

November 12, 2012

Chuck Parker  
The City of London  
Planning Division  
P.O. Box 5035  
London, Ontario  
N6A 4L9

Dear Mr. Parker:

RE: Beaufort/Gunn/Saunby/Essex ("BIGS")  
Neighbourhood Area Study

My name is Edgar Alan Smuck. I am a permanent resident at 928 Western Road and have lived on this street for the last 28 years. I would like to take this opportunity to say that I am totally against the recommendations in the BIGS report prepared by Peter J. Smith for the following reasons:

NO PUBLIC SUPPORT

On page 10 the report states that "...public involvement was a critical part of this study" leaving the reader with the impression that the recommendations in the report reflect wide public support. Nothing could be further from the truth!

I attended the public meetings that were held on the evenings of May 23, 2012 and June 20, 2012. There was supposed to be a third public meeting sometime in July but, as far as I know, it was never held.

It was clear by the beginning of the second public meeting that the public had equally divided itself into two opposing groups.

One group wanted the properties in the study area to remain unchanged and expressed concern that too many dwellings were being converted to student rental housing or were being demolished and replaced with student rental housing and they wanted controls put in place to prevent more student dwellings from invading the neighbourhood. This scenario was generally presented to the public by Peter J. Smith as the First Alternative or PRESERVE MODEL.

The other group wanted to see highrise apartment buildings constructed along the Wharncliffe Road North/Western Road corridor that would rise as high as 21 stories and reduce accordingly in height as they were constructed away from the arterial corridor toward the Thames River and toward Platts Lane. This scenario was generally presented to the public by Peter J. Smith as the Third Alternative or URBAN MODEL.

Clearly, at the two public meetings that I attended,

2

there was no public support for the Second Alternative, or what Peter J. Smith called the VILLAGE MODEL, which Mr. Smith has now embraced. Hence, I believe it can be correctly said that Mr. Smith's recommendations are in spite of the public's input rather than because of the public's input.

But, I am not against Mr. Smith's recommendations only because there was no support for the VILLAGE MODEL at the two public meetings. There are many other reasons why I do not support Mr. Smith's plan which I hereby continue to outline:

#### ELIMINATION OF ALL HOMEOWNER RESIDENTS

If Mr. Smith's recommendations are carried out, the study area would see the total elimination of all the permanent homeowner residents and their properties replaced with duplexes, four-plexes, rowhouses, mixed use townhouses and a few 8 storey apartment buildings built between Grosvenor Lodge and Platts Lane. There would be no single family houses left with permanent residents. If there were to be any new permanent residents it is almost certain they would all be renters and not owners and if there ever was a non-student permanent resident rental population component it would eventually erode into an overwhelmingly student rental transient population. I don't consider this scenario of a totally student rental transient population to provide for a good mix of residents and, hence, this is one of the reasons I do not support Mr. Smith's plan.

On the other hand, the highrise alternative that I supported at the two public meetings envisioned single family homes on the outer horseshoe of Cedar Avenue and on the portion of Wharncliffe Road North that abutted the Thames River. Additionally, there would be single family homes on the east side of Gunn Street and on a substantial portion of Essex Street as it approached Platts Lane. The only reason the highrise plan saw duplexes on Saunby Street, Irwin Street, Beaufort Street and on the west side of Gunn Street and the south side of Essex Street where it approached Wharncliffe Road North was because that is what the present zoning allows; however, it would not be beyond reason, given the substantial increase in human density pursuant to the apartment buildings in the highrise alternative, that the block bounded by Gunn Street, Saunby Street, Irwin Street and Beaufort Street could be zoned back to single family.

Additionally, in the highrise alternative (not necessarily envisioned by Mr. Smith, however) it was planned that the top 25% of the floors in each 16 to 21 storey apartment building would be condominium ownership that would house permanent residents who worked at the university, worked downtown or were retired while the lower 75% of the floors of each apartment building would house students from UWO. Also, it would be possible for permanent residents who did not want an ownership interest to rent one of the condo units in the upper 25% portion of each apartment building. Furthermore, in each highrise apartment tower, to better separate the permanent residents in the upper 25% of the

floors from the transient student residents in the lower 75% of the floors there would be two different banks of elevators. One bank of elevators would be high speed and go only from the first floor to the top 25% of the floors. The other bank of elevators would run at normal speed and go only to the lower 75% of the floors.

Hence, on balance, I consider this highrise alternative situation that I have just outlined to provide for a much better mix of permanent residents and transient student rental residents while still keeping them reasonably separated.

ONLY SUSTAINABLE IF LAND VALUES ARE DECREASED

I don't think Mr. Smith's vision is economically workable pursuant to current land values because, with the exception of the 8 storey apartment buildings planned between Grosvenor Lodge and Platts Lane, Mr. Smith's vision would pretty well see redevelopment with what is basically already there yielding only a marginal increase in human density.

For example: 939 Western Road is comprised of 6 acres of land currently having 5 three-storey walk-up apartment buildings. Each apartment building has 21 units with an average of 51 bedrooms per building for a total of about 255 bedrooms for all 5 buildings. Based on what the current owners recently paid it is logical to assume that the entire project will re-sell for approximately \$12,000,000 or about \$2,000,000 per acre. Given Mr. Smith's recommendation of limiting each new unit to a maximum of 3 bedrooms, I can't imagine any prudent developer paying \$12,000,000 for the land and then building back basically what is there now.

Hence, the only way redevelopment can occur under Mr. Smith's plan would be for land values to be DEPRESSED SHARPLY so that the expected marginal increase in human density and its corresponding marginal increase in rental revenue could logically be related back to land costs.

I note that nowhere in Mr. Smith's report does he mention that he has discussed this sustainability issue, pursuant to current land values, with anyone in the development community. Hence, because I believe Mr. Smith's plan would lead to an overall lowering of land values in the study area I can not support Mr. Smith's plan.

On the other hand, the highrise alternative I have spoken about above has been discussed with two major developers, well known to City Hall, who are based right here in London. Both developers have said that they would build here if City Hall re-zoned the land along the Wharncliffe Road North/Western Road arterial corridor. And, pursuant to this highrise alternative, there is no doubt in my mind that it would lead to INCREASED land values for ALL properties in the study area which includes the single family homes that would remain, for example, on the outer horseshoe of Cedar Avenue because under the highrise plan that I supported (but

4

not necessarily envisioned by Mr. Smith) Cedar Avenue would dead-end in a cul-de-sac, would be heavily buffered through intelligent landscaping, and no vehicular traffic from Cedar Avenue would enter or exit the two highrise apartment buildings that would be constructed on the inner horseshoe.

#### PUBLIC TRAILS

Mr. Smith's plan would see a myriad of public trails to connect all the redevelopment together and supposedly enhance a sense of community. One of these public trails, that would begin at Western Road and go to the Thames River, would run through the back yards of the EXISTING dwellings on the inner horseshoe bounded by Wharncliffe Road North (where it turns and goes to the Thames River), Western Road and Cedar Avenue.

Another public trail would be created along the back yards of the EXISTING single family homes that abut the Thames River on Cedar Avenue and Wharncliffe Road North. Presently these properties on Cedar Avenue and Wharncliffe Road North that abut the Thames river own their land to the river's edge.

It has been my experience that public trails like this often draw the wrong kind of people who leave a legacy of scattered garbage, unwanted noise, drug use, property damage, empty beer cans and broken liquor bottles.

Hence, I believe the public trails that Mr. Smith envisions would create an atmosphere that would drive away normal family-type people who wouldn't want a security nightmare at the rear of their dwelling and for this reason I can't support Mr. Smith's idea of all these public trails running through the back yards of residential dwellings regardless of who will be living there.

Conversely, the highrise alternative that I support does not contemplate a maze of unsupervised (and presumably unlit) public trails running through anyone's back yard.

#### PRIVATE ALLEYS

In addition to the myriad of public trails, Mr. Smith's plan would see a system of private alleys at the rear of the mixed use properties (that will house businesses on the first floor and residential dwellings on the second and third floors) that will be either converted or built along both sides of Wharncliffe Road North from the railway overpass to Essex Street so that automobiles can come and go.

When I lived in another city that had a similar system of public alleys behind residential dwellings I found that in addition to aiding vandalism, fostering drug use and generally attracting all the wrong kinds of people it promoted an enormous number of break-and-enters because anyone could easily access the rear yards that abutted the alleys. Hence, pursuant to Mr. Smith's plan for this system of alleys, I can't imagine anyone in their right mind wanting

to live above ground-floor-businesses in an atmosphere where the security of the dwellings abutting the alleys was always in question. It is, therefore, for the reason of reduced security resulting from private alleys that I can not support Mr. Smith's recommendation for these private alleys.

In the highrise alternative that I support, however, there is absolutely no thought of creating alleys (public or private) at the rear of any property. In the highrise plan every thought toward the security and safety of the residents would be paramount.

THE COMMERCIAL COMPONENT

Mr. Smith's plan would see wide sidewalks lined with various commercial shops on both sides of Wharncliffe Road North from the railway overpass heading toward UWO and on the easterly side of Western Road from Essex Street to Cedar Avenue. Some of these commercial ventures are contemplated to have outdoor seating on part of the wide sidewalk on what Mr. Smith calls "the promenade" as detailed on page 24 of his report.

Because of the marginal increase in human density involved in Mr. Smith's plan (as I outlined above relevant to depressing property values as redevelopment occurred) there will not be enough people living in the "village" to sustain all these new commercial ventures. The net result, as I see it, is that if these commercial ventures did occur they would have to draw customers from other parts of the city and that would require a big advertising budget for each business.

These kinds of large advertising budgets are only possible in very high profit businesses like bars. So, on Friday and Saturday night as people drive up this new gateway (or promenade) leading to UWO they will see the drunks from Richmond Row flooding into what was supposed to be a quaint village atmosphere. I know that I would not want to live in an environment like this and I don't think many other responsible people would want to either. Hence, for this reason of economic unsustainability of the commercial component recommended for the study area, resulting from only a marginal increase in human density, I can not support Mr. Smith's plan for the greatly increased commercial activity in the study area.

The highrise alternative, however, offers a different approach to a commercial environment in the study area. In this scenario only the main floor, basement and possibly the second floor of the 21 storey highrise apartment building, which would be located in the center of the study area, would have a commercial component. Most of these shops and offices would be accessed from INSIDE the apartment building. If there was a bar it would contain all activity to inside the building and function like a high-class lounge and would not need to attract all sorts of transients from other parts of the city (or from outside the city as was the case pursuant to the St. Patrick's Day riot) because the cluster of newly

6  
constructed apartment buildings would provide all the people necessary to support the various commercial activities contemplated for the study area.

### MANAGING THE STUDENTS

Mr. Smith's study touches on the problem of how to go about supervising the student tenants of the existing rental properties and those in the myriad of new duplexes, four-plexes, rowhouses and townhouses that he thinks should form the core of the dwellings that would house the new student population for this part of the city.

His study suggests that the City might want to consider passing a bylaw that would require a manager for clusters of dwellings. The only thing absent from this suggestion is exactly how such a plan could be implemented given the fact that there will be many different owners involved here. Common sense tells me that such a management plan is unworkable and can not be implemented. This unworkable management plan for supervising tenant behaviour, therefore, is yet one more of the reasons I can not support Mr. Smith's report.

The highrise alternative, on the other hand, easily solves this problem of tenant supervision (student or otherwise). If a developer invests \$25,000,000 to \$40,000,000 in a highrise apartment building you can be sure that someone is going to be in that building at all times to guarantee that such a large investment is fully protected and that the tenants are thoroughly supervised.

Here is EXACTLY how tenant supervision would work in the highrise alternative: If the occupant was a student they would NOT be the tenant. Rather, his or her parent(s) would be the tenant(s). The student would merely be the occupant. Under this situation the student, as occupant, does NOT have the protection of The Residential Tenancies Act. Only the parent(s) have that protection because they are the only people who are permitted to sign the lease. If the occupant and/or their friends cause any trouble the 24 HOUR ON-SITE-MANAGER will remove them on moment's notice. If the occupant or their friends refuse to leave the 24 HOUR ON-SITE-MANAGER will have the police escort them off the premises and if they return the 24 HOUR ON-SITE-MANAGER could have them arrested and charged with trespassing under The Criminal Code of Canada. Meanwhile the parent(s) credit card would continue to be billed for the monthly rent on the apartment unit until the end of the lease. This situation of GUARANTEED TENANT SUPERVISION is one of the strongest reasons why I support the highrise alternative for the study area.

### WHERE SHOULD UWO STUDENTS LIVE?

On page 54 of Mr. Smith's report he summarizes the "overview" of several other studies which have been done by the city of London. One of the studies said that the demand for student housing in residential neighbourhoods should be

7

controlled by "exploring avenues to increase student housing in more appropriate areas." Hence, as I see it, Mr. Smith's report implies that there shouldn't be too many UWO students living in this part of the city because this "residential neighbourhood" is inappropriate for students. And I assume it is for that reason he limits the NEW housing in his plan to pretty much what is already there increasing the human density, on what could be properly described, as only "a very marginal increase" by mandating that all newly constructed dwellings will have a maximum of 3 bedrooms.

Nowhere in Mr. Smith's report, however, does he make any mention of any other off-campus residential area of the city that is MORE appropriate for UWO students. If there is a MORE appropriate residential area of the City to house large numbers of UWO students then I think it is incumbent upon Mr. Smith to tell us where that is. I believe, however, the truth of the matter is that there is no more appropriate residential area of the city to house UWO students than RIGHT HERE. On page 9 of Mr. Smith's report he points out that, pursuant to this study area, "...the number of total usual residents is down from 2006, showing a likely increase in students in the neighbourhood." Effectively then, more and more homes in this area of the city are either converted to student rental or redeveloped for student rental each year and I believe that is because of this area's very close proximity to UWO.

It is exactly this "close proximity to UWO" argument that makes me favor the highrise alternative as opposed to Mr. Smith's plan of permitting only "a very marginal increase" in the student population for this area of the city. Clearly, this area of the City is the MOST appropriate area in which to substantially expand student rental because of its close proximity to UWO and the highrise alternative permits that expansion under a CAREFULLY SUPERVISED ENVIRONMENT. Conversely, Mr. Smith's plan involving an enormous collection of duplexes, four-plexes, rowhouses and townhouses can not rationally achieve this high level of supervision regardless of the number of students that his plan permits.

It is for the above reasons of CLOSE PROXIMITY TO UWO and achieving an implementable SUPERVISED ENVIRONMENT for students that I support the highrise alternative and do not support Mr. Smith's plan which does not recognize the appropriateness of this residential area of the city to house a large number of students and can not logically or rationally achieve a desired level of supervision for any number of new transient student dwellers that his plan contemplates.

#### TAX REVENUE

It was revealed in Mr. Smith's study that the City plans to widen Wharncliffe Road North north of the railway overpass to where it meets Western Road and from there to where Western Road meets Platts Lane. The widening of these two

8

roads would occur in 2020. This road widening, which is needed to alleviate automotive congestion and an already dangerous situation for pedestrians, due to the fact that there is presently no sidewalk on the westerly side of Western Road, isn't the real problem for the City.

The real problem here is the widening of the railway overpass on Wharncliffe Road North just north of Oxford Street. Discussions I have had with the City's engineering department have led me to believe that in 2020 the estimated cost of the widening of the railway overpass together with the roadwork could approach \$30,000,000. Where is the City going to get this money? The most logical method is for the City to float a debenture with the customary 10% yearly interest rate payment of \$3,000,000. So now the City only has to come up with \$3,000,000 each year to cover the interest on the \$30,000,000 debenture and the best way to do that is for a NET increase in the tax assessment which would generate \$3,000,000 per year in new taxes paid to the City.

How much NET increase in assessment is required to generate \$3,000,000 per year? I estimate, based on the taxes that I and many other Londoners pay, that the yearly taxes are about one percent of the assessed value. Therefore, it would require a NET increase in assessment of \$300,000,000 to generate \$3,000,000 per year in new taxes.

Unfortunately, I can't see how Mr. Smith's plan for redevelopment can come anywhere near to generating a NET \$300,000,000 in new development in the study area because, with the exception of the proposed 8-storey apartment buildings to be built between Grosvenor Lodge and Platts Lane, his plan pretty much puts back what is already there with only a very marginal increase in human and ultimately building (assessment) density.

I don't think Mr. Smith's report has properly addressed the large parcels of land in the study area that have defined boundaries FOR REDEVELOPMENT PURPOSES like the inner horseshoe bounded by: Wharncliffe Road North (where it turns and goes toward the river), Western Road and Cedar Avenue (that's about 8 acres) or 939 Western Road which presently contains five 3-storey apartment buildings (that's about 6 acres) all of which could be redeveloped for highrise apartments which would permit the City to drastically increase tax revenue while providing much needed SUPERVISED housing for students and also a place for permanent residents to live both in the apartment buildings to be constructed and in the single-family free-standing homes that would be allowed to remain.

Hence, the only way the city of London can find the \$3,000,000 necessary to pay the interest on the \$30,000,000 debenture to fund the new railway overpass and the related roadwork in this area of the city is to get that money from NET increased assessment in some other area of the city and/or RAISE EVERYONE'S TAXES.



9

Therefore, Mr. Smith's plan of allowing for only a marginal increase in density and how it would result in negatively impacting the City's ability to generate new tax dollars is yet another reason why I can not support his plan.

Conversely, the highrise alternative that I support for the study area, I estimate, will generate AT LEAST a NET \$3,000,000 in NEW tax revenue on the assumption that there will be at least 8 to 10 new highrise apartment buildings with an average assessed value of \$35,000,000 each. It could even be better than this if more scaled down apartment buildings are added to the mix and to here I refer to the lower-height-apartment-buildings that Mr. Smith thinks could be placed between Grosvenor Lodge and Platts Lane. Additionally, it would not be unreasonable for the lowest highrise apartment building, built well off the arterial corridor, to be 12 stories high rather than just 8 stories high as Mr. Smith proposes.

As a point of interest, during the two public meetings there was NEVER any discussion about limiting any highrise apartment building in this part of the city to just 8 stories and I note that Mr. Smith gives no reason, rational or otherwise, for doing so.

#### NON-COMPLIANCE WITH THE MOST UP TO DATE COURT RULING

Mr. Smith's report recommends that the City should pass a bylaw limiting the number of bedrooms in the study area, in all new construction, regardless of the type of construction (duplex, four-plex, rowhouse, townhouse or apartment building), to a maximum of 3 bedrooms per unit. The units where people would live would, of course, have a "family" zoning as opposed to a "rooming house or lodging house" zoning.

Presumably, the rationale for this 3 bedroom cap is to limit the number of students in any new unit to 3 and thus severely limit the total student population in the study area. It was not necessary, however, for Mr. Smith to recommend this severe limitation on student occupation of a "family" zoned dwelling because it has already been done MORE SEVERELY by the Superior Court of Ontario in 2008 where a judge limited "family" zoned dwellings to 2 students.

The 2008 case is called *Neighbourhoods of Windfields Limited Partnership v. Deeth* (pronounced Deeth) and it dealt with 30 houses in Oshawa that were zoned for a "family" use and were being rented to students who were attending Durham College. The judge, Mr. Justice Howden of the Superior Court of Ontario, found that 28 of the houses had more than 2 students and he ordered the students in those 28 houses to vacate. By deduction here is what the judge said:

More than 2 students occupying a "family" zoned dwelling, in a rental contract for up to one year, do NOT constitute a "family" under the Zoning Act. Rather, they constitute

10

the occupants of a "rooming house or lodging house" and unless their dwelling has the zoning of "rooming house or lodging house" their occupation, under the Zoning Act, of that dwelling is illegal. And it doesn't matter whether or not all the student dwellers signed the lease.

At the first public meeting I attended, the manager of city planning and research for the city of London pointed out that London currently permits a maximum of 5 bedrooms in a dwelling unit and that this 5 bedroom limit was upheld by the Court. He thought that this meant that up to 5 students could legally occupy a "family" zoned residential dwelling here in London. Up to the 2008 decision in the Windfields case, as it has come to be known, it might have been possible to get the interpretation that 5 students could legally occupy a "family" zoned dwelling here in London. But the Windfields case has changed that interpretation drastically.

As far as I can determine, London's Court-upheld case (which occurred before 2008) dealt only with the maximum number of bedrooms permitted in all new residential construction and not specifically with WHO COULD, AND COULD NOT, live in the dwelling. The Windfields case, on the other hand, dealt SPECIFICALLY with the maximum number of STUDENTS permitted to live in any "family" zoned dwelling in Ontario and the judge set the limit at TWO STUDENTS in RENTAL CONTRACTS running up to ONE YEAR.

The Windfields case was decided by Mr. Justice Howden in the Superior Court of Ontario in August of 2008. It was upheld by the Appeal Court of Ontario in March of 2009 and was refused leave to appeal to the Supreme Court of Canada in November of 2009 which makes this ruling the law for Ontario but not all of Canada because the Supreme Court of Canada refused to hear the case and let the Appeal Court of Ontario decision stand (upholding the Superior Court judge's decision for Ontario). (For those who don't know, the Superior Court of Ontario used to be called the Supreme Court of Ontario.)

What Mr. Justice Howden effectively did in his ruling was define IN LAW for the FIRST TIME EVER exactly what constitutes a "family" pursuant to a municipality's Zoning Act and more importantly what does NOT constitute a "family." While London's Court ruling, that the planning official was referring to, upheld the 5 bedroom limit for each residential "family" zoned dwelling unit, this judge in the Windfields case has limited the number of STUDENTS to TWO that can live there regardless of the number of BEDROOMS contained in the dwelling. For example, all of the 28 houses involved in the Windfields case had at least 4 bedrooms and quite a number of them had as many as 8 bedrooms.

In the light of Mr. Justice Howden's ruling, the question now arises as to how may a group of students constitute a single and independent housekeeping unit or "family" that is LEGAL under a municipality's ZONING ACT in

11  
Ontario pursuant to that part of a municipality's Zoning Act where residential buildings are zoned for a "family" use.

From what Mr. Justice Howden said in his 2008 decision, I deduce that, in Ontario, there are now only 4 possible legal situations where students can occupy a "family" zoned dwelling. They are:

- (1) One or two students but no more than that sign a rental agreement for up to one year to live in a "family" zoned dwelling. There could also be other people living in the dwelling like a husband, wife and their children (all or any of whom also could be students but only if these other people were the owners of the dwelling or were the children of those owners or had some direct relationship to the owners).
- (2) One, two or more than two students have signed a rental contract to live in a "family" zoned dwelling where the rental contract runs for MORE than 1 year.
- (3) One, two or more than two students have purchased a "family" zoned dwelling to live there and all of the residents' names are on the purchase contract.
- (4) One, two or more than two students have purchased a "family" zoned dwelling to live there and all of the residents' names are on the purchase contract and, additionally, up to two more students are paying rent to live there in a rental contract that runs up to 1 year.

At the first public meeting I pointed out to the city of London planning official who was there that I believed it was NOT legal for the city of London to permit 3, 4 or 5 students (or more) to occupy a "family" zoned residence by granting the residence a licence via Landlord Licensing because this was, in effect, overriding the 2 student limit given in Mr. Justice Howden's ruling in the Windfields case UNLESS the student occupants of the "family" zoned dwelling met one of the 4 situations I outlined above.

The rationale is this: A municipality can NOT use a licensing bylaw, or any other bylaw, to make legal an illegal marijuana grow house. Hence, by the same logic a municipality can NOT over-rule a Court decision by passing a bylaw or using a licensing bylaw to make legal that which the Court has said is illegal.

Sooner or later someone is going to bring a lawsuit against the city of London pursuant to this 2 student limit regarding "family" zoned dwellings and ask the Court to order the City to comply with the law and hence, enforce the law.

It is, therefore, pursuant to the 2 student limit given in the Windfields case by Mr. Justice Howden that I can not support Mr. Smith's vision for student occupation of the

study area which would permit 3 bedrooms for all new construction because it would lead (by licensing or otherwise) to 3 students living in a "family" zoned dwelling unit which, in light of Mr. Justice Howden's decision in the Windfields case, is no longer legally possible unless the students fall into one of the four situations that I outlined above which in almost all cases they would not.

The highrise alternative, however, that I do support meets Mr. Justice Howden's definition of a "family" pursuant to student rental because it is contemplated that the apartments, within each highrise building, where UWO students would live as transient rental dwellers as a result of leases that ran for up to 1 year, would all contain TWO BEDROOMS per dwelling unit permitting up to TWO STUDENTS to LEGALLY occupy each "family" zoned dwelling unit.

#### THE WIDENED ROAD: BICYCLE PATHS

Mr. Smith's plan places the bicycle path between the curb and the travelled portion of the road in the widened portion of Whancliffe Road North and Western Road. I totally disagree with where the bicycle path is to be located. You should remember that I have lived on Western Road for the last 28 years and I have seen just about everything pursuant to how dangerous this arterial corridor is. I have also had extensive discussions with the engineering department at City Hall and they support all my recommendations with regard to bicycle paths.

Bicycle paths should NOT be located between the travelled portion of the road and the curb. This situation is just setting up a cyclist to get into a collision with a motor vehicle. Rather, bicycle paths should be located off the travelled portion of the highway between the curb and the sidewalk where it can minimize the chance of a motor vehicle colliding with a cyclist.

Hence, for the reasons of safety for cyclists and just plain common sense, I can not support Mr. Smith's location for future bicycle paths along the arterial corridor of Whancliffe Road North and Western Road. Furthermore, Mr. Smith says this arterial corridor presently carries 19,500 motor vehicles per day and, I believe, this number is going to INCREASE in the future making it all that more dangerous for cyclists.

In the highrise alternative, on the other hand, there would be enough surplus land to easily provide for the safe (and correct) location of bicycle paths between the curb and the sidewalk.

#### A SENSE OF COMMUNITY

Mr. Smith's plan envisions keeping this area of the city as a quiet, little, self-sustaining village community with public trails that meander near, to and along the Thames River.

However, a detailed look at Mr. Smith's plan reveals that, if fully implemented, his plan would eliminate all the current permanent owner-residents and replace them with tenants. While it is theoretically possible some of these new tenants could be UWO personnel, retired people and people who work downtown, in all probability, as I said above, because of the disproportionately large number of duplexes, four-plexes, rowhouses and townhouses compared to the apartment buildings in Mr. Smith's plan, virtually all of the new tenants in the study area would be UWO students and not permanent rental-residents. In fact, it would be logical to say that even the apartment buildings envisioned in Mr. Smith's plan (between Grosvenor Lodge and Platts Lane) would eventually be occupied entirely by UWO students because of the very near proximity of these apartment buildings to UWO.

It seems to me that when speaking of a "sense of community" we should be creating a good balance of:

- single family free-standing permanent-resident home ownership,
- single family condominium permanent-resident home ownership,
- non-student permanent-resident rental dwellers, and
- transient student rental dwellers.

On balance, Mr. Smith's plan does not come close to achieving this crucial and desirable mix of residents. About the only thing that, on the surface, seems to link his whole project together are the public trails that meander through his redevelopment plan. And, as I said earlier, the parts of these public trails that run through residential rear yards are a recipe for unwanted behaviour which is EXACTLY WHAT SOME PEOPLE IN THE NEIGHBOURHOOD ARE COMPLAINING ABOUT RIGHT NOW WHICH RESULTED IN MR. SMITH'S STUDY! It should not be forgotten that pursuant to other areas of the city, the City Council has been petitioned many times by those area's permanent residents to light up these types of trails at night in an effort to prevent all kinds of unwanted behaviour.

Consequently, I can not support Mr. Smith's idea of what fosters a sense of community because, when fully implemented, his plan would rely too heavily on transient student rental dwellers questionably linked by a maze of public trails.

On the other hand, the highrise alternative that I do support would bring about an excellent mix of residents which would form a real sense of community. In that plan it is envisioned that:

- A substantial number of single-family free-standing homes will remain that would be occupied by permanent-owner-residents like UWO personnel, people who work

downtown and some retired people.

- The top 25% of each highrise apartment building would be condominium ownership that would house permanent owner-residents AND permanent rental-residents like UWO personnel, people who work downtown and ADDITIONALLY retired people who no longer want the maintenance involved in single-family free-standing home ownership or rental. This non-student component for these highrise apartment buildings is not wishful thinking. It has ALREADY BEEN ESTABLISHED that potential permanent-residents have expressed serious interest about living here if highrise apartment buildings were to be built in the study area.
- The bottom 75% of each highrise apartment building would house transient student rental dwellers.

Because the easterly portion of the block fronting Wharncliffe Road North between Saunby Street and Beaufort Street has seen recent redevelopment with 3 1/2 storey townhouses and other apartments for students, what to do with the lands BEHIND these townhouse and apartment projects deserves more study. I am referring specifically to the block bounded Gunn Street, Saunby Street, Irwin Street and Beaufort Street.

Intrinsically, when trying to develop a sense of community the problem isn't the number of students per "family" zoned dwelling because Mr. Justice Howden has handled that matter in the Windfields case limiting student occupation to 2 per "family" zoned dwelling unit, with the 4 exceptions I outlined above. To achieve this 2 student limit all the City has to do is enforce the law which was established in the Windfields case.

The real problem with trying to develop a sense of community (and ultimately where Mr. Smith's plan fails) lies in how to CONTROL THE BEHAVIOR OF THE STUDENT DWELLERS where there is NO CLUSTER OF SAME PERSON OWNERSHIP making some sort of mandatory live-in on-site management unworkable. As I said earlier, the highrise alternative solves this problem of controlling transient student rental dweller behaviour because each apartment building will have 24 HOUR ON-SITE MANAGEMENT.

Because the highrise alternative did not contemplate an apartment building in the block bounded by Gunn Street, Saunby Street, Irwin Street and Beaufort Street the City might want to consider re-zoning this block back to single family rather than develop it, as Mr. Smith would have, with a maze of unsupervised duplexes. Re-zoning this block back to single family would not only enhance "a sense of community" but also have the ADDITIONAL ADVANTAGE of providing more first time buyers with housing that would be more affordable when compared to certain other areas of the city that are near UWO. Furthermore, I believe a down-zoning of this block back to single-family would satisfy the

provincial guidelines for INCREASING density when BALANCED with the approximately 2,500 to 3,000 new dwellings that would be created in the apartment buildings in the highrise plan that I support.

#### WATER FURNACES

Mr. Smith's plan proposes that all the new construction in the study area have water furnaces. This is a heating system that extracts heat from ground water. It is very expensive to install when compared with more traditional forced-air natural gas heating units. Generally, water furnaces are only installed in buildings that have more than 10,000 square feet because the time period for recovering the great investment is too long in smaller square footage dwellings. It should be remembered that in a duplex, four-plex, rowhouse and townhouse EACH DWELLING UNIT has to have its own furnace with dedicated heat controls and that each dwelling unit would only have approximately 1500 square feet.

Hence, I can not support Mr. Smith's recommendation for mandatory water furnaces in all new construction because, from a financial viewpoint, I believe the decision as to what type of furnace should be installed in any new construction should be made by the person paying for it, in consultation with his/or her experts on the matter, pursuant to the rental income that the dwelling can logically be expected to generate related back to the over-all cost of construction, and not by some third party that has absolutely nothing to do with the project.

#### WIND TURBINES

Wind turbines should never be installed anywhere near where people live. The reason is that when the blades are turning the blades give off a vibration as they are pushed by, and turn into, the wind. This vibration is very irritating to humans and, like the thump-thump-thump vibration from a distant bass drum, will interfere with human activity like trying to sleep. Hence, I can not support Mr. Smith's recommendation for wind turbines for the study area.

#### ON-SITE MANAGEMENT FOR DUPLEXES, FOUR-PLEXES, ROWHOUSES AND TOWNHOUSES

The biggest problem pursuant to duplexes and four-plexes is how do you go about controlling the behavior of the tenants? There is no practical way of implementing 24 hour live-in on-site management as Mr. Smith's plan suggests for clusters of dwellings. It is true that in California, for example, if a residential rental apartment building or rental townhouse project has 14 or more dwelling units then there must be a 24 hour on-site manager living there. The problem, however, with mandating a 24 hour on-site manager with, for example, 7 duplexes (all in a row which adds up to 14 rental dwelling units) -- to follow the California example -- is that it will be highly unlikely that all 7 duplexes in a row have the same owner and that's why Mr. Smith's suggestion to

force 24 hour on-site management on clusters of duplexes or four-plexes is unworkable.

The better idea is to NOT create a situation in the first place that has any large number of duplexes or four-plexes where student occupation is contemplated.

By the same token rowhouses and townhouses are just about as equally difficult to force 24 hour on-site management upon because of different owners within a particular cluster. The better idea, again, is to NOT create a situation in the first place that has any large number of rowhouses and/or townhouses where student occupation is contemplated.

Therefore, while Mr. Smith's recommendation for some sort of 24 hour on-site management for clusters of dwellings is laudable it is, unfortunately, not implementable and for that reason I can not support his plan for redevelopment involving a myriad of free-standing duplexes, four-plexes, rowhouses and townhouses for the study area.

On the other hand, the best part of the highrise alternative that I, and many other people at the two public meetings, supported is that 24 hour on-site live-in management is present in each and every highrise apartment building, regardless of who the occupants are contemplated to be.

GUIDELINES FOR TREES IN THE FRONT YARD, LANDSCAPING, DECKS, REAR YARD SIZE, EXTERIOR CLADDING AND SO FORTH

Mr. Smith's plan would see very severe guidelines in place with regard to trees in the front yard, landscaping pursuant to all sides of a dwelling, rear decks, deck size, separation of deck areas, back yard size, building exterior cladding and so forth. I would characterize this as NON-SENSICAL OVER REGULATION and at the second public meeting, as shown on pages 78 and 79 of Mr. Smith's report, the majority of the public rejected virtually all of it (strongly disagree) when compared with the public who supported it (strongly agree). Because the above guidelines are ridiculous and garnered little support at the second public meeting I can not support these recommendations in Mr. Smith's report.

The best part, however, about all these goofy and unnecessary guidelines recommended in Mr. Smith's report is that the highrise alternative that I, and about half the public involved here support, does not require any such superfluous regulation because the highrise plan does not contemplate new duplexes, four-plexes, rowhouses or townhouses -- just highrise buildings coexisting very comfortably with single-family, free-standing, owner-occupied dwellings along with a few already existing duplexes and other multi-family housing.



UNDERGROUND PARKING

Mr. Smith's plan would see underground parking made mandatory for the 8-storey apartment buildings. It sounds like a good idea aesthetically but when it was discussed with the City's engineering department, pursuant to the highrise plan that I support, it was pointed out that the water table is very high in this area of the city due to the proximity of the Thames River and that underground parking would PROBABLY require the continuous use of pumps to keep the parking area dry and that during a power failure back-up generators would be required to be on stand-by.

This type of situation for parking that requires a continuously running gigantic pumping system is a WASTE OF ENERGY and, hence, is not practical for this part of the city and the developers who would build the highrise apartments here (that I support) also agree.

In Mr. Smith's report he does not tell us that he consulted engineering experts on this matter of underground parking and its relationship to the water table in this part of the city before making his recommendation that underground parking be created here and, hence, I must assume that he did not consult with engineering experts. In conclusion here, therefore, I can not support Mr. Smith's recommendation for underground parking UNLESS it does NOT require a pumping system.

THE LAWN BOWLING CLUB ON BEAUFORT STREET

If Mr. Smith's plan was followed it would see the Lawn Bowling Club on Beaufort Street eliminated. I guess that makes sense in light of the fact that his plan, when fully implemented, would remove all of the presently existing residents from this area of the city including the senior citizens and others who use this club for recreation and relaxation and replace them with transient student dwellers who presumably would have no interest in lawn bowling.

Under the highrise plan, however, there would be no contemplation of eliminating the Lawn Bowling Club on Beaufort Street since the highrise plan would preserve many of the existing permanent residents and, additionally, bring in many new senior citizen and other permanent residents, who would live on the top several floors of the highrise apartment buildings that would be grateful to use the Lawn Bowling Club's services.

Therefore, on balance, I don't support the elimination of the Lawn Bowling Club on Beaufort Street under Mr. Smith's plan when a viable alternative plan exists which would preserve the Lawn Bowling Club and it is here that I, of course, refer to the highrise plan.

SUMMARY

The highrise alternative is definitely the best workable plan when compared to Mr. Smith's plan. Additionally, the highrise plan is supported by about half of the current property owners in the study area as well as the development community (based right here in London). A summary comparison of the two plans below shows why the highrise plan is far superior:

THE HIGHRISE PLAN

MR. SMITH'S PLAN

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>- raise property values</li> <li>- keep a sensible balance of existing single-family free-standing owner-occupied homes in the study area</li> <li>- provide for new single-family condominium ownership in the upper floors of the highrise apartment buildings</li> <li>- provide new single-family condominium rental for permanent-residents in the upper floors of the highrise apartment buildings</li> <li>- would generate the tax revenue needed to rebuild the railway overpass on Wharncliffe Road North and widen both Wharncliffe Road North and Western Road</li> <li>- bicycle paths would be located so as to MINIMIZE collisions between motor vehicles and bicycles</li> <li>- would provide at least 4000 UWO students with a supervised environment in which to live</li> <li>- fully complies with the provincial guidelines for increasing human density</li> </ul> | <ul style="list-style-type: none"> <li>- lower property values</li> <li>- would empty the study area of all existing permanent residents with free-standing homes</li> <li>- does not provide for single-family condominium home ownership unless that condo ownership is right next door to student rental which normal family-type people would reject</li> <li>- does not provide for any viable plan for single-family condominium rental for people desiring to be permanent-residents</li> <li>- would not generate very much new net tax revenue because MOST of the re-development would put back pretty much what is there now with only a very marginal increase in assessment</li> <li>- bicycle paths would be located so as to MAXIMIZE collisions between motor vehicles and bicycles</li> <li>- contemplates only a very marginal increase in student occupation due to a 3 bedroom limit for each new dwelling unit with no realistic prospect of a supervised environment</li> <li>- thwarts the provincial guidelines for increasing human density and is more</li> </ul> |
|--|---|

and is totally appropriate for this area of the city

appropriate for a resort community like Bayfield or Port Stanley

- complies fully with the most up to date Court ruling limiting student rental to 2 students per "family" zoned dwelling unit because each apartment building dwelling unit would have only 2 bedrooms
- better supports city-operated transportation improvements and savings in the study area because of the greatly increased population
- would bring a commercial component to this area of the city that would NOT rely on any other area of the city for financial support due to the substantial increase in the number of dwellers for the study area
- would NOT turn this area of the city into a Friday and Saturday night haven for all the drunks from Richmond Row
- does not rely on the creation of public trails from lands that are currently in private hands to link the redevelopment
- does not contemplate public ownership of lands currently in private hands that abut the Thames River to create a public trail
- does NOT contemplate a system of alleys that would encourage easy break-and-enters
- would preserve the Lawn Bowling Club on Beaufort Street

- does not comply with the most up to date Court ruling limiting student rental to 2 students per "family" zoned dwelling unit because each new "family" zoned dwelling unit would have 3 bedrooms
- does not better support city-operated transportation improvements and savings in the study area because there would only be a marginal increase in population
- would bring a commercial component to this area of the city that would rely heavily on support from other areas of the city due to the limited increase in human density for the study area
- would bring a substantial number of the drunks from Richmond Row to the commercial venues planned for both Wharncliffe Road North and part of Western Road
- relies heavily on the creation of public trails from lands that are currently in private hands to link the redevelopment
- contemplates public ownership of private lands that currently abut the Thames River to create a public trail
- contemplates a system of alleys that would encourage easy break-and-enters
- would ELIMINATE the Lawn Bowling Club on Beaufort Street

- provides a safe and wholesome environment for all the dwellers, both current and new - does NOT provide a safe and secure environment for the new dwellers nor the existing dwellers who will be gradually eliminated as the plan is implemented
- has the support of about half of the people who attended the 2 public meetings - does not have the support of anyone who attended the 2 public meetings
- an asset to the city from any viewpoint - difficult if not impossible to characterize as an asset to the city

The question we really need to ask at this point, given the enormous benefits contained in the highrise alternative plan, is why in the world would we embrace Mr. Smith's highly questionable plan when the highrise alternative plan relies strictly on proven solutions that relate directly back to the genuine concerns raised by SOME of the people currently residing, on a permanent basis, in the study area.

The concerns that I am referring to, and which led to the commissioning of Mr. Smith's report, involved GENUINE complaints from SOME residents in the Beaufort-Irwin-Gunn-Saunby (BIGS) area of the city that revolved around student intensification and getting controls on the behaviour of these student transient dwellers. Mr. Smith refers to this problem as "...behavioural issues that the neighbourhood cannot support" on page 10 of his report.

The real question, then, regarding this (BIGS) area of the city which was expanded in Mr. Smith's report to a much larger contiguous area, (simply called "the study area"), is what to do about future dwellings (converted or constructed) that are going to be used to house students from UWO and how to get more control over their behaviour. Unfortunately, Mr. Smith's report does not satisfactorily address this fundamental issue -- the best he comes up with is maybe City Hall should pass a bylaw requiring 24 hour on-site management for clusters of dwellings. As I said earlier, however, such a method for control of tenant behavior is unworkable because of contemplated different ownerships for the myriad of free-standing buildings that are contemplated in Mr. Smith's plan.

In reality Mr. Smith's plan for a proliferation of duplexes, four-plexes, rowhouses and townhouses would essentially create a totally unsupervised environment of student rental -- something which the people who caused this report to occur in the first place do not want. The recommendation in Mr. Smith's report requiring a manager for cluster housing could quite conceivably evolve into a manager who would be a person that just occasionally visits various sites in the study area but doesn't live there. This type of management "solution" would be totally unacceptable.

It is obvious that the only workable solution that will permit 24 hour on-site management of transient student dweller behaviour is to construct only highrise apartments that have 24 hour on-site managers who will live there.

The question of how to control OFF-DWELLING student transient behaviour is answered in Mr. Smith's report where he refers to measures already undertaken by City Hall like the public nuisance bylaw and directing the police department to be more vigilant and responsive since the St. Patrick's Day riot.

It is, however, the highrise plan that best addresses student behaviour where they live. There is no other possible conclusion here when Mr. Smith's plan is compared to the highrise plan.

WHERE DO WE GO FROM HERE?

I recommend that the Planning Committee put Mr. Smith's plan on permanent hold and advise the Planning Staff to conduct several more public meetings to hammer out the fine points of the highrise alternative pointing out to those people who want to see no change whatsoever and/or don't want highrise abutting the arterial corridor that, if Mr. Smith's plan is accepted and fully implemented, every permanent resident currently residing in the ENTIRE study area will be REMOVED and replaced with some sort of unsupervised tenant-oriented occupant.

Sincerely,

*Edgar Alan Smuck*

Edgar Alan Smuck  
928 Western Road  
London, Ontario  
N6G 1G2