

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.8 PUBLIC PARTICIPATION MEETING – Application – 536 and 542 Windermere Road (Z-8945)

- Harry Froussios, Zelinka Priamo Ltd., on behalf of the applicant – expressing appreciation to staff for their comprehensive report to analyze the application very well, much better than he ever could have done it; thanking the public, it has been a very long process, there has been a lot of communication back and forth with the neighbours and he wants to thank them for that, it has been very informative and they hope that the application this evening has addressed their comments to the best of their abilities; indicating that this application, since the Planning and Environment Committee saw it in January has transitioned from an application that was centred around constraints and they have gone from that now to providing the Committee with an application that provides opportunities for a proposed development that is consistent with provincial policies, with the municipal policies for intensification, for a mix of land uses, for types of tenure and is compatible and within respect to surrounding uses; stating that, as the Committee has been advised already, since the January public meeting their client has revised several aspects of the application in an attempt to address the concerns of the public, staff and Council and Committee; reiterating that they have this site plan up on the screen, the revisions of note that have been made include a twenty-five percent reduction in the number of units, from sixteen to twelve, which results in a density of forty-four units per hectare; noting that this is significantly less than what would be permitted for residential intensification within the low density designation areas in the 1989 Official Plan which results in a smaller building footprint as well; advising that the increased rear yard setback at the north end of the property from 6 metres to 7.7 metres allows for retention of trees along the north property line which was something that was requested by the neighbours; indicating that there is an increased separation between buildings from approximately 4.9 metres to 7 metres; reiterating that this is not a zoning issue but rather a site plan issue and they have heard from staff that this is not overly a concern for them any longer; stating that they are providing parking at slightly more than two spaces per unit, the project now provides twenty-five spaces which otherwise would have required eighteen spaces, which is at a 1.5 per unit rate; indicating that the increased west side yard setback from 1.7 metres to 3 metres, again, the only applies if they do not have any habitable windows face on the west side of the elevation otherwise they are required to meet the 5.5 metre setback; believing that is important to point out; advising that he setback also gradually increases from north to south, 3 metres is only at one point but it just slightly increases as you move further south along the property; indicating that the 3 metres give them sufficient opportunities for landscaping and buffering and fencing and a retention of trees on the west side of the property; indicating that it has already been noted that, and you can see it on the site plan, to the left, the existing dwelling on the west property line is approximately 6.5 to 7 metres away from the property line due to the sanitary easement that exists within their property so effectively you have a 9.5 to 10 metre separation from the two buildings also added to the fact that it is going to be non-habitable rooms on their clients property; pointing out that as noted in the staff report, the current zone for the subject lands would permit a side yard of 2.4 metres for a 10.5 metre building; noting that in this situation they have a maximum height of 10.5 metres with a requested side yard setback of 3 metres; believing that the proposed 3 metre west yard setback is appropriate for this form of residential intensification which allows some flexibility for from the normal standards and any potential impacts on the abutting lands can be dealt with through tree preservation buffering, landscaping and the restriction of the overlook; all of the revision including the original request for the reduced front yard setback and the maximum front yard encroachment have been supported by staff as noted in the

recommendation in the report; touching briefly on the tree retention that has come up, in his opinion, and as stressed by staff, this is a matter that should be dealt with through site plan approval, the staff recommendation includes a holding provision that requires their client to go through the public site plan process which will give Council and the public additional opportunity to comment on the nature of tree retention for the property; however, on behalf of his client, he would like to address the correspondence that the Planning and Environment Committee might have received from Mr. Masterson, ConservaTree Inc., that was attached to the April 15, 2019 Planning and Environment Committee Agenda, he is not a qualified arborist to speak to the report, Mr. R. Koudys, will speak to the letter shortly but he just wanted to point out to the Committee that neither the City, their client or themselves authorized this report to take place, there was no permission given to enter the site to prepare this report and it would appear that this work was authorized by Mr. T. Mara who resides at 127 Orkney Crescent, which is directly north of their property; stating that, as this is an unauthorized report by the Approval Authority or by the applicant, they cannot be certain if the updated measurements noted in the report taken are correct or if they can be validated; advising that the preferable course of action would have been to have received some contact from the consultant and then they would have allowed him to go on the property together with their Arborist so that the experts could talk about what the methodology is and if there are any concerns, if those could be worked out; similar to that was done last Thursday, they received a call from the City's Arborist to grant them access to the property and they obviously agreed and they had their Arborist go on the site as well so they could have some meaningful dialogue as to whether there were any issues with the tree preservation report that was prepared on behalf of the client; notwithstanding all of that, it is their opinion that the City has sufficient information through the Ron Koudys Landscape Architect (RKLA) report to ensure the trees along the north property line can be retained and that additional setbacks to ensure their survival are not necessary; the RKLA report has been prepared in accordance and accepted by the City practice in the provisions of the Tree Protection By-law which determines how the critical root zone is measured and the City staff, to their knowledge, does not have any concerns with the Koudys report; stating that ConservaTree acknowledges that the recommended measures contained in their letter are more restrictive than the City's normal practice for tree preservation and that the more restrictive measures should apply to the proposed development; advising that he respectfully disagrees with that recommendation as there is no mechanism in place within the City's Tree Protection By-law to implement more restrictive protection measures in this circumstance and this application is not the appropriate form to consider changes of this Tree Protection By-law; notwithstanding and as he mentioned before, this process will be going through the public site plan process where tree preservation can be more thoroughly examined by Council, by the public and by staff; indicating that the recommendation put forward by staff, in his opinion, is appropriate as it satisfies the intent of the Provincial Policy Statement and the Official Plan as they relate to residential intensification, the provision of alternative forms of housing, it is in a compact form, makes efficient use of services and it provides for a compatible form of development within the surrounding land uses; requesting that the Planning and Environment Committee endorse subsection a) of the staff recommendation. (See attached site plan.)

- Ron Koudys, Ron Koudys Landscape Architects Inc. – advising that he was asked to address is the issue of tree preservation; giving the Planning and Environment Committee assurance that every effort has been taken in the planning to preserve the trees on the boundary; showing the site they are talking about and you can see where their property is located, the red box around them; it is interesting to note that this site is located within a Tree Preservation Area and the neighbours might be interested to know that everybody who has that green on their property cannot remove anything that might become a tree, the

tree policy they should probably be familiar with that, that is very restrictive and even if a squirrel plants a walnut in your garden and it starts springing up, you need a permit to remove it; advising that the City is reviewing that policy now but that is the restrictive nature of the site; pointing out that the other box that you see there, 591 Windermere Road, is also in the tree preservation boundary; showing the site and it is interesting to note that there are no trees on that property and the only trees that are there are outside of the boundary of the tree preservation area; pointing out that we need to do some work on the definition of boundaries in the tree preservation area; showing the chart that ConservaTree refers to in defining the recommended distances from the stem of the tree to the tree preservation zone and you will notice that there are two columns there, one column talks about the minimum protection for City-owned trees and the other column is just distances required for open spaces or woodlands; stating that this site is neither owned by the City or an open space or a woodland and this particular chart is a difficult one to use; ConservaTree elected to use the most generous one which is for open spaces and woodlands; suggesting that what is good enough for a City tree is probably good enough for his clients' site and he would suggest that they use, as a guide, the chart column to the left; referring to trunk diameter that is referred to as dbh diameter measured at breast height and there are various categories; going to a larger version so everyone can see it, a tree smaller than ten centimeters, then 10 to 29 and 30 to 40 and so on and the larger the tree is the greater the setback that is recommended; the largest tree within the zone that they are looking to preserve is 46 centimeters so you can see between 41 and 50 centimeters you either go to the drip line or 3 metres from the stem of the tree, whichever is larger; showing the plan, the redline shows where the recommended distance based on diameter of tree stem; advising that they elected to go with the drip line because it is greater and, in fact, they made it a straight line so in many cases the boundary that they have defined exceeds the recommended distances established by the City guidelines and City policies; will a tree survive, that is an important question; indicating that he happens to live in this neighbourhood, he lives across the street in Tetherwood and he has been actively working on tree preservation in this neighbourhood for twenty-five years; showing a project that he did which is an infill just down the road, a little bit east of this site; indicating that you can see many of the houses that are in that infill are under the drip line of the mature trees; these trees are much bigger than the trees on the lower portion of the screen that you see there are actually beech which are much more sensitive to incursion, construction activity than the white spruce that we are talking about on this site; 67 to 71 Tetherwood Boulevard, he did the location of the houses and the preservation of all those trees, they raised the grade and in many cases the trees are much closer to the house than what they are proposing here and all the trees survived; 78 and 82 Tetherwood Boulevard, the same kind of thing happening there; showing the high rise apartment building on 1510 Richmond Street, a parking garage right under the trees and his own house, the tree in the corner is 1.5 metres from the garage, the driveway runs right next to the trees. (See attached presentation.)

- Gentleman – enquiring who will pay for the widening of the road.
- Fred Rodger, 131 Orkney Crescent – (See attached presentation.)
- Alex Morrison, 95 Tecumseh Avenue East – indicating that he has been working with the Ratepayers Association to assess the tree preservation report that was prepared and he spoke at the January 15, 2019 Planning and Environment Committee meeting; thanking the Committee for suggesting the preservation of those trees as important in this matter; apologizing to the landowners for accessing their property without their permission. (See attached presentation.)
- Dave Leckie, 138 Orkney Crescent – advising that he and his wife, Sandy, collaborated on a presentation to the Planning and Environment Committee in January and Sandra delivered that in his absence; stating that the position that they took was to oppose any rezoning of the subject properties; to that end they

appear to be voices in the wilderness so they are moving on from that; the concept of intensifying the land use on 536 and 542 Windermere Road is clearly following the intensification theme of The London Plan, that being said, it is inconceivable to him that The London Plan is contemplating the degree of intensification that is being debated here; stating that in his view it is incompatible with the surrounding established neighbourhood and in itself provides a questionable quality of life for its future inhabitants; indicating that there are a number of zoning types that might have been sought by the developer but the developer not only chose one of much higher density than the present zoning but also has pursued concessions on building setbacks; believing the whole exercise might be viewed as trying to shoehorn an elephant into a refrigerator; while concessions on setbacks pervaded the entire development perhaps the most obvious is the developments frontage along Windermere Road; indicating that Ms. M. Campbell, Planner II, already spoke to the various setbacks but just to reiterate the basic setback as he understands it is eight metres, the proposed is seeking three deviations from that; personally, the 8 metre building setback to 2.1 metres, secondly shrinking that to 0.2 metres to the face of the sunken amenities and thirdly the 2 metre landscape screening in front of the amenities actually protrudes onto the future public property; believing that Ms. M. Campbell, Planner II, referred to the fences along there as a street wall and used that as a rationalization to have the front wall align more or less with the street of the fence wall; indicating that he does not know of anyone who lives on a fence but someone lives on the other side of that wall so he is not sure that that philosophy of continuing the street wall pertains to that instance; thinking that a lot of the discussion that the Committee has seen from their neighbourhood is trying to challenge the deviations from the standard setbacks that apply to this zoning; there is a new canvas being set up here under a certain zoning and if you are going with that zoning, how about going with the setbacks that pertain to that zoning and discussion about things like tree preservation and so on, those are all aimed at trying to nail down that development footprint or building envelope or whatever you want to call it at this stage so that they know what kind or what form of building is going on that site; stating that this is a little bit redundant but the Committee has already seen some of this, the Committee has seen the slide from Ms. M. Campbell, Planner II, showing where the new property line is relative to the amenities and illustrating in green at the bottom how the landscaping protrudes into the future public property; speaking about quality of life, the quality of life for residents living so close to pedestrians is questionable; conversely, the intimate proximity of pedestrians to amenity spaces must pose some degree of discomfort for them as well; indicating that this looks awfully awkward for both sides of the fence to him; speaking to the frontage concessions on the setbacks are symbolic about the setbacks on the entire site, as he said before, they are trying to get the right footprint here and if you are going with a clean slate with established setbacks, why band aid it right from the front, why change it from what the zoning calls for regularly; advising that it is pretty clear that intensification is the way of the future in London but let us be sensible about the scale and not try to jam something too big in on this, this is an area that is completely R-1 and up goes this monolith right within that boundary; asking the Committee to consider holding to all of the setbacks that apply if they are going forward with a zoning that represents greater intensity, do not make concessions that allow it to be even larger than perhaps it should be. (See attached presentation.)

- Tony Mara, 127 Orkney Crescent – (See attached presentation.)
- William Fisher, 143 Orkney Crescent – advising that he is adjacent to the proposed development; adding his voice to many that have already spoken; noting that none of them are opposed to development per se but the scale of the development seems very inconsistent with the surrounding neighbourhood and inconsistent with an enjoyable, healthy and safe environment, words that they heard earlier describing the desired intensification; stating that the scale of the

development is simply too big for the lot; this has nothing to do with tree preservation, as important as that is, the building footprint is massive given the available space, the population density whatever it is will not have access to any notable usable public space and that is problem; this represents an over scale inconsistent with the surrounding community and poor development lacking in amenities, lacking in public space for those who are going to live there and it is inconsistent with the safe, enjoyable healthy environment envisioned by intensification; indicating that it is simply too big.

- Gord Payne, 70 Orkney Crescent – indicating that this all seems very familiar; as he recalls they were all here a few short months ago addressing exactly the same issue; advising that this Committee, in its wisdom, recognized and agreed with the collective view of their neighbourhood that this development is just too large for the available real estate; believing that many of his neighbours, like himself, are wondering why they all had to take time from their busy lives to come back here again tonight and argue the same points that were decided back then; stating that, in January, the Committee agreed with them and recommended that the by-law mandated setbacks be respected; it seems that the developer has chosen to largely ignore the Committee's recommendations; their future neighbours in any new development as well as current local residents will appreciate a reasonable amount of separation in order to provide an acceptable degree of privacy and green space for everyone; asking the Committee to please stand firm with its previous decision.
- Sal Agostinelli, 175 Orkney Crescent – indicating that, as previously stated, density bothers him and he is against this proposal.
- Bernadette Pitt, 167 Orkney Crescent – reiterating that everyone has mentioned that zoning has these setbacks for reasons and the one that she would really like to talk about is the one in the front; indicating that it is supposed to be 8 metres but now it is ok because it is 2.1 metres but not only is 2.1 metres not ok, now we should have a 5 foot drop and make it 20 centimeters; wondering how safe is that for people that they are walking by and if they have to put a fence or something where is that fence going; showing a 20 centimeter ruler to show how big 20 centimeters is; stating that is the setback; wondering how you can put anything on 20 centimeters, how safe is that for the people who are living in them, who are sitting outside, 20 centimeters and the suggestion is that this is ok, it is sort of consistent with the fences that are on the other properties, well, they are back fences, they are talking about front, how people are coming, there is snow removal, there is people walking with their dogs, there are kids walking down, there is no privacy for anybody particularly for the people who live there, there are no public spaces, is the public space that is being provided it is like living in a fish bowl; asking the Committee to please continue to support the community.
- John Levy, 147 Orkney Crescent – indicating that he was also here in January and he felt that the decision that the Planning and Environment Committee made was fair and equitable and asking the Committee to please uphold their decision; asking that this not be twisted and turned; reiterating that he believes what the Committee did is a reasonable compromise between what the applicant wanted and what the community wanted.