / SHADOWING and LIGHTING

The 1989 Official London Plan states: *"The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets"* (3.2.3.5. Public Site Plan Review and Urban Design).

To address this impact, the UDB states: "No shadowing on abutting lands is expected beyond which would otherwise be present with a two-storey single detached dwelling, especially given the lower elevation of the subject lands relative to lands to the north and west."

This is false. The current two-storey home on 536 Windermere sits in the middle of the lot, more than 10 m from the western property line shared with 123 Orkney. The proposed townhomes, substantially higher than the current residence and much closer to the adjacent property, would significantly shadow the property and home at 123 Orkney. Moreover, there is no substantial elevation difference between the development 123 Orkney, which would feel the encroaching difference in height that much more. Finally, shadowing would compromise the health of trees currently along the property line not represented in the application but intended to maintain privacy.

Similarly, the UDB states: "Existing off-site mature trees to the north already shadow the interior side yard of the single detached dwelling to the north." Most of these trees, however, are actually on 536 Windermere and would be removed for construction (Tree Preservation Plan – trees 22, 23, 24, 25, 26, 27, 28, 29).

The UDB states: "Appropriate glazing is proposed on all north and south elevations, maximizing the amount of natural light that will enter each unit. The buildings are sufficiently separated to exceed Ontario Building Code requirements. Interior units (facing the opposite building) are provided with ample windows to allow for natural light penetration" (Section 11.1.1 ix). This claim fails to mention that the close proximity of each building will allow limited to no direct sunlight. The northern most elevation (facing 127 Orkney) will also suffer from limited to none direct sunlight.

Finally, the complex would require 24/7 lighting for its buildings and parking lot. Between removing existing trees, inadequate fencing, and building heights, few to no buffers would exist to prevent excessive light reflection from affecting the adjacent properties.

TREES

To facilitate construction, the developer would remove 85% of existing mature trees that provide an attractive and necessary buffer against noise and light pollution between properties. Construction would further compromise the health and integrity of remaining trees, especially those along the west side between 536 Windermere and 123 Orkney. The tree survey indicates that the trees between 127 Orkney and 536 Windermere are healthy, so why sacrifice them when they, like the existing vegetation, would greatly enhance the development's aesthetic and ecological integrity as well as act as a significant buffer between properties and facilitate privacy?

WASTE MANAGEMENT

The 1989 Official London Plan states: “Residential Intensification-site plan proposals shall address the following matters: Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, **garbage receptacles**, parking areas and other features that may impact the use and privacy of such spaces” (Residential Land Use Designations).

The current London Plan states: “Loading, garbage and other service areas will be located where they will not detract from pedestrian connections and where they will not have a negative visual impact from the street” (266). And: *The City Design policies of this Plan will apply to all intensification proposals. In addition, the following design policies will apply: The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and **garbage storage areas**.* (953)

The PJR (p. 14) mentions servicing the development, but fails to provide garbage removal for 16 x 4-bedroom units. The current Site Plan leaves little room for outdoor facilities given that most existing space will be covered by buildings and parking. Waste management is typically a matter for the site plan approval process, but this issue is crucial to the zoning by-law approval process given that the development is too large for the available space and that inadequate waste management would impact adjacent properties.

We assume that individual tenants would pile garbage on Windermere, which would attract animals, already a problem along the adjacent streets and, indeed, across the City. Or dumpsters would be located toward the northeast side of the complex abutting neighbours’ properties or very close to Windermere. Neither option is optimal or desirable. Any centralized waste collection would require trucks to negotiate a parking lot that limits maneuverability except for driving onto, but then backing out from the property onto Windermere. Or, if residents piled garbage along Windermere, the City’s garbage removal trucks would stop each week to pick up 48+ bags of garbage, then recyclables, creating further safety and congestion issues.

PLAY AREA

The 1989 Official London Plan states that “Residential developments that are likely to house families should include an appropriately sized outdoor children’s play area that is **safely accessible** from all units in the development.”

Oddly, Z-8945 mentions no such play area, which suggests the Developer’s intended market. The PJR does state that “In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space” (p. 16) – the green space created by the 19m easement. However, any garbage facilities, or snow from snow removal efforts, if located at the north end of the parking lot to the northeast of the property, would automatically obstruct safe pedestrian access from the townhomes, along the north side of the property, to any play area, which would then require crossing a busy parking lot.

PARKING

The UDB states: "Vehicular access to the site is provided by a single driveway from Windermere Road. **Ample parking is provided within the surface parking lot.**" The PJR states: "A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space" (p. 10). This accords with City By-laws: 1.5 spaces/unit x 16 = 24 spaces. This proposal speaks to single-family occupancy, unless a family owns two vehicles, which would already burden the existing plan. Moreover, Z-8945 makes no accommodation for handicap parking. One handicap space would eliminate two other spaces, a reduction to 23 spaces for 16 units, below the minimum requirement. Finally, the proposal never mentions visitor parking.

The 4-bedroom/1500 square feet configuration of each unit, however, as well as the proximity to Western University, suggests a denser occupancy for which 24 spaces are in no way adequate. We have no claim to determine tenancy, but already our neighbourhood contains several homes, rented by bedroom, inadequately maintained, and introducing parking congestion, and noise and garbage pollution. Neighbourhoods across the City must deal with noise, privacy, congestion, maintenance, and safety issues created by student housing. Z-8945 would leave adjacent home owners to the north of Windermere as well as institutional properties to the south to deal with these problems.

Z-8945 offers one solution: "**Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands**" (PJR p. 21). Given the likely demand for parking, and not only for social events, this solution would create recurring noise, congestion, privacy, and garbage problems for surrounding residents. We do not imagine that the Spencer Leadership Center or Scouts Canada would welcome overflow parking on their sites, a possibility Z-8945 fails to consider.

The Developer cannot ignore these issues and needs to accept responsibility for the fact that the residents their proposal would attract necessitates considering important conditions that affect design, planning, and zoning decisions. While minimum parking standards may allow for 1.5 spaces per unit, in this specific site situation a greater requirement for parking spaces is appropriate and needed. Alternatively, if the townhouse development were reduced in size and number of units, the currently designed parking space may prove more adequate.

CONCLUSION

The PJR states: "The proposed development contributes to the range of residential forms and intensities in the area" (p. 12) and "contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London and contributes to Council's intent to encourage appropriate intensification" (p. 13). Again: "the proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses" (p. 16). And again: "the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents" (p. 16).

Given the excessive density proposed by Z-8945 and resulting negative impact on the surrounding neighbourhood outlined above, we find all of these rationales to be misleading if not false.

The 2014 Provincial Policy Statement (Section 1.1.1., cited in the PJR), calls for the appropriate growth of "healthy, liveable and safe communities" sustained by:

- efficient development and land use patterns [that ensure the] financial well-being of the Province and municipalities over the long term
- an appropriate range and mix of residential, employment, . . . recreational and open space uses to meet long-term needs
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

We have no doubt that the development resulting from Z-8945 will be "efficient" and "cost-effective." **We do not accept that it is "appropriate," "healthy," "liveable," or "safe."**

The PJR states: "The proposed development has been designed to be respectful and compatible with adjacent low-density residential uses to the north, east, and west" (p. 16). Z-8945 is **unrespectful and not compatible with the surrounding neighbourhood due to its failure to meet its key design objectives:**

- **Provide a built form compatible with adjacent low-density residential dwellings.**
- **Integrate this built form into the existing context with proper massing, height, etc.**
- **Enhance and ensure the maintenance of privacy between the development and adjacent properties.**

This failure is the direct result of the Developer's attempt to squeeze an oversized complex onto the available space, partly to compensate for the easement along the east side of 542 Windermere. The UDB states: "Given the site's constraints, the buildings are located as far from abutting residential uses as possible" – but only because the developer has not adjusted its design to provide more reasonable density levels, given the constraints of this site. **It seems the Developer is intent on maximizing in every way, including their own financial gain. Why should our properties and our neighbourhood be required to make all of the sacrifices when the Developer appears unwilling to sacrifice on their part?**

Protect the integrity of the surrounding neighbourhood by considering the following:

- **Reasonable zoning.** If re-zoning is permitted, choose a zoning which allows for increased density over the existing single family homes but at a more reasonable density level. A different R5 zoning (R5-1, -2, or -3) that is more appropriate within the adjacent low-density neighbourhood. Another example, the R6-2 (10) designation at **570 Windermere Road**, increases the density of single family homes while meeting proper setbacks and allowing an adequate buffer between the development and adjacent properties.
- **Adequate and appropriate parking.** Apparently designed for student housing, Z-8945 would need a minimum of 2 parking spaces per unit *plus* handicap and visitor parking. At a density level of 8-10 units, the currently proposed 24 parking spaces should be appropriate.
- **Establish an Easement (minimum 6 m) between the development and 123 Orkney Crescent and 127 Orkney Crescent.** This buffer would protect existing trees and allow for additional landscaping, which would provide adequate separation and privacy between each of these properties.
- **Higher (4m+), more durable fence (pre-cast concrete).** This would help to alleviate elevation differences and privacy issues with adjacent properties on the east, north, and west sides, would preclude more regular maintenance issues, and would prevent possible breaches that would allow for unofficial access to overflow parking on Orkney Crescent, Brussels Road, or Angus Court.
- **Assurances – established as by-law additions to the Re-zoning designation –** that any setbacks, buffers, or other conditions agreed to at the time of Re-zoning will be upheld at the future time of Site Plan approval and construction.

We trust in the City's desire to promote sustainable infill by innovative yet sensible urban design.

But this proposal feels like a slap in our neighbourhood's face.

Z-8945 asks for over-intensification without due concern for residents' daily lives – development for development's sake that will create future problems for residents and the City to deal with. This developer may attempt to assure long-term responsibility for potential headaches, but evidence of such situations disrupting the harmony of well-established neighbourhoods proves otherwise.

Respectfully submitted, October 17, 2018

**Members of Orkney-Angus Ratepayers Association and concerned residents
within the Orkney-Angus neighbourhood united in opposition to Z-8945**

From: Brocklebank, Allan
Sent: Wednesday, October 17, 2018 11:00 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: RE: 536 and 542 Windermere Rd.

Hi Melissa:

I do have some additional questions and comments but first I'd like to clarify some points from our earlier correspondence.

In my email of Sept 23, I emphasized that my comments (from Sept. 19) only related to the rezoning (and site specific concessions) application. Items no. 2, 5, and 6, that you have referenced, are not Site Plan Control issues and cannot be dismissed (editorialized?) as they endeavor to refute points Zelinka's has made to rationalize the specific west side yard reduction from 5m to 1.7m.

To your point “The City of London typically relies on the OBC for guidance or standards.....”, I do understand this. In my email from Sept. 19, I attached a sketch having some calculations for percentages of unprotected opening; note that these calculations are referenced below under ‘Other: Ignored OBC Spatial Separation Issues’ and address real issues that cannot be sloughed off (for the ZBA) as they relate to the ‘fit and compatibility’ that you have referred to.

My comment related to the closed guard is not an OBC issue and cannot be dismissed as this again refutes a point Zelinka’s has made to specifically rationalize the front yard reduction from 8m to 2.1m. My objective here was clear, I endeavored to emphasize the need to understand and apply good planning principles as they relate to this significant element (the guard) and the insensitivity (being 200mm from the property line) to the human scale.

I am still looking to understand your position on some issues that I had raised earlier, in my Sept. 19 email:

Density:

- Zelinka has used the larger lot area (incl. boulevard) to determine the proposed density (0.277 ha. x 60 units / ha = 16.62 units). Is this acceptable? and if so, what specific city regulation/requirement allows this? This is of particular significance because Section 9, Residential R5 Zone, General Purpose of the R5 Zone states that the highest permitted density (60 units / ha.) is not intended to be applied ‘adjacent to lower density areas’.

Reduced front yard setback from 8m to 2.1m:

- The definitions provided in the Zoning By-Law for *Setback* and *Structure* are unambiguous and require the setback to be measured to the front face of the window well and not the building face. Are you able to tell me why this is being ignored? If you believe these definitions say otherwise, please advise me as soon as possible; I intend to challenge this seemingly arbitrary interpretation.
- The Site Plan Control Bylaw 2.13.1.(c) states ‘Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge’. In your opinion, does this non-setback reinforce the prevailing street pattern? and what is the precedent for accepting this significant deviation from the norm? Please refer to City of London Site Plan Control By-law 2.4 (a) for this apparent disconnect.

I also have some question related to the recently revised Zoning By-Law Amendment that would permit an encroachment for porches/patios located a minimum 0.2 metres from the front property line.

- The Zoning By-Law defines a ‘porch’. Is this encroachment intended to permit the projection of the entrance stoops beyond the face of the building?
- The Zoning By-Law does not define a ‘patio’. Is this encroachment intended to permit the projection of the window wells beyond the face of the building?
- These window wells are not patios. Please see above ‘Reduced front yard setback from 8m to 2.1m’ and the definitions provided in the Zoning By-Law for *Setback* and *Structure* for a definitive interpretation.

Other important issues related to ‘Fit and Compatibility’

Insufficient 6m (south) rear yard setback:

- The City of London Site Plan Control By-law 2.5 - Multi-Family Residential Setbacks and Separation Spaces (Table 2.1) state clearly that an **8m setback to a building having habitable room windows is required**.
- OBC Spatial Separation Issues – see issue below
- City of Toronto Townhouse and Low-rise Guidelines 4.2 Facing Distances and Setbacks call for ‘a minimum 7.5m rear yard setback from the property line at grade’

- For all intents and purposes this is not a rear yard setback and the proposed 6m setback will have significant impact on the neighbouring properties.

Impossible 4.6m distance between opposing building faces

- The City of London Site Plan Control By-law 2.5 - Multi-Family Residential Setbacks and Separation Spaces (Table 2.1) state clearly that an **8m separation between buildings having habitable room windows is required.**
- City of Toronto Townhouse and Low-rise Guidelines 4.2 Facing Distances and Setbacks (Table 1) call for 'a minimum 11m facing distance plus 1m when private below grade amenity spaces are provided'
- OBC Spatial Separation Issues – see issue below
- The sound emanating from this space will have significant impact on the neighbouring properties.

Ignored OBC Spatial Separation Issues

- For those that are unfamiliar, the Ontario Building Code limits the amount of doors and windows (area of 'unprotected openings', expressed as percentage) in a building facade ('exposed building face'); the amount of openings permitted is function of the distance ('limiting distance') from a street, a property line or an imaginary line midway between two buildings on the same site. Simply put, the shorter the distance, reduces the amount of openings permitted.
- Some basic calculation using the conceptual (?) Front Elevation (see attached) submitted by Zelinka show a total percentage (of unprotected openings) presently at more than 22%. Zelinka (in the PJR) suggests by the use of window fire shutters, could allow for a greater limiting distance. If the use of shutter is plausible (there would be significant technical and cost issues to overcome) I contend that these would not be permitted on any doors or bedroom windows (incl. basement bedrooms) as exit/egress must be maintained. Presupposing shutter could be used (on living room windows only) a calculation show a percentage (of unprotected openings) at 13%.
- Using OBC Table 9.10.14.4:
 - a) the limiting distance required for the (south) rear yard set back would be more than 7m (to have 22% unprotected openings) **not 6m as being proposed.**
 - b) Based on the conceptual (?) Site Plan submitted by Zelinka, the limiting distance between the two opposing building faces is 2.3m (to an imaginary line midway between two buildings that are 4.6m apart)
- **only 8 to 9% unprotected openings** would be permitted not the 22% (or 13%) proposed.
- a limiting distance of more than 7m would be required to accommodate 22% of unprotected openings, therefore **separation between buildings of more than 14m would be required.**
- a limiting distance of more than 4m would be required to accommodate 13% of unprotected openings, therefore **separation between buildings of more than 8m would be required.**

Unresolved parking

- More on this later

Inadequate amenity spaces

- More on this later

Problematic fire fighting

- More on this later

Unaddressed garbage collection

- More on this later

Thank you. That's all for now.

Allan Brocklebank

From: Tony Mara
Sent: Wednesday, October 17, 2018 11:59 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: response to application Z-8945

Hi Melissa,

The following in my response to application Z-8945, related to 536 and 542 Windermere Rd:

My contention is that this application represents significant and egregious over intensification that in NO WAY is compatible with the adjacent Orkney Crescent, Angus Court neighbourhood.

This application requests that the applicable zoning be changed from R1-6, which is the "most restrictive residential zone" intended for single detached dwelling units (London Zoning By-law Section 5.1) to the highest variation of the R5 zoning - R5-7, which allows for townhouses at the highest density level (maximum 60 units per ha). The proposed stacked townhouse buildings total 16 units. After 8m x 32m (256 sqm) frontage of 536 Windermere Rd is re-claimed by the City during this development process, the density calculation with these 16 units over the remaining combined lot size (.25ha) is 64 units per ha - beyond the maximum allowed by the R5-7 zoning.

In addition to the re-zoning requested, the applicant is also requesting MAJOR setback variances on multiple sides of the property.

- From the minimum required setback for the front yard (south side facing Windermere Rd) of 8m to the requested 2.1m

 - The actual setback is 0.2m when including the "lower amenity spaces" which are part of the structure but extend outwards from the building facing

- From the minimum required setback for the interior side yard (west side shared with 123 Orkney Crescent) of 5m (based on the building size greater than 9m) to the requested 1.7m

- While not specifically mentioned in the application, the minimum required setback for the rear yard (north side facing 127 Orkney Crescent) of 6m to the planned 4.1m (when including the "lower amenity spaces" which are part of the structure but extend outwards from the building facing)

 - an additional argument can/should be made that with the proposed townhouse buildings (as presented within the application), there will no true rear side. Each North, South elevation is a front side with primary entrances and significant window presence (glazing), including the building elevation facing Orkney Crescent and 127 Orkney Crescent. Therefore, a front side setback should be required at a minimum of 8m

None of these requested setback variances are minor. These are MAJOR variances and significant in their contribution to the overall negative impact on the adjacent properties, Orkney neighbourhood as well as the Windermere Rd streetscape. The bottom line is that the applicant can NOT fit the proposed townhouse buildings, as designed with the 16 units for maximum density within the available lot space without these MAJOR setbacks variances. There is no additional value to these setback variances other than allowing the developer to cram in buildings whose massing is too large to fit the available space otherwise.

This application fails to demonstrate any level of sensitivity to the adjacent properties and surrounding neighbourhood. This can best be demonstrated by the building positioning so close to the property lines adjacent to 123 Orkney Crescent as well as 127 Orkney Crescent. The applicant states "...locate the buildings as far from abutting properties as possible, given the design intent and constraints of the site" (Urban Design Brief, page 23). In other words, when presented with the challenge caused by the 19m easement along the eastern property line, the developer chose to keep the massing and density the same, but squeeze the buildings as far to the west on the property as possible - rather than reducing the massing and density of the building to allow it more appropriately fit within the remaining lot space

Another example of the poor design choices resulting from trying to maintain the currently proposed massing level is the exceptionally small 4m separation space between buildings. Considering that both building elevations facing each other are primary entrances including porches, steps and include the extended "lower amenity spaces", the actual space between buildings is little more than the 1.5m walkway in between the buildings. That is ridiculous and presents several additional problems for the expected residents of these townhouses.

- I challenge the city planner to provide precedence for similar development with all special considerations required for this application already approved or in existence within the city of London

It is because of the massing level being too large for the available lot space that the other major factors are concerns including:

- privacy
- height transitions
- access to sunlight
- parking
- waste storage and removal
- snow removal / storage
- storm water drainage

While we have been told that many of the identified considerations are site planning related matters, because these concerns are directly impacted by the scale and massing which is made possible by the zoning change requested, they must be considered as part of the zoning decision.

If the buildings were smaller, more appropriately massed for the available lot space, which allows minimum setbacks to be respected and provides for a proper buffer space between the development and adjoining properties to the west (123 Orkney Crescent) and north (127 Orkney Crescent), my concerns may be mitigated.

There are several other variations available for the R5 zoning. "Different intensities of development are permitted through the use of the seven zone variations. Density provisions range from **25 units per hectare** (10 units per acre), designed to accommodate townhousing development **adjacent to lower density areas**, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres (London Zoning By-law Section 9.1). Also, "The middle range zone variations are designed for most suburban town housing developments". Based on the R5 zoning by-law's general purpose statement, a different, lower density variation should be considered for this site, which is adjacent to the most restrictive, low density residential zone.

An additional possible zoning option for consideration, which allows for increased density, but in a form that is more compatible with the surrounding neighbourhood is R6-2, similar to the single story condos recently developed at 570 Windermere Rd.

In summary. Do not place the value of urban intensification and developer enrichment over the value of our properties and our neighbourhoods. Both the 1989 Official London Plan and the recent London Plan provide several policies that speak to the requirement

for balance, along with fit, compatibility and sensitivity for infill intensification development within existing neighbourhoods.

Best regards

Tony Mara

From:
Sent: Tuesday, October 23, 2018 4:02 PM
To: Planning <Planning@london.ca>
Subject: planned townhouses on windermere

Hello. I had a look at the planning proposal image for the townhouse to be built on Windermere and was very disappointed at the appearance. They look just like a student residence and are far from attractive!! I was thinking there might be pretty porches and/or balconies, but they are extremely ugly and certainly don't align with some of the gorgeous nature landscape in that area.

From:
Sent: Thursday, November 1, 2018 12:52 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Public Record

I realize that I have missed the deadline for comments, and that in any event, my residence being on Lavender Way, I have no formal rights of protest.

I nonetheless want to sensitize planning staff to the aesthetic aspects of these types of applications. Can any objective person make the case that the front elevation of these proposed units in any way harmonizes with their surroundings? The design is the familiar Contemporary Bunker style that is creeping into every low-mid price residential development in this city.

Even the awful colour tells the tale, and no doubt the material quality, though to code, will follow suit; materials such as wafer board use in joists, walls and (yes) roofing, no doubt exposed for long periods to the elements, thus heightening their urea formaldehyde emissions risk for the ultimate owners.

Such materials, I would argue, have no place in residential buildings, and certainly not as flooring and roofing. The product was never designed for such uses. Ask any home owner how their wafer board roof stood up to re-shingling, or if their floor creaks within five years of ownership.

Another \$50,000 is all it would have taken to make this an acceptable addition to the streetscape, but the developer has chosen to economize, knowing full well that he/she will obtain council approval to build. More power to them. This is a governance issue, not a developer issue.

We need designers who have cultural sensitivity at City Hall because you are the people who should be making the difference between mediocrity and street enhancement. Mediocrity seems to be the default these days.

I would have replied sooner, but have been out of the country for a month and only recently saw the sign on Windermere during one of my runs.

Charles

From: Brocklebank, Allan
Sent: Sunday, November 4, 2018 2:23 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: RE: 536 and 542 Windermere Rd.

Melissa:

Thanks for the response, to some of my questions and concerns.

Density:

I was aware of the provision that would allow for the density calculation to include the road widening dedication. The point I was making is that you are willing to accept this application at the highest permitted density (60 units / ha.) which is clearly not intended (in a the R5 zone) to be applied 'adjacent to lower density areas'.

Setbacks and Revised Notice of Application:

Your position becomes clearer now. If you don't get the definition you desire, you will facilitate this concession by moving the goal posts yet again. I'm having difficulty understanding the roll of the Planning Department; is it to acknowledge the concerns of the taxpayer or to do anything to aid the 'applicant' (I believe this is term you use)? From my point of view, the optics are bad, and have been from Day 1.

Prevailing Street Pattern:

You make the argument that a front yard context has not been established because of the adjacent rear facing properties. Hypocritically you have not heard the contention that the (norther most) north facing building is located (only 6m from the property line) using a minimum rear yard setback for a principle façade, which is completely out of context to the adjacent properties. Also, I'm not certain that The London Plan provides for 'bring(ing) the building towards the street' means on the street.

I note that you did not respond my other issues related to 'Fit and Compatibility'. What happens with these concerns?; Do these also become 'part of the public record' and otherwise ignored?

Melissa, this has been a very discouraging process for me (and for others). I naively thought I could be involved in a substantive discourse and to exercise my civic right. I endeavored to avoid nimbyism and thought I had stuck to the issues. I had hoped to engage you in a meaningful discussion that might result in an appropriate development, compatible with the neighbourhood. I feel my concerns have been discounted at every turn.

There is something significantly wrong with this process, in no shape or form, has this been a public consultation.

I'm afraid the fix is in, I don't anticipate any surprizes in your report (which I understand we'll receive just days before the PEC on Jan.7th).

Thanks for taking the time.

Allan Brocklebank

Agency/Departmental Comments

September 20, 2018: Development Services (Site Plan)

Based on the submitted drawings Site Plan offer the following comments for your consideration during the Zoning By-law amendment process for 536 Windermere Road.

- With regards to the easement for water:
 - The existing trees can remain (however there is no guarantee that they will be there in perpetuity – maintenance/emergency could see their removal). We will probably put something in the Development Agreement (“DA”) to this effect.
 - Site plan would seek protection of the existing trees within the easement as the site is within a tree protection area and the existing trees present a feasible option to retain developed treecover.
- With regards to the proposed reduce side yard setback:
 - A 1.7m setback, as requested, does not provide adequate space to provide for the landscaping and screening required under the Site Plan Control By-law. This requested setback is of particular concern as the need for screening is more pronounced in infill developments like the one proposed. Maintaining the buffer of mature trees as requested at Site Plan Consultation cannot be achieved by intruding to the proposed extent into the standard setback and removing those trees, both of which would be the case should the site plan be developed as proposed. Trees currently along the property line, require space to remain healthy long term.
- Further to the issues raised with the proposed setback, issues which could prevent future site plan approval are clearly present with regards to functional amenity space in the proposed site layout.
 - Section 2.5 of the Site Plan Design Manual speaks to daylight/sunlight, visual privacy, quiet and setbacks. Table 2.1 of the SPDM requires an 8m setback between habitable windows. Neither these objectives nor the regulatory standard are met by the less than 4.9m currently proposed between the north and south block of townhomes.
 - OBC requires private outdoor space in association with dwellings which is not contemplated for the units front the central sidewalk as proposed at this time. Furthermore amenity spaces required are to be separated by distance or screening, with the later not proposed and the later impossible given the proposed layout.
- Consideration should be given to alternate site arrangements should the client continue to seek the target density. Site Plan notes that:
 - *The London Plan* on a Civic Boulevard allows for height beyond 2 storeys another configuration which though greater in height allows for greater buffering would be preferable.

September 20, 2018: Development Services (Environmental and Engineering Services Department)

General:

The following items are to be considered during the site plan application approval stage:

- Based on the proposed access location, the existing streetlight and hydro pole may need to be relocated. The access will need to comply with the City’s Streets by-law.

Transportation:

No comments for the re-zoning application.

The following items are to be considered during the site plan application approval stage:

- Road widening dedication of 18.0m from centreline required on Windermere Road.
- Properties to be consolidated, or a joint access, or easement for access is required.
- Sidewalk fronting the property to be relocated to standard location and the boulevard restored with topsoil and sod.
- Access design and details will be discussed in greater detail through the site plan process.

Wastewater:

No comments for the re-zoning application.

The following items are to be considered during the site plan application approval stage:

- The sanitary sewer available for the subject lands is the existing 200mm sanitary sewer on Windermere Road. The 2 sanitary p.d.c.'s from the existing houses must be cut and capped as per the demolition permit at streetline.
- A new sanitary p.d.c. adequately sized by the Owner's Engineer and to City Standards will be required for the proposed buildings.
- Please note that there is an existing 7.0m wide sanitary sewer easement located on the adjacent property to the west and along the west limit of the proposed development. Refer to reference plan 33R-7820.

Stormwater:

No comments for the re-zoning application.

The following items are to be considered during the site plan application approval stage:

- The Site is not tributary to the existing 1050mm storm sewer on Windermere Road and therefore, the consultant is to confirm available surplus capacity in the 1050mm storm pipe and downstream system by running a storm sewer design analysis. On-site SWM controls should be design for the most restrictive condition between the peak discharge of storm run-off under predevelopment conditions and the available surplus capacity in the storm sewer. LID alternatives should also be explore.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- The owner agrees to provide an erosion/sediment control plan associated with any proposed LID features that will identify all erosion and sediment control measures to be used prior during and after the LID features are implemented. These measures shall be a component of the required Storm/Drainage Servicing Report along with any other identified erosion and sediment control measures for the site, all to the satisfaction of the City Engineer.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.

Water:

No comments for the re-zoning application.

The following items are to be considered during the site plan application approval stage:

- A new 19.0m wide municipal water servicing easement from the east property line of 542 Windermere to 19.0m west. The new easement shall be registered on title and shall be subject to the terms and conditions of the agreement.
- No buildings or encroachment for buildings within any part of the new easement will be permitted.
- No trees shall be located within the grassed area of the watermain easement.
- Ensure no impacts to the existing transmission watermain during the demolition of the existing building.

September 20, 2018: London Hydro

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

September 7, 2018: Upper Thames River Conservation Authority ("UTRCA")

- The subject lands are regulated and a Section 28 permit may be required. We recommend that the applicant to contact a UTRCA Lands Use Regulations Officer regarding the Section 28 permit requirements for the proposed development.

Appendix C – Policy Context

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

Provincial Policy Statement, 2014 (PPS)

Policy 1.1.3.1 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.2 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.3 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.4 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 1.7.1 Building Strong Health Communities, Long Term Economic Prosperity

Policy 2.6.1 Wise Use and Management of Resources, Cultural Heritage and Archaeology

Policy 2.6.2 Wise Use and Management of Resources, Cultural Heritage and Archaeology

1989 Official Plan

Section 3.1.1 vi) Residential Land Use Designations, General Objectives For All Residential Designations

Section 3.2 Residential Land Use Designations, Low Density Residential, Preamble

Section 3.2.1 Residential Land Use Designations, Low Density Residential, Permitted Uses

Section 3.2.2 Residential Land Use Designations, Low Density Residential, Scale of Development

Section 3.2.3 Residential Land Use Designations, Low Density Residential, Residential Intensification

Section 3.2.3.2 Residential Land Use Designations, Low Density Residential, Residential Intensification, Density and Form

Section 3.2.3.4 Residential Land Use Designations, Low Density Residential, Residential Intensification, Compatibility of Proposed Residential Intensification Development

Section 3.7 Residential Land Use Designations, Planning Impact Analysis,

Section 3.7.2 Residential Land Use Designations, Planning Impact Analysis, Scope of Planning Impact Analysis

Section 3.7.3 Residential Land Use Designations, Planning Impact Analysis, Required Information

Section 19.4.3 Implementation, Zoning, Holding Zones

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 59_2., 4., and 8. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 66_ Our City, Planning for Growth and Change

Policy 79_ Our City, City Structure Plan, The Growth Framework, Intensification

*Policy 83_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84_ Our City, City Structure Plan, The Growth Framework, Intensification

*Policy 90_ Our City, City Structure Plan, The Growth Framework, Primary Transit Area

Policy 154_8. Our City, Urban Regeneration

Policy 256_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 259_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 389_ City Building Policies, Forest City, What Are We Trying to Achieve

Policy 393_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 394_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 398_ City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach

*Policy 399_3. and 4. b. City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach, Protect More

Policy 497_ City Building Policies, Homelessness Prevention and Housing, What Are We Trying to Achieve

Policy 554_2. and 3. City Building Policies, Cultural Heritage, What Are We Trying To Achieve

Policy 557_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, The Register of Cultural Heritage Resources

Policy 565_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 566_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 567_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 568_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 574_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Individual Heritage Properties

Policy 579_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 581_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 586_ City Building Policies, Cultural Heritage, Specific Policies for the Protection, Conservation, and Stewardship of Cultural Heritage Resources, Individual Heritage Properties

Policy 608_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 609_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 616_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 617_ City Building Policies, Cultural Heritage, Archaeological Resources

*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

*Table 11 Range of Permitted Heights in Neighbourhood Place Type

*Policy 919_ Place Type Policies, Urban Place Types, Neighbourhoods, Approach for Planning Neighbourhoods – Use, Intensity and Form

*Policy 937_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods

*Policy 939_6. Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

*Policy 952_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Site Plan Approval for Intensification Proposals, Public Site Plan Approval Process

*Policy 953_2 a.-f. and 3. Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

*Policy 1578_ Our Tools Planning and Development Applications, Evaluation Criteria for Planning and Development Applications

Policy 1657_ Our Tools, Holding Provision By-law

Policy 1682_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

*Policy 1683_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

3.7 Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land use is a different housing type than the prevailing land use on the north side of Windermere Road, but is compatible. The intensity and form of development as requested by the applicant is not compatible. The recommended amendment would reduce the intensity development to provide for an alternative development form able to mitigate impacts on adjacent properties in manner that is compatible with the surrounding land use.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	It has not been demonstrated that the requested intensity can be accommodated on the subject lands in a form that is compatible with the receiving neighbourhood. The recommended amendment would reduce the number of dwelling units that can be achieved on the site, and would subsequently have the effect of creating more space for other site functions
The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and	The residential land in the vicinity of the subject lands is largely developed. The designation and the zoning is generally indicative prevailing use of the residential land for single detached dwellings. There are no vacant lands designated and/or zoned for cluster townhouse dwellings in the vicinity of the subject lands.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	N/A – the proposed development is not considered to be medium density residential development or high density residential development.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	As an alternative housing type, the proposed townhouse dwellings may help satisfy a diverse range of housing needs within the community, and would be inherently more affordable than the prevailing single detached dwellings.

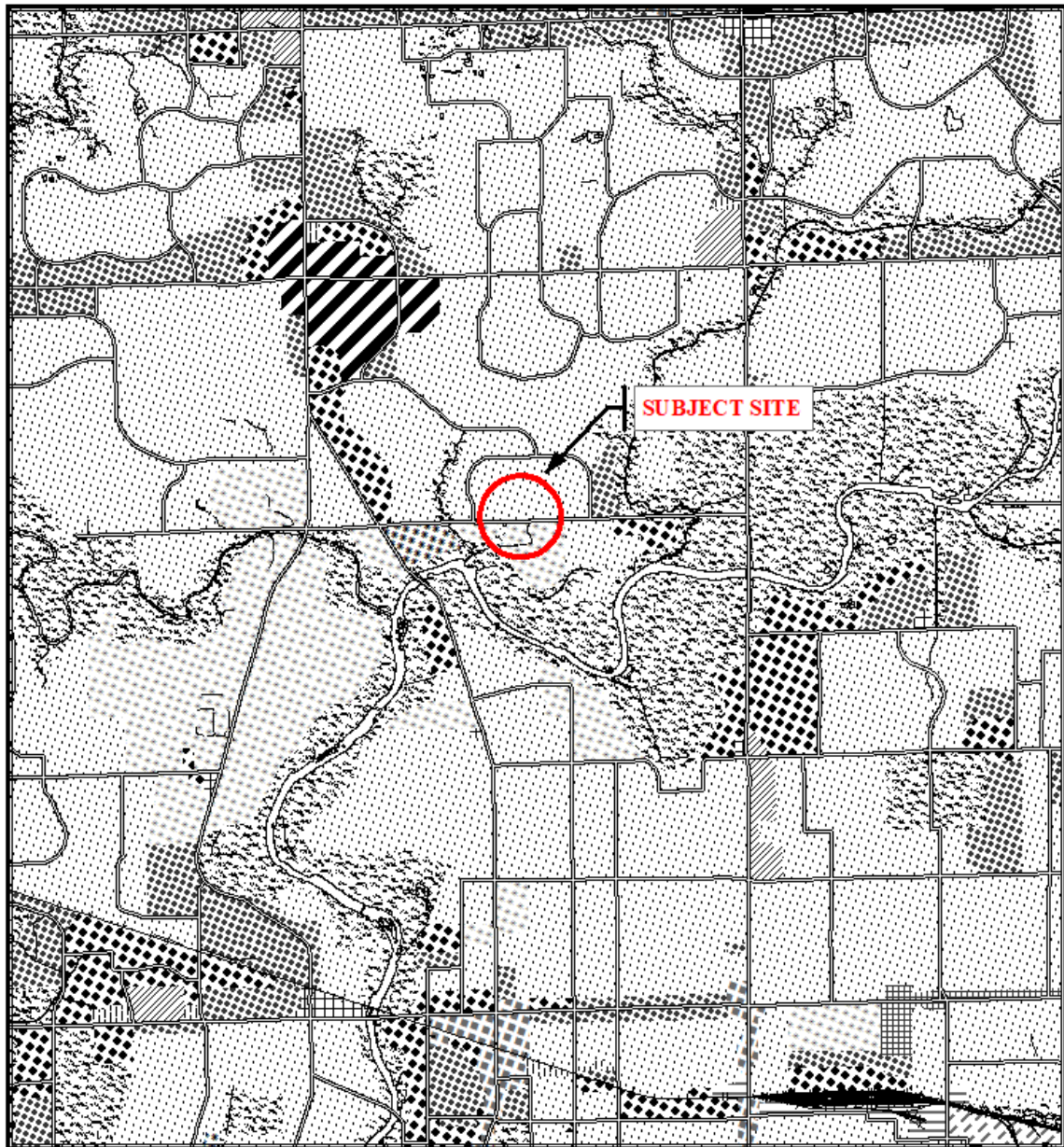
<p>The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</p>	<p>The scale or height of the proposed townhouse dwellings and their positioning on the site through the use of appropriate yard depths or setbacks, would preserve the low-rise, low-coverage character of the receiving residential neighbourhood, and impacts on adjacent properties such as shadow, overlook, noise and light penetration would be mitigated through a combination of yard depth and appropriate space for landscape screening. Reducing the number of townhouse dwellings that would be permitted on the subject lands would provide for an appropriate separation distance between buildings on the subject lands for the provision of daylight, natural ventilation and privacy.</p>
<p>The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;</p>	<p>Through the Site Plan Approval process the number of dwelling units and/or positioning of the dwelling units on the subject lands may need to be revised to accommodate the retention and protection of existing trees along the boundary of the site. The recommended reduction in the number of dwelling units that can be achieved on the site should assist in the goal of maximizing tree preservation and retention on the subject lands.</p>
<p>The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties</p>	<p>Transportation Planning and Design was circulated on the planning application and development proposal and did not comment on the driveway access or traffic to be generated by the proposal. Windermere Road is a high-order street and is intended to move medium to high volumes of vehicular traffic at moderate speeds. The recommended amendment and total number of dwelling units (12), it could add along Windermere Road is not expected to affect capacity of the Windermere Road in a significant way.</p>

<p>The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;</p>	<p>The 2 ½ -storey, approximately 8 metre scale or height of the proposed townhouse dwelling is consistent with the heights that can be achieved on adjacent residential properties. The massing (bulk) of the proposed townhouse blocks is likely to be affected by the recommended reduction in the number of dwelling units that can be achieved on the site. Concerns regarding the layout of the townhouse blocks on site (setback to adjacent properties and separation distances between the buildings on the same site) would be improved by the recommended reduction in the number of dwelling units and recommended increase in the westerly minimum interior side yard depth. The massing (bulk), scale and layout of the proposed buildings will be reviewed and evaluated in greater detail through the Site Plan Approval process.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>Natural heritage features and functions and cultural heritage resources, outside of potential archaeological resources, are not expected to be affected by the proposed development. A holding provision is recommended to ensure that the subject lands are assessed for the presence of archaeological resources prior to development or site alternations that would involve soil disturbance.</p>
<p>Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;</p>	<p>The watermain and associated easement located on the easterly-most portion of the subject lands is a constraint to the location of buildings and permanent structures on the subject lands. The recommended amendment would reduce the number of dwelling units that can be achieved on the site, and would subsequently have the effect of creating more space on the site for other site functions.</p>

<p>Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and</p>	<p>The recommended amendment is expected to result in revisions to the proposed form of development. The proposed form of development will be required to conform to the in force Official Plan policies and comply with the City's regulatory documents prior to approval of the ultimate form of development through the Site Plan Approval process. The requested separation distance of approximately 4.9 metres between the proposed buildings on the subject lands would not be consistent with the City's Site Plan Control By-law. The recommended amendment would permit fewer townhouse dwellings on the subject lands than requested by the applicant, which would provide more space for a greater separation distance between buildings on the subject lands and ultimately improve the form of development. An appropriate separation distance will be determined through the Site Plan Approval process.</p>
<p>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;</p>	<p>Concerns that the requested amendment and conceptual site plan did not do enough to mitigate adverse impacts on adjacent residential properties were addressed by Staff's alternative recommendation. The recommended amendment would reduce the maximum permitted height to the match the standard condition permitted in the Residential R1 Zone variations that surround the subject lands to be compatible with the scale of development that could be achieved on the adjacent residential properties. The recommended amendment would provide appropriate yard depths consistent with the yard depths that would be required for a building of a similar height in the Residential R1 Zone variations that surround the subject lands and provide sufficient space for landscaped screening as a buffer to adjacent residential properties. The recommended amendment would reduce the number of dwelling units that could be achieved on the site creating more space for other site functions.</p>
<p>Impacts of the proposed change on the transportation system, including transit</p>	<p>The residential intensification of the subject lands would support public transit by increasing potential ridership along existing bus routes.</p>

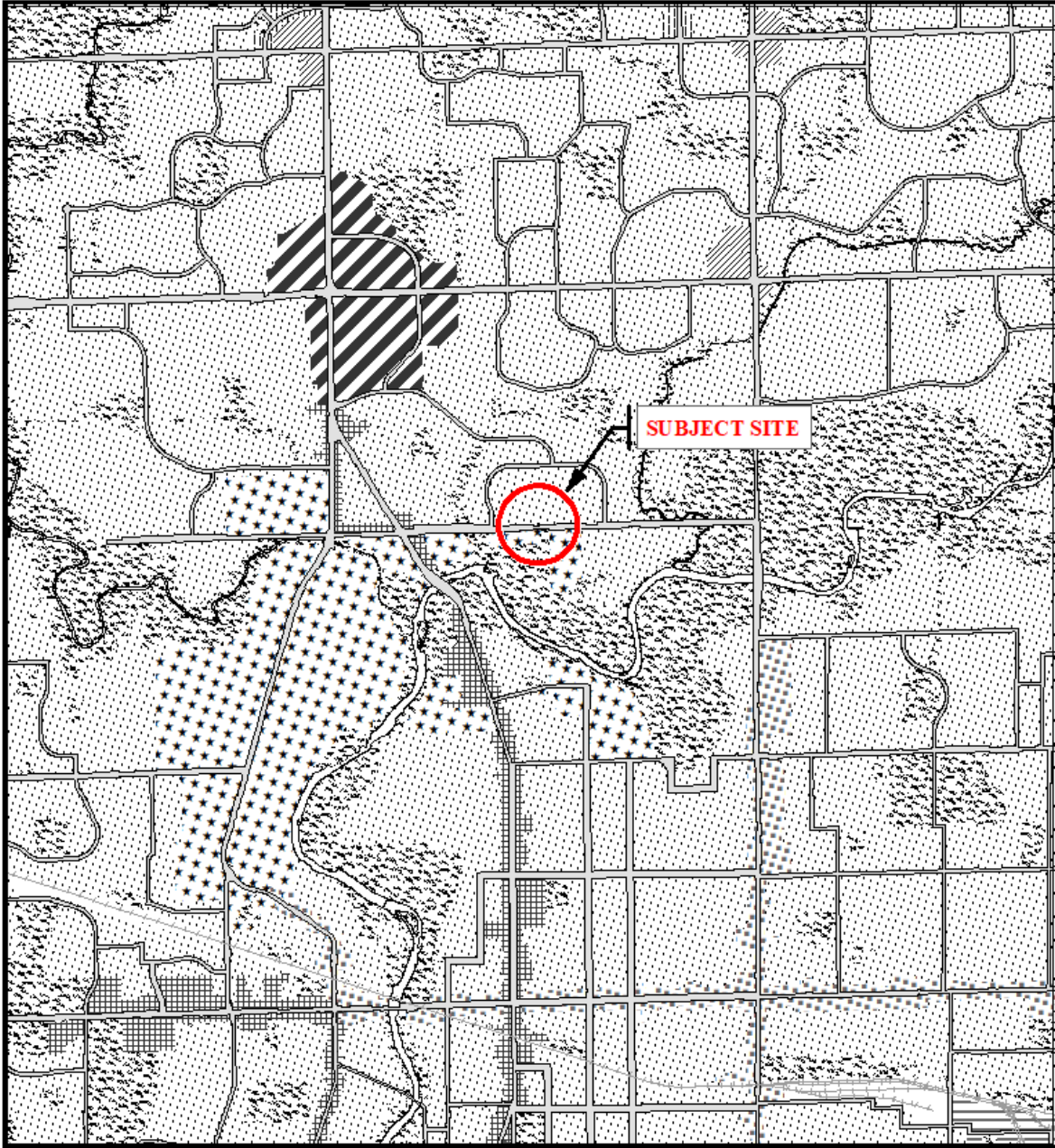
Appendix D – Relevant Background

Additional Maps



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8945</p>
		<p>PLANNER: MC</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/11/14</p>



Legend

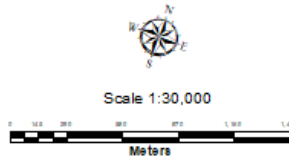
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|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor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

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

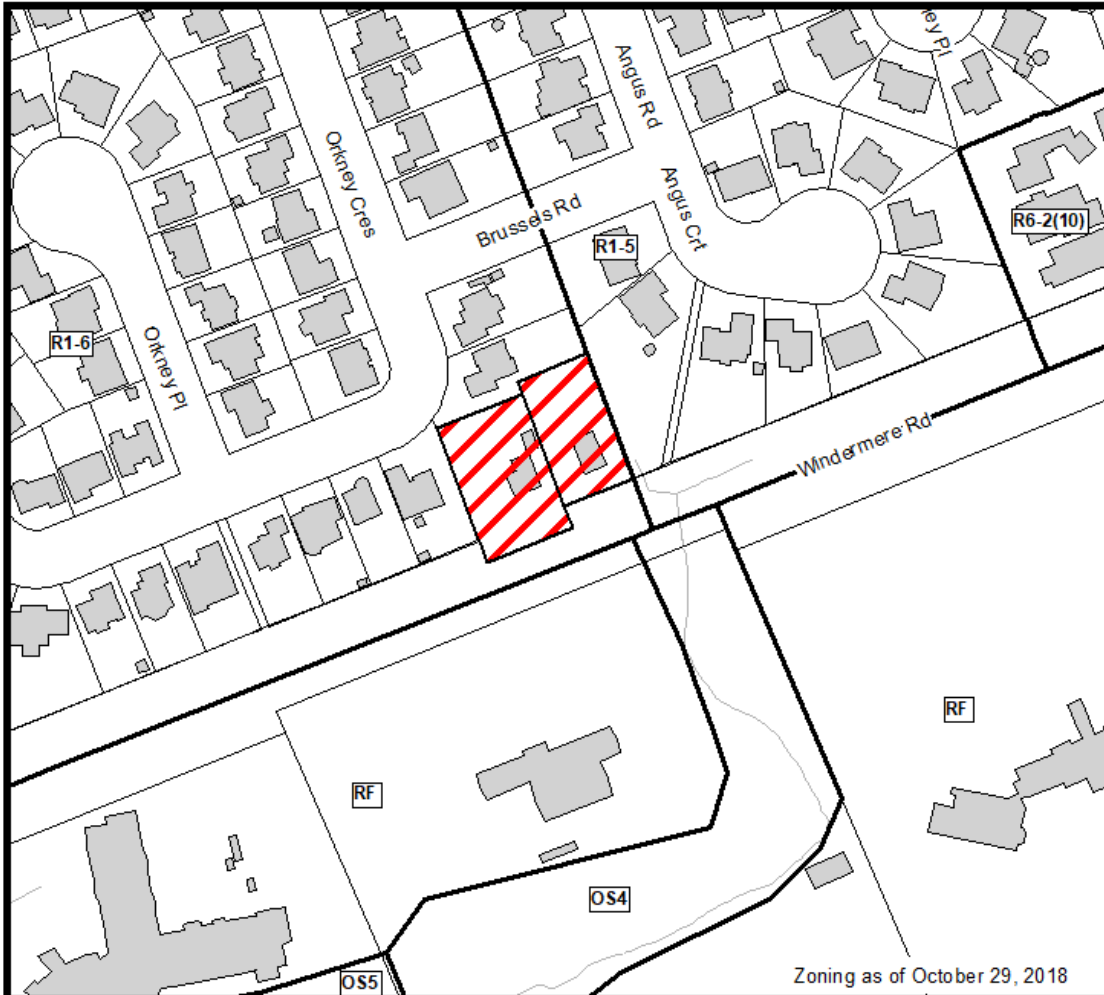
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
 Planning Services /
 Development Services

LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



File Number: Z-8945
Planner: MC
Technician: MB
Date: November 14, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-6

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "H" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
 BY-LAW NO. Z.-1
 SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

Z-8945

MC

MAP PREPARED:

2018/11/14

CK

1:2,000

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