

City of London Councillors,

You will be asked to make a determination regarding ZBA application Z-8945. I would like to offer you some points to consider:

1. This is not the usual case of the community saying no to any development.
 - We have accepted the basic re-zoning and have not fought the concept of development on this site
 - We are simply asking for some controls on the amount of development - by providing adequate buffer space between the adjacent properties and this significantly more populous development - buffer space sufficient to protect and preserve the trees along the perimeter of the adjacent properties
2. Our primary ask is to require the standard R5 by-law rules to be followed regarding the westerly interior side yard setback.
 - Is this really asking so much? To stick to the standard rules as laid out in the by-law?
 - There are several trees on the adjacent property to the west, located close to the property line and which may be compromised if the building is built too close to the property line.
 - The staff recommendation is a 3m side yard setback. We have provided evidence that the critical root zone of these trees extend beyond this limit.
 - When 3m is not just 3m. A question to ask: How much closer to the property line do you need to excavate in order to establish the wall of the building 3m from the property line.
 - Are planning staff's recommendations regarding a side yard setback less than the zoning standard supported by policy? The planning staff have not provided any specific reference to policy or section of the zoning by-law that supports this specific recommendation.
 - Will a decision based on this staff recommendation survive an appeal?
3. Our secondary ask is for strong language to direct site planning to protect and preserve the perimeter trees in close proximity of the adjacent properties.
4. One additional request for consideration - to limit the front yard encroachment to no closer than the standard allows. The developer is asking to be allowed to place the front amenity spaces, extending out from the building to as close as 0.2m (20cm - 8 inches) from the front property line. The public side walk will be little more than 1m away from these amenity spaces, which is not the intent, as outlined in the site plan control by-law (see attached image).
 - The London Plan calls for maintaining and "activating" the streetscape. We understand this and not fighting the requested reduced front yard setback of 2.1m, which corresponds with the current defined street face along Windermere Rd.
 - This is a popular, well trafficked pedestrian area - and only sidewalk available on Windermere Rd. To allow portions of the buildings to be placed so close to the public realm is not appropriate and does not represent the character of the area/neighbourhood, or a positive representation of London's development standards. It goes too far, or in this case, too close. The standard allowable encroachment is 1.2m. Why not maintain the standards?

5. Some additional points to consider about this site and the application before you:
- While total space for these combined properties measures .278 hectares, because of the easement along the eastern side of the site to protect a major city water main, the developable space is reduced to 0.165 hectares. A 32% reduction!
 - Both buildings must fit on to one of these lot spaces.
 - The reason for the multiple requests for setback relief is directly related to the density the developer is seeking for this compromised site. You will be told that they have given on their initial density requests. What you won't be told is that their original request was beyond reasonable for the site and the area, compelling staff to reduce the zoning designation to a lower density
 - You will be told that the developers have reduced their building footprint by as much as 20%. What you will not be told is that the total "envelope" which defines the amount of the lot space required for this multiple building development has not changed much at all, even after reducing the # of units 25%. Essentially, the only reduction in the total "envelope" / lot space consumed is 1.7m - through an increased rear yard setback.
 - Which means that this development still imposes a similar impact relative to our adjacent properties, especially the property to the west where the side yard setbacks remain at 3m (to the building wall) from the property
 - You will be told that this side yard setback should be no big deal because there are no windows proposed for the end walls facing this adjacent property to the west. This is not accurate. This is not your standard side yard setback. While no windows are contemplated at this time for the end walls directly facing the property to the west, the separation space between the buildings where primary entrances and significant glazing (windows) and "private" amenity spaces are planned are directly in line of site with the home and yard of the adjacent property. These entrances, windows and amenity spaces are relevant and need to be given additional consideration when weighing the appropriate side yard setback (see attached image).
 1. Incidentally, the standard R5 zoning rules for a side yard setback to a wall with windows is a minimum 6m.

Staff, the PEC or council have not been presented with an overwhelming, compelling reason to support this specific development application. While it does represent infill development with increased density, no one seems to be considering if it will be a positive addition to the Windermere area or the city, as currently proposed.

Councillors, you are stewards of our city. Part of your responsibility is to look out for the best interests of our city and our neighbourhoods. It is your duty to serve as an assessor and arbiter of new development in our city - a final check and balance to ensure that the city's planning staff's recommendations are in the best interest of the city and the individual neighbourhoods. If not, what is the purpose of having a planning committee or even council voting on these zoning amendment applications?

We have presented significant and compelling evidence to support our request to maintain the zoning standards for the side yard setback as well as the importance of establishing a buffer sufficient to protect and preserve the perimeter trees.

We are not asking you to say no to this development out right. We are asking you to establish the limits on what does fit on this specific site, and in such a way that it will, as best as possible, fit within the context of the adjacent properties and surrounding neighbourhood.

Thank you for your consideration

Tony Mara