

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Royal Premier Homes
307 Fanshawe Park Road East

Public Participation Meeting on: May 27, 2019 at 7:00 PM

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Royal Premier Homes relating to the property located at 307 Fanshawe Park Road East:

- a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 11, 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 Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone, **TO** a Holding Residential R5 Special Provision (h-5*h-54*h-89*R5-7 (_)) Zone; and,
- b) pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice **BE GIVEN** as the change to the Zoning By-law from an R8 category to an R5 category is minor in nature; the recommended R5 zone was publicly considered as part of the Notice of Application; and, the development proposal that has been publicly vetted remains the same notwithstanding the change to the zone category.

Executive Summary

Summary of Request

The requested amendment is to rezone the land from a Holding Residential R1/ Bonus (h-5*h-54*h-89* R1-8*B-15) Zone to a Residential R5 Special Provision (R5-7 (_)) Zone to permit townhouses and stacked townhouses only, with a 4.5 metre minimum front yard setback, a 4.9 meter west interior side yard for a lot depth of 30 metres, a 2.3 metre front yard setback to porch/patios, a maximum height of 12 metres for a lot depth of 30 metres, a maximum height of 10 meters for the balance of the lands, and 75 units per hectare maximum.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended amendment will allow:

- One 3 storey (12.0m) stacked townhouse building consisting of 24 units.
- One 2 storey (9.0m) stacked townhouse building consisting of 18 units.
- For a total of two stacked townhouse buildings with 42 units (75 units per hectare).

Rationale of Recommended Action

- i) The recommended amendment is consistent with the *Provincial Policy Statement (PPS), 2014*, which encourages healthy, livable and safe communities by accommodating an appropriate range and mix of residential uses (including second

units, affordable housing, and housing for older persons), encourages settlement areas to be the main focus of growth and development, and provide for a range of housing types and densities to meet projected requirements of current and future residents;

- ii) The recommended amendment conforms to the objectives and policies of The London Plan, and the policies of the “Neighbourhoods” Place Type for Use, Intensity, and Form;
- iii) The proposed amendment conforms to the policies of the 1989 Official Plan and the use is consistent with the Low Density Residential designation; and,
- iv) The proposed special provisions for reduced front yard and maximum heights are supported to encourage and foster improved design for the site.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the south side of Fanshawe Park Road East, east of Hastings Drive. The City issued demolition permits on January 4, 2019 to remove the single detached dwelling and the accessory (barn) structure.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- The London Plan Street Classification- Urban Thoroughfare
- Existing Zoning – Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone

1.3 Site Characteristics

- Current Land Use – vacant land (formerly single detached dwelling).
- Frontage – 53.3 metres
- Depth – 105.9 metres
- Area – 0.56 hectares
- Shape – rectangular

1.4 Surrounding Land Uses

- North – Single detached dwellings
- East – Single detached dwellings
- South –Single detached dwellings
- West – Single detached dwellings, approx. 400 metres, Masonville Transit Village.

1.5 Intensification (identify proposed number of units)


- Forty-two (42) units within the Built-area Boundary
- Forty-two (42) units within the Primary Transit Area

1.6 Location Map



Location Map		Legend	
Project Title:	z-9006		Subject Site
Description:			Parks
Created By:	Craig Smith		Assessment Parcels
Date:	1/15/2019		Buildings
Scale:	1:4000		Address Numbers

Corporation of the City of London



2.0 Description of Proposal

2.1 Development Proposal

The proposed concept plan for the site illustrates one 3 storey (12.1m) stacked townhouse building consisting of 24 units, one 2 storey (9.0m) stacked townhouse building consisting of 18 units, for a total of two stacked townhouse buildings with 42 units (75 units per hectare). Although submitted plans reference 3.5 storey and 2.5 storey buildings, it should be noted that a definition of a half storey does not exist. The analysis contained in this report will reference 3 and 2 storey buildings, recognizing that zoning permissions for height are based on metres, not storeys.

The proposed site plan (figure 2) and preliminary building concept (figure 3) and elevations incorporates the following elements:

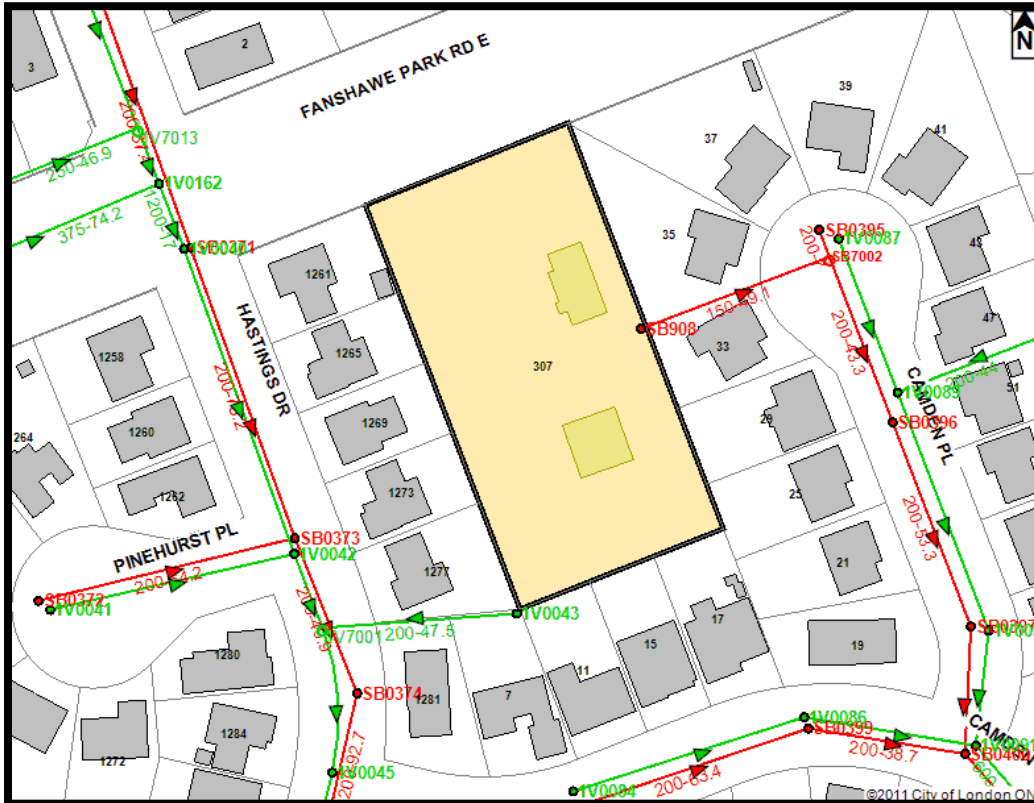
- locating a building along the Fanshawe Park Road frontage with units fronting the street, establishing a built edge and activating the street;
- massing and height that is compatible with the existing neighbourhood (composed primarily of 2 storey homes), with the taller building (3.5 storeys) along the Fanshawe Park Road frontage and the lower building (2.5 storeys) interior to the site; and
- locating all parking in the rear of the site.

It is anticipated that further refinements of the building design and elevations will occur during the site plan approval process. Additional detail regarding the site plan and building design is contained in the Urban Design Brief submitted in conjunction with the rezoning application. It is requested that through the Site Plan Approval process that the design be reviewed by the Urban Design Peer Review Panel.

3.0 Relevant Background

3.1 Planning History

In 1972 subdivision plan (1007) was registered to develop the lands around 307 Fanshawe Park Road East. On the original plan of subdivision 307 Fanshawe Park Road was a “through” lot as it had frontage on Camden Road and Fanshawe Park Road East. At this time easements were registered over 7 Camden Road, 1277 and 1281 Hastings Drive for stormwater servicing and over 33 and 35 Camden Place to provide for sanitary services. Municipal water is provided from Fanshawe Park Road East. A severance was granted in 1975 to allow for creation of the three lots along the Camden Road frontage, municipally known as 11, 15 and 17 Camden Road.



On March 28, 2011 a report was brought forward to the Built and Natural Environment Committee which recommended a Zoning By-law Amendment for 307 Fanshawe Park Road East. The purpose and effect of this zoning amendment was to permit a 16 unit three storey apartment building and a converted dwelling with 2 units. Municipal Council passed the Zoning By-law Amendment on April 4, 2011 with the current Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone.

On January 4, 2019 the City issued building permits to demolish the single detached dwelling and the accessory (barn) structure from the lot. The lot is now currently vacant.

Proposed Site Plan (January 2019)

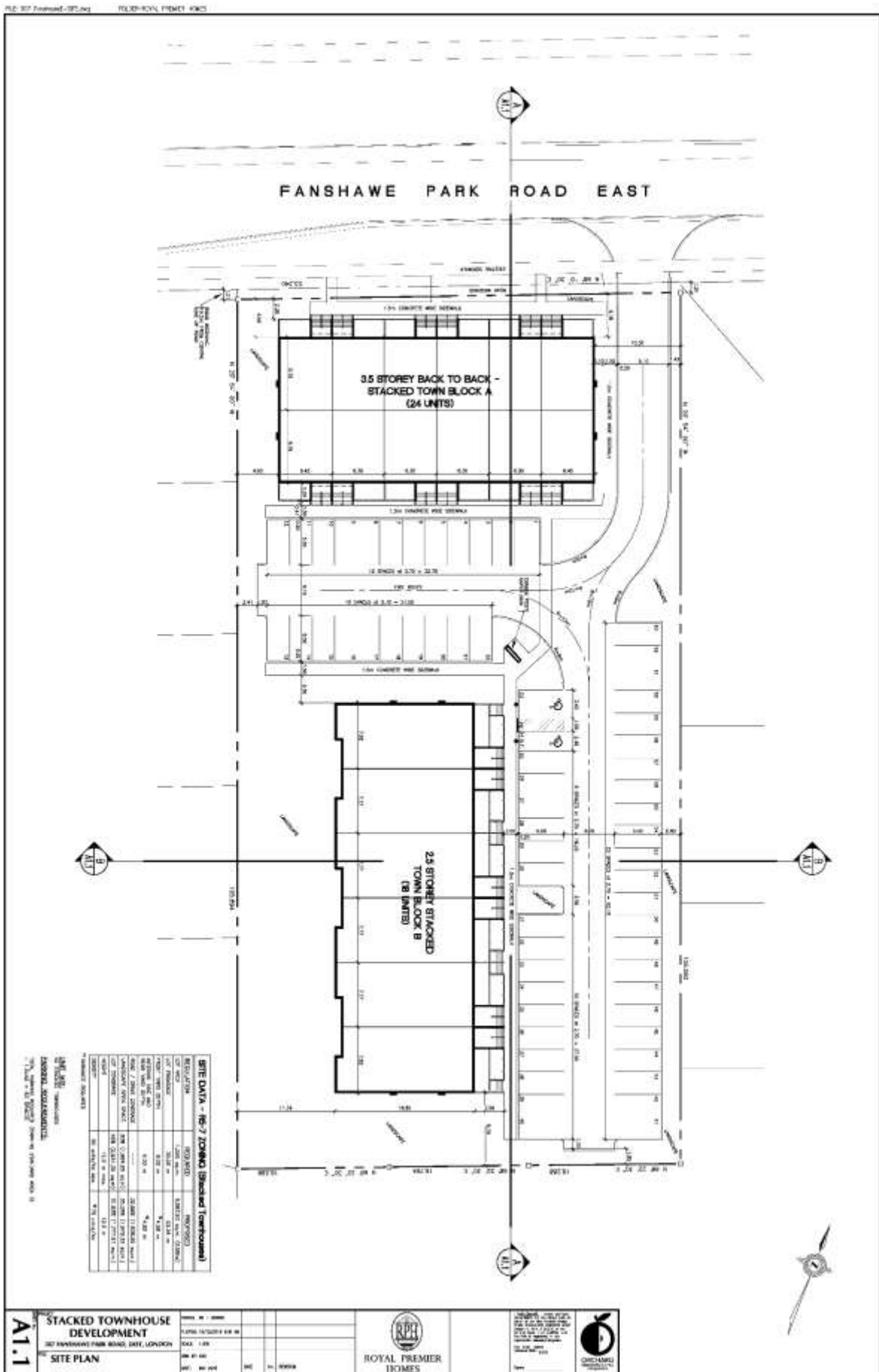


Figure 1

Proposed Site Plan (May 2019)

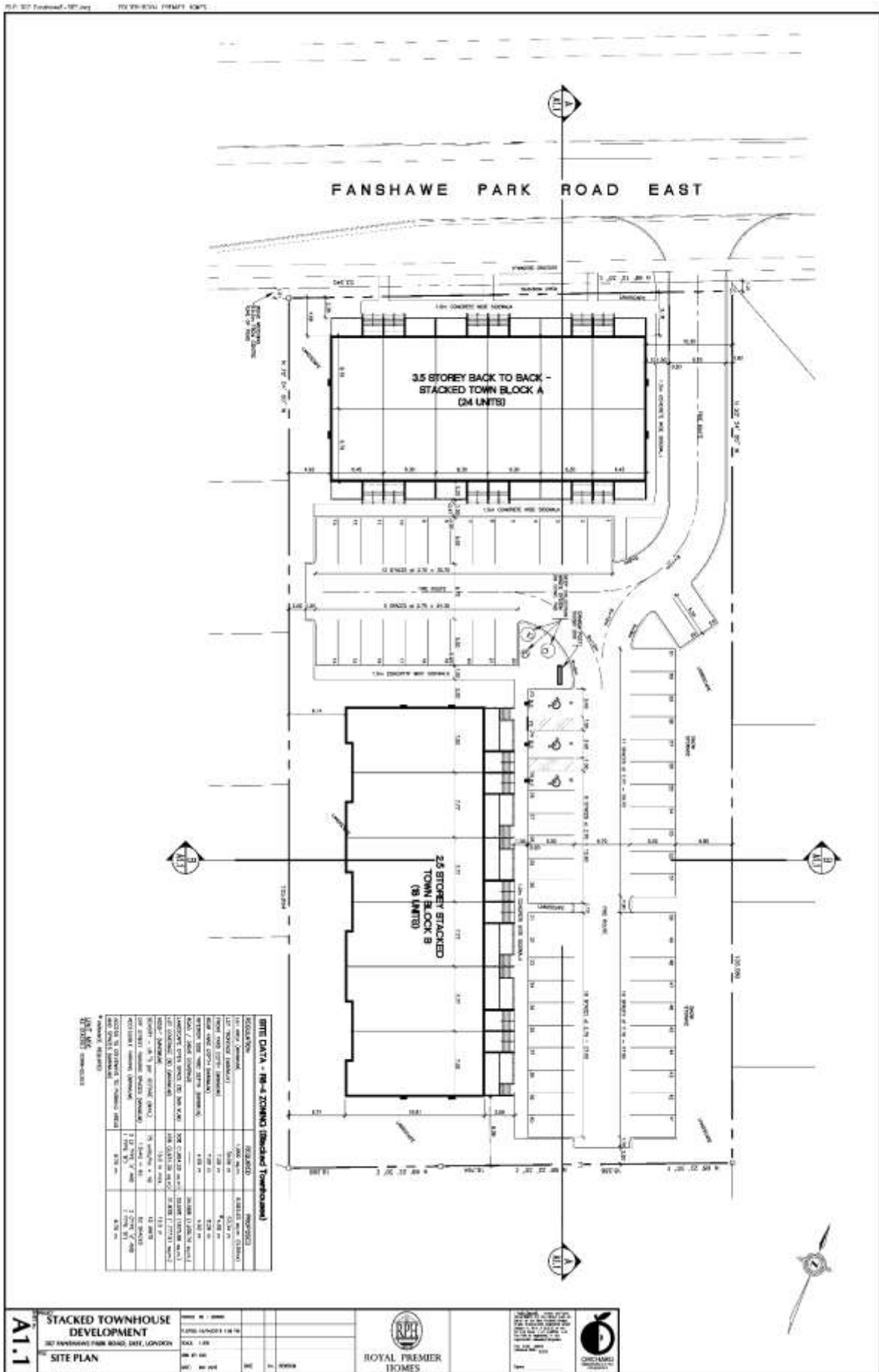


Figure 2

Proposed Elevations

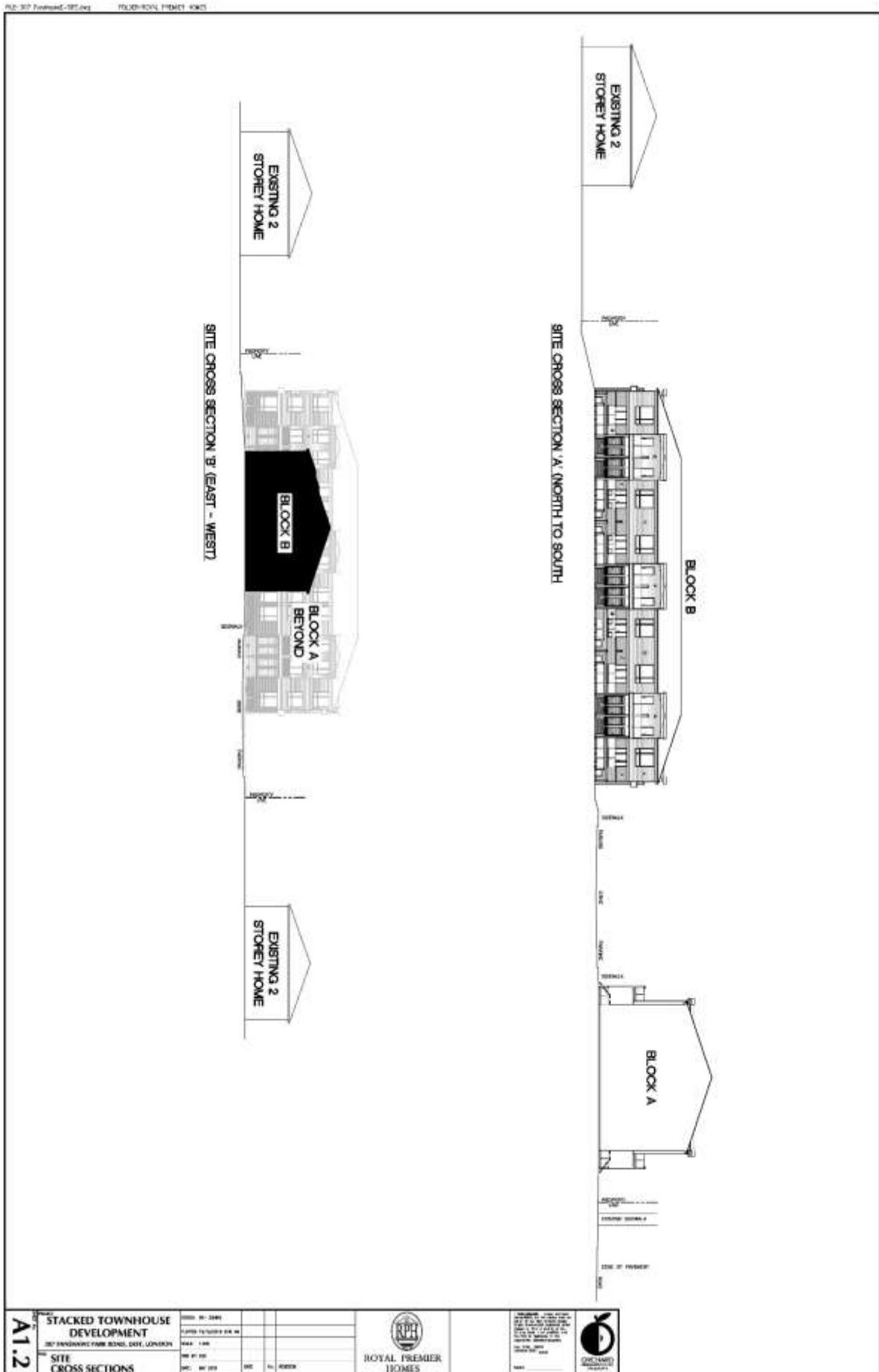


Figure 3



Figure 4



Figure 5

Rendering –



Figure 6

3.2 Requested Amendment

The applicant had requested a Residential R5 Special Provision Zone to permit stacked townhouses at a maximum density of 75 units per hectare and a maximum height of 12.0 metres. On April 17, 2019, the applicant on advice from the City had requested that the zoning amendment be revised to a Residential R8 Special Provision (R8-4(*)) Zone. The proposed Residential R8 Zone permits a density of 75 units per hectare in keeping with the Infill and Intensification policies of the Official Plan.

The City received public comments/ concerns resulting from the circulation of the revised Zoning By-law Amendment to allow a Residential R8 Zone. The public comments/ concerns were that the R8 Zone would permit uses greater than the proposed stacked townhouse development. In response to the comments received, Staff are recommending that the appropriate zone is a Holding Residential R5 Special Provision (h-5*h-54*h-89*100*R5-7 (*)) Zone.

The Applicant has not requested any holding provisions for the site, however, the current zoning includes several holding provisions approved during the previous Zoning By-law Amendment process (2003) that will be retained.

- (h-5) to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol
- (h-54) to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.
- (h-89) To ensure the orderly development of the lands the "h-89" symbol shall not be deleted until a stormwater servicing report has been prepared and confirmation that stormwater management systems are implemented to the satisfaction of the City Engineer.

3.3 Community Engagement (see more detail in Appendix B)

On January 28, 2019, Notice of Application was sent to all property owners within 120 m of the property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019. On April 24, 2019 a Combined Notice of Revised Zoning Amendment and Public Participation meeting was sent out. Notice of the Revised Application and Public Participation meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 2, 2019, a “Planning Application” sign was also posted on the site.

43 replies were received from the public as part of the community engagement process. A summary of the various comments received include the following.

- the intensity of proposed development is too great, and the scale of the proposed buildings are too dominant; and is generally out of character for the neighbourhood;
- stacked townhouse dwellings are inconsistent with surrounding properties that are zoned for single detached dwellings;
- the number of variance to the standard zone conditions, are an indication that the proposed buildings are too large for the site/number of units and is an over-intensification of the site;
- lack of space for proper garage storage and/or snow storage;
- 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;
- insufficient front yard depth and encroachment into pedestrian space along Fanshawe Park Road East 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;
- reduction in property value;
- requested amendment to a R8 Zone variation could permit uses greater than stacked townhouses;
- idling and safety of children in rear yard of 35 Camden Place; and
- Circulation of notice of application and revised notice of application processes.

More information and detail on submitted comments is available in Appendix B of this report. Staff responses are detailed in Section 4.2.

3.3 Policy Context (see more detail in Appendix C)

3.3.1 Provincial Policy Statement, 2014 (PPS)

The proposal must be consistent with the Provincial Policy Statement (PPS) policies and objectives aimed at:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and,

3. Protecting Public Health and Safety.

The PPS contains strong policies regarding the importance of promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents (Sections 1.1 and 1.4). The policies for Settlement Areas require that new development should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Section 1.1.3.6).

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 Urban Thoroughfare (Fanshawe Park Road East). *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 Urban Thoroughfare, 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.

3.3.3 1989 Official Plan

These lands are designated “Low Density Residential” on Schedule ‘A’ of the 1989 Official Plan. An excerpt from Land Use Schedule ‘A’ is found at Appendix C.

Development within areas designated Low Density Residential shall have a lowrise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy is encouraged (3.2.2). The scale of low density residential uses generally ranges up to 30 units per hectare for new or greenfield development. The proposal represents residential intensification and the infilling of a vacant lot within a previously developed area, which according to section 3.2.3. iv) may exceed the range of residential unit types and densities within the Low Density Residential designation, up to 75 units per hectare.

More information and detail on applicable planning policy is available in Appendix C of this report.

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 within the context of the abutting land uses.

4.1.1 Issue and Consideration # 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 proposed amendment encourages intensification within the existing urban area, in close proximity to a major commercial node and is located on an Urban Thoroughfare with access to various forms of transportation options including public transit (buses), walking and cycling paths. The proposed amendment provides for a use that meets the intent of the Provincial Policy Statement.

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 Urban Thoroughfare 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 stacked 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.).

The proposed amendment will allow for a use contemplated in The London Plan on an Urban Thoroughfare located within close proximity to a major commercial node. The proposed use is consistent with The London Plan, the existing forms of development and will enhance the urban streetscape.

1989 Official Plan

The designation of the subject site is Low Density Residential which primarily permits low-rise, low density housing forms. Infill housing through residential intensification may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing, and low rise apartments (3.2.3.2). The residential intensification policies contemplate infill development within established settlement areas.

The proposed stacked townhouse development is considered infill as it occurs on a vacant underutilized site within an established residential neighbourhood. The proposed use is consistent with the 1989 Official Plan.

Analysis:

Consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*, the recommended stacked townhouse use will add to the range and mix of housing types and provide for an alternative housing option within the neighbourhood that is predominately single detached dwellings. The proposed amendment will permit stacked townhouse uses which will provide a range of housing options within the existing single detached neighbourhood consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*. The recommended stacked 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 stacked 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, the stacked townhouse dwellings can be developed on the subject lands in a way that is appropriate for the site and the neighbourhood.

4.1.2 Issue and Consideration # 2 - Intensity

Provincial Policy Statement, 2014 (PPS)

The PPS requires municipalities to identify appropriate locations and promote opportunities for intensification where this can be accommodated taking into account existing building stock [1.1.3.3]. The proposed stacked townhouses represents an appropriate location and form of development to promote intensification. It is located along an arterial road (urban thoroughfare), in close proximity to a major commercial node (Masonville) with access to multiple bus routes. The surrounding building stock is predominantly single detached dwellings. The proposed intensity of the development can be accommodated on the site and within the surrounding context. The PPS also encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed [1.4.3(d)]. The proposed intensity of the development meets the intent of the PPS.

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 an Urban Thoroughfare (*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.). The proposed intensity of the development meets the intent of the London Plan.

1989 Official Plan

The scale of low density residential uses generally ranges up to 30 units per hectare for new or greenfield development. The proposal represents residential intensification and the infilling of a vacant lot within a previously developed area, which according to section 3.2.3. iv) may exceed the range of residential unit types and densities within the Low Density Residential designation, up to 75 units per hectare. This would equate to 42 residential units for a property of this size (0.6ha), without the need for an Official Plan amendment. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, townhouses and low-rise apartments

The form of development proposed is a low-rise stacked townhouse development which is contemplated within the existing low density residential designation; the designation considers residential intensification in a range up to 75 units per hectare, the proposal is for 75 units per hectare, maintaining the intent of the Official Plan infill/intensification policies.

Analysis:

Consistent with the *PPS*, and conforming to the *1989 Official Plan* and *The London Plan*, the recommended stacked townhouse use will allow for three (3) storey (12m) stacked townhouse use fronting onto Fanshawe Park Road and a two (2) storey (9m)

stacked townhouse use in the rear of the property. The proposed zoning will permit a maximum of 12m height in the first 30m of the lot and a maximum of 10m for the balance of the land. The abutting single detached dwellings are zoned Residential R1 (R1-8). The maximum height in the R1-8 zone is 10.5 meters. The height of 12m along Fanshawe Park Road is appropriate to provide for a strong street orientation and built form. The stacked townhouse in the rear is proposed to be 9m in height. To ensure that there is “step down” in height for the rear building, the proposed maximum height on the balance of the lands will be 10m. The height allowed in the rear portion is less than the height permitted in the abutting neighbourhood (R1-8, 10.5m maximum). All proposed setbacks (rear and side yard) meet or exceeds the minimum requirements of the R5-7 Zone regulation (see zoning section 4.2.13) excluding the east side yard setback on the townhouse block fronting Fanshawe Park Road East. The revised site plan provides the required amount of parking and the parking area setback from the east property line is 6.8 meters. The intensity of the proposed stacked townhouse dwellings can be accommodated on the property and meets the intent of the PPS, The London Plan and the 1989 Official Plan.

4.1.3 Issue and Consideration # 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 proposed stacked townhouse development facilitates intensification of an underutilized vacant residential land that is located on an Urban Thoroughfare in close proximity of the major commercial node. The location of the 12m stacked townhouse along Fanshawe Park Road promotes a well-designed built form by providing a strong street oriented development. The development proposes a “step down” in height to the second building located in the rear of the property.

The proposed form of the development meets the intent of the PPS.

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.).

The proposed form of the development meets the intent of The London Plan by orienting its front facing townhouse towards Fanshawe Park Road East, transitioning down in height from the front of the lot towards the more sensitive rear portion, providing adequate setbacks between proposed townhouses and the existing dwellings and ensuring that there is a rear lot interface between the rear townhouse and its closets abutting

neighbours.

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 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 Planning Impact Analysis. The proposed form of the development meets the intent of 1989 Official Plan.

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 stacked townhouse dwellings would be a more compact form of development than the single-detached dwelling that had existed on the property.

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

4.2 Issue and Consideration # 4 – Issues Raised Through Circulation of the Application

4.2.1 Circulation of notice of application and revised notice of application processes

The application was submitted to the City on December 14, 2018 and was deemed a complete application on January 14, 2019. On January 28, 2019, Notice of Application was sent to all property owners with 120 m of the property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019.

A request to amend the proposed zoning by-law amendment was received by email dated April 17, 2019 from the applicant on the advice of the City. The request was to revise the proposed zoning amendment from a Residential R5-7 Zone to a Residential R8-4 Zone. The applicant had also submitted a revised site plan in response to the comments received following the notice of application. The revised site plan (figure 2) is substantively the same (two building, with 42 dwelling units) as was initially submitted (figure 1). The main changes shown on the revised plan is an east interior side yard setback of 6.8m to the parking area, a 6.7m setback from the building to the west lot line, a 6.7m wide driveway width and the location of the deep collection waste system. The changes were proposed to provide a balanced setback between east/west abutting lands and to mitigate some of the concerns raised by the public. These changes would have also been implemented had the applicant continued to pursue the R5-7 zone request since they are the result of public/City feedback and not a result of the City recommended change to the R8 zone.

Following the feedback from the notice of revised Zoning By-law Amendment application the City is proposing that the appropriate zone to implement the proposed stacked townhouse development is a Residential R5 Zone. The Residential R5 Zone permits the townhouse and stacked townhouse uses only. The proposed Special Provisions ensure that the use, intensity and form (as analysis above) maintains the character of the neighbourhood and allows for an appropriate infill development.

On April 24, 2019, Combined Notice of a Revised Application and Notice of Public Participation meeting was sent to all property owners with 120 m of the property. Combined Notice of a Revised Application and Notice of Public Participation was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 2, 2019 and again on May 9, 2019.

A "Planning Application" sign is also posted on the site

The Planning Act, in subsection 34(12), requires two things of Council in advance of enacting a zoning by-law or any amendment thereto:

- 1) *That a public meeting be held, with the ability of the public to make representations [34(12)(a)(ii)]; and,*
- 2) *That "sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by council" [34(12)(a)(i)].*

Council through The London Plan requires:

1622_ Within 15 days after an affirmative notice of acceptance of a complete application is provided for applications made under the Planning Act requiring public notice, the City will provide a Notice of Application to the persons and public bodies prescribed under the Planning Act, and make the required information and material available to the public.

Section 19.12.4. The City of London Official Plan: *A Committee of Council shall hold one or more public meeting(s) at which any member of the public may express their views on a planning proposal(s). In the case of an amendment to the Official Plan, or the adoption or amendment of a community improvement plan or Zoning By-law, notification of the initial public meeting shall be given a minimum of ten (10) days prior to the date of the public meeting. For the approval or revision of a plan of subdivision, or a vacant land or common element condominium notification of the public meeting shall be given a minimum of fourteen (14) days prior to the date of the public meeting.*

Within 15 days of accepting the complete application, Notice of Application was circulated. The proposed revised proposed zoning by-law amendment was circulated 30 days prior to the Public Participation meeting and the Notice of Public Participation meeting was advertised more than 10 days prior to the meeting.

All statutory requirements of the Planning Act and the City's Official Plan have been met. Given that the development proposal has not changed since it was initially submitted for the R5 zone, all the comments /concerns received from the public during the earliest stages of the application review period remain valid. All of the above listed concerns relate to the form of development and are not particular to actual zone class.

4.2.2 Zoning

The Zoning By-law is a comprehensive document used to implement the policies of The London Plan and Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

The applicant has submitted an application to amend the Zoning By-law to permit a two building stacked townhouse development. The development consists of one 3 storey, 12m high building located along Fanshawe Park Road East with 24 units and a second 2 storey, 9m high building located in the rear portion with 18 units for a total of 42 units.

The applicant had originally proposed that the Zoning be amended to a Residential R5 Special Provision Zone R5-7 (*) Zone. The requested special provision would permit:

- a 4.5 metre front yard setback to the main structure (whereas 6.0m is required);
- a 2.3 metre front yard setback to porch/patios (whereas 3.0m is required);
- 6.1 meter driveway width (whereas 6.7m is required);
- a 4.9 metre west interior side yard setback (whereas 6.0m is required); and
- a density of 75 units per hectare (whereas 60 units per hectare is required).

All other requirements of the R5-7 zoning regulation are met, see full R5-7 regulation below.

BY-LAW RESTRICTIONS		REQUIRED (R5-7)	AS SHOWN ON PLAN
Residential Type		Townhouses and Stacked Townhouses	Stacked Town
Lot Area (m ²)		1000	5583.93
Lot Frontage (m) (min)		30.0	53.34
Front Yard (m) (min)	Arterial	8.0	4.58**
Rear Yard (m) (min)		6.0	8.79
Interior Side Yards (m) (min)		6.0	4.92 (west)** 10.30 (east)
Landscaped Open Space (%) (min)		30	35.29
Lot Coverage (%) (max)		45	31.83
Height (m) (max)		12.0	12.0
Density – Units per Hectare (max)		60	75**
GENERAL PROVISIONS		REQUIRED	PROVIDED
Off-street Parking Spaces (min)		1.5*42 = 63	1.5*42 = 63

Following the submission of comments following the notice of application the City did express a concern to the applicant that the proposed development concept was inconsistent with the intent of the R5 zone category which caps density of 60 units per hectare – whereas the application was seeking 75 units per hectare permitted under the Low Density Residential designation. The applicant considered the Staff perspective and decided to amend the application to request the same development but under an R8 zone. Other than the proposed change from R5 to R8 Zone, the requested range of uses and the requested special zoning criteria remains unchanged under both applications.

Following the feedback from the notice of revised Zoning By-law Amendment application, the City is proposing that the appropriate zone to implement the proposed stacked townhouse development is a Residential R5 Zone. The Residential R5 Zone permits townhouse and stacked townhouse uses only. The proposed Special Provisions ensure that the use, intensity and form (as reviewed above) maintains the character of the neighbourhood and allows for an appropriate infill development.

The proposed special provision are:

- Density of 75 units per hectare (maximum)
- Front Yard Depth 4.5 metres (minimum)
- Front Yard Setback 2.3 metres (minimum) to patio/porch
- West interior side yard 4.9 metres (minimum) for a lot depth of 30 metres
- Height 12 metres (maximum) for a Lot Depth of 30 metres
- Height 10 metres (maximum) for balance of the lands.

It is recognized that intensification is possible for this site, and that infill and intensification policies in the Low Density Residential designation can be introduced for this development at this location, it is recommended that the Residential R5 (R5-7) Zone be maintained, with Special Provisions to allow for the specific development proposal submitted with this application (figure 2). The Residential R5 Special Provision Zone will ensure that the development as shown today is the development proposal that will be considered through the Site Plan Approval process. The proposed Residential R5 Special Provision zone ensure that the use intensity and form as shown in the submitted site plan (figure 2) will be built. Any substantive changes to the proposed R5 Special Provision would require an amendment to the special provisions and therefore would go through a public process (zoning by-law amendment) and re-evaluation of whether the changed proposal is appropriate.

4.2.3 Scale and Height

The scale or height of the proposed stacked townhouse dwellings proposed at three (3) storeys (12m) and two (2) storeys conforms 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 an Urban Thoroughfare; 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 typically 2-storey(s) in height.

To ensure that the ultimate form of development would maintain a 2 and 3 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 12 metres for a lot depth of 30m maximum and a maximum height of 10m for the balance of lands. The proposed maximum heights is in keeping with the 10.5 metre maximum height permitted in the abutting Residential R1 Zone that surround the subject lands, and is consistent with the maximum height of 12 metres that is the standard condition permitted in the Residential R5 Zone variations.

4.2.4 Yard Depth/Setbacks

The proposed development provides for setbacks that meet or exceed the required setbacks for the rear and most side yards. The proposed front yard setback reduction allows for a building along the Fanshawe Park Road frontage with units fronting the street which establishes a built edge and activates the street. The massing and height that is compatible with the existing neighbourhood (composed primarily of 2 storey homes), with the taller building three (3) storey building along the Fanshawe Park Road frontage and the lower building two (2) storey building in the interior of the site providing an appropriate transition into the neighbourhood.

4.2.5 Privacy

Loss of privacy is important to achieving residential intensification that is sensitive to, and compatible with the abutting 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. Additionally, the proposed

development meets the minimum zoning requirements for rear and side yard depths which have been established to provide appropriate level of separation to reduce the impacts of overlook.

4.2.6 Traffic Impacts/Safety/Idling

Area residents expressed the following concerns about potential traffic impacts, including:

- Fanshawe Park Road has too much traffic and the proposed development will increase the amount of traffic on Fanshawe Road East;
- Access to this site will create unsafe conditions resulting in increased vehicular accidents on Fanshawe Park Road East and Hastings Drive;
- creating unsafe conditions with the existing bike path.
- resulting in increased traffic in the neighborhood to accommodate turning maneuvers to access the site;
- idling of cars; and
- an unsafe condition for children in the rear yard of 35 Camden Place.

On May 8, 2019, the applicant submitted a Transportation Impact Analysis. The City's Transportation department reviewed the report and provides the following:

Transportation has reviewed the report prepared in support of the proposed development at 307 Fanshawe Park Road East, and are in agreement with the conclusion and analysis. The site will generate few trips (19 in the AM peak hour and 24 in the PM peak hour) the adjacent road network will be able to accommodate the additional vehicle trips with minimal impact to existing operating conditions. The use of U-turns to access the site while less conventional than is typically seen in London is a lawful vehicle maneuver, and the use of left turn lanes at the nearby intersections will prevent impacts to through vehicle movements.

The site is located on Fanshawe Park Road East an Urban Thoroughfare in close proximity to the Masonville commercial node. 34,000 vehicles travel on Fanshawe Park Road East every day in front of this site and 2,500 vehicles use Hasting Drive daily. As shown in the accepted Transportation Impact study, the addition of the proposed development and its impact on Fanshawe Park Road East and the abutting neighbourhood will be nominal.

As noted in the Transportation Impact Study, access to Fanshawe Park Road East will be limited to rights in and rights out. There may be some delay entering Fanshawe Park Road East during peak hours. The addition of the limited amount of cars accessing Fanshawe Park Road East with the 34,000 vehicles travelling Fanshawe Park Road will represent a very minute increase to the existing exhaust levels. The location of the driveway with fencing along the east property line will not result in any new impacts on 35 Camden Place.

4.2.7 Lighting

Area residents expressed concerns that lighting will be directed onto the abutting residential uses.

Through the public Site Plan Approval process the applicant is required to enter into a development agreement which specifically requires that all lighting of the site shall be properly oriented and its intensity controlled so as to prevent glare on adjacent roadways and residential properties in conformity with the Site Plan Control By-law.

4.2.8 Fencing

The abutting property owners raised questions including; what is the requirement for fencing; and can enhanced fencing be required.

Through the public Site Plan Approval process 1.8 metre board on board fencing is required. Fencing is reviewed during the public Site Plan Approval process and will be enforceable through the schedules/details shown on the site and landscape plans in the Development Agreement.

4.2.9 Garbage

Concerns were raised regarding the outdoor storage and the location of the pick up space at the rear of the property. Noise, odour and the attraction of pests were the main consideration regarding the outdoor location.

On the revised site plan (figure 2) the applicant shows garbage storage in deep collection waste systems located centrally on the property. The location of the garbage storage and pickup areas will be further considered through the public Site Plan Approval process.

4.2.10 Snow Storage

Concerns were raised about whether there will be sufficient snow storage and specific requirements to have a dedicated snow storage space. The submitted revised site plan (figure 2) shows a 6.8 meter setback along the east property line to the parking area. The proposed area will be sufficient to accommodate snow storage.

Section 1.4 of the Site Plan Design Manual requires that snow storage areas be provided. The location of the snow storage areas will be considered through the public Site Plan Approval process and snow melt is to be considered through the site plan review process as it relates to storm water management.

4.2.11 Housing tenure and decreased property values

Some members of the public expressed concerns that the use of the building, combined with the proposed built form, would reduce the saleability and price of the surrounding homes. Conclusive information regarding the impact on property values associated with higher density forms of housing or tenure characteristics is difficult to determine. Very often the impact on property values is related to such matters as the design of the higher density development, property upkeep and maintenance, property management, and the quality of construction. These issues relate more to the design and management of the use rather than the actual use itself. Municipal planning is not based on property values, but rather on assessing issues such as planning impact, appropriate land use, scale, density, massing and design.

4.2.12 Amount of parking

Concern was raised that not enough parking is provided on site and will create parking issues in the neighbourhood.

Zoning By-law Z.-1 requires that all required parking is provided on the lot. The current proposal shows 63 surface parking spaces on the site. The Zoning By-law requires 1.5 parking space per unit for stacked townhouse development. The by-law would require a minimum of 63 parking spaces be provided for the stacked townhouse use. The applicant is proposing 63 spaces to be provided on the site.

4.2.13 Design

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

- all lighting be oriented and its intensity controlled so as to prevent glare on adjacent residential properties and roadways;
- enhanced fencing;
- preservation of the existing vegetative buffer (cedar hedge) for the purpose of providing a privacy buffer to abutting properties;

- required structures that clearly address concerns that have been raised regarding storm water management and the potential for flooding, standing water, and problems caused by snow storage melt.

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 is requested to be completed prior to the public site plan meeting.

4.2.14 Stormwater Management/Flooding

Neighbourhood residents expressed concerns that due to the existing slope of the land, water run-off and pooling onto surrounding yards is already a problem and that the proposed development would exasperate the issue.

On May 7, 2019, the applicant submitted a Servicing Feasibility Study. The City's Development Services department reviewed the report and provides the following:

The City has reviewed the Feasibility Study prepared by Strik, Baldinelli, and Moniz (SBM) Ltd. and have concluded that the Stormwater Management (SWM) Strategy for the site is acceptable to proceed for the re-zoning application. As part of the future site plan application, further reports and documentation will be required to be submitted in order to refine the design and to satisfy the City's drainage by-law and SWM standards. This information will be required to be reviewed and accepted by the City prior to the removal of the h-89 holding provision

In the submitted Feasibility Study it shows that there are opportunities on the site to capture, store and drain stormwater completely on the site in conformity with the City's Drainage By-law. Through the Site Plan approval process and Public Site Plan meeting stormwater management will be further refined to ensure that there are no new impacts on the abutting property.

5.0 Conclusion

The subject lands are considered to be an underutilized lot appropriate for residential infill and intensification. The proposed development of two stacked townhouse blocks is consistent with the Provincial Policy Statement, The London Plan and the '89 Official Plan policies for Residential Intensification.

Prepared by:	C. Smith, MCIP, RPP Senior Planner, Development Services
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

May 16, 2019
CS/

CC: Michael Tomazincic, Manager, Current Planning

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9006Z - 307 Fanshawe Pk Rd E (CS)\DraftPEC Report-Z-9006 (C.Smith).docx6 Exeter Rd) Z8969.docx

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 307 Fanshawe Park
Road East.

WHEREAS Royal Premier Homes has applied to rezone the lands located
at 307 Fanshawe Park Road East, 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 307 Fanshawe Park Road East, as shown on the attached
map, from a Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone to a
Holding Residential R5 Special Provision (h-5*h-54*h-89* R5-7 (*)) Zone.

2) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by
adding the following Special Provision:

___) R5-7 ()

a) Stacked Townhouse Use Only.

b) Regulation[s]

- | | | |
|-------|--|----------------------|
| i.) | Density
(maximum) | 75 units per hectare |
| ii.) | Front
Yard Depth
(minimum) | 4.5 metres |
| iii.) | West interior side yard
for a lot depth
of 30 metres | 4.9 metres |
| iv.) | Front Yard Setback
to patio/porch
(minimum) | 2.3 metres |
| v.) | Height
For a Lot Depth
of 30 metres
(maximum) | 12 metres |
| vi.) | Height
For balance
of the lands.
(maximum) | 10 metres |

3) 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. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on June 11, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 11, 2019
Second Reading – June 11, 2019
Third Reading – June 11, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On January 28, 2019, Notice of Application was sent to all property owners with 120 m of the property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019. A “Planning Application” sign was also posted on the site.

43 replies were received

Nature of Liaison: The purpose and effect of this zoning change is to permit two stacked townhouse buildings with 42 units (75 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** a Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone **TO** a Residential R8 Special Provision (R8-4 (_)) Zone to permit townhouses and stacked townhouses with A 4.5 metre minimum front yard setback, a 2.3 metre front yard setback to porch/patios, and a maximum 75 units per hectare.

Departmental Comments

Urban Design

Urban Design staff commend the applicant for incorporating the following into the proposed design; locating a building along the Fanshawe Park Road frontage with units fronting the street, establishing a built edge and activating the street; massing and height that is compatible with the existing neighbourhood (composed primarily of 2 storey homes), with the taller building (3.5 storeys) along the Fanshawe Park Road frontage and the lower building (2.5 storeys) interior to the site; locating all parking in the rear of the site.

Through the staff recommendation, the site plan authority should be requested to ensure the following design principles are incorporated into the final site and building design through the site plan approvals process:

- Ensure the proposal is in keeping with the principles established through the re-zoning process, these include:
 - Building location and orientation;
 - Building massing and height;
 - General site layout (setbacks, parking location, vehicular access, pedestrian circulation, etc...)
- Ensure there is an adequately sized and located amenity area on site for future residents;
- Provide adequate landscaping along the east, west and south property lines in order to provide a buffer between existing adjacent single family homes and the proposed development.
- Explore opportunities to incorporate materials, colours and architectural styles that are found in the area into the final design of the buildings;

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

Old Stoneybrook Community Association	Bill and Linda Day 1277 Hastings Drive London ON N5X 2H8
Alex and Mirella Plommer Spencer Crescent	Brandon Lawrence 41 Meridene Crescent East
Brian Blazey 11 Melanie Court	Fred and Wendy Ruddle
Carl Hallberg and Phyllis Retty 1262 Hastings Drive London ON N5X 2H7	Cathy and Fred Cull 33 Camden Place London ON N5X 2K5
Gary and Joanne Schleen 11 Spencer Court	Gary Croxell 17 Camden Road
Gloria McGinn-McTeer 18-683 Windermere Road London ON N5X 3T9	Sandra and Greg Peloza 63 Robinson Lane
Heidi Cull-Capstick and Jason Capstick 28 Frobisher Crescent	John Howitt and Anne MacDougall 1281 Hastings Drive London ON N5X 2H8
June Smith 67 Millford Crescent	Katherine and Dale Laird 51 Camden Place N5X 2K5
Ken McGuire 63 Camden Place London ON N5X 2K5	Lindsey Bradshaw and Steve Cameron 33 Camden Place
Mary and Vladimir Stopar 30 Fawn Court London ON N5X 3X3	Michael Crawford 21 Camden Place London ON N5X 2K5
Mary Lacey 37 Camden Place	Phil and Deena Lincoln 7 Camden Road
Shannon and Mark McGugan 20 Cedarwood Crescent London ON N6H 5P4	Tom Collins 70 Milford Crescent N5X 1A8
Tracey Taylor	Wendy McDonald 55 Camden Place
Dave Crackel 171 Cambridge Street	Tony Mara
Piotr and Bozena Nowakowski 1273 Hastings Drive	Claudia Clausius
Catherine Traill	Brian Crombeen 87 Camden Road
David Jackson 60 Camden Road	Susan Campbell
Rick and Barb Giroux 1269 Hastings	Mike and Ashely Kirley
Shi Yinggru 76 Camden Road	Keith Stewart 75 Camden Road London ON N5X 2K2
Rasul Shafikov 1304 Hastings Drive	Barbara Allen 116 Robinson Lane
Jean Hammond 1260 Hastings Drive London ON N5X 2H7	Russell Sawatsky 1541 Hastings Drive

Old Stoneybrook Community Association
Helping Grow Forest City...



Response
Re-Zoning Application Z-9006
307 Fanshawe Park Road East

Submitted February 25, 2019 to the Planning Staff, City Councillors, and Planning and Environmental Committee, City of London, Ontario.

Dear Mr. Craig Smith,
We are submitting our response to the Application to Re-Zone (File number Z-9006) and ancillary documents authored by Zelinka-Priamo Ltd. posted on the City Website January 28, 2019.

We are eager to develop discussion leading up to the Public Participation Meeting. Given the unusually short timelines, (28 Jan. first notification, 7 Feb. Public Meeting, 1 March submission deadline), we are anxious to have our feedback considered by City Hall.

Respectfully submitted on behalf of
Old Stoneybrook Community Association

Old Stoneybrook Community Association
Helping Grow Forest City...

INTRODUCTION

We agree with the aspirations of the City of London to re-develop existing sites within the constraints of City boundaries. For reasons of City economics, environmental responsibility, and the need to build and sustain healthy and diverse neighbourhoods, infill development is sensible.

That said, we cannot support the presented plan for intensification as its density, design, and build are contrary to both the spirit and letter of the City's Official Plan (1989), the City's Bylaws (1989), and the intended London Plan (2016, as updated 2018).

Our objections can be defined in a few central themes:

1. The plan represents a massive increase in building scale and density, and is insensitive to the neighbourhood characteristics and scale. To use the City's own language: the proposal does not "fit" the "character" of the surrounding neighbourhood.
2. The plan's density exceeds constraints of the site itself, and would require many variances to multiple setbacks, parking, and landscaping Bylaws. This would represent a major insult to both the letter and spirit of the Official Plan and Bylaws.
3. The proposal will see the removal of all trees (excepting a hedge) that are not part-owned by neighbours. This violates Bylaws, the aspirational intent of both the old Official Plan as well as of the new London Plan. The tree removal also has major implications for buffering, as well as for the management of snow and waste water.

ZONING AND DENSITY

In 2011, 307 Fanshawe Park Rd. East was rezoned in the "City of London Zoning Bylaws" from R1 (8) to R1 (bonus h-5*, h-54*, R1(8)b. This bonusing was linked to a specific plan that, in the end, was not realized. The development was also linked to preservation of an existing yellow brick farm house. This house also no longer exists as it was demolished by Premier Homes in January of this year.

Our specific reservations fall into three broad categories:

- A. elements that affect the quality and character of the immediate neighborhood
- B. elements that affect the flow of traffic and pedestrians
- C. elements likely to affect residents of the proposed development.

Important: many of the issues that a City Planner might consider best dealt with at the stage of Site Planning, **actually** devolve from the Developer over-reaching with regard to density/rezoning. We request that these concerns be addressed before Site Planning.

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A. Concerns pertaining to Immediate Neighborhood.

Preamble

In the Official Plan, the neighborhood area is designated R1(8), and 307 Fanshawe Park Rd. East, in the absence of the farm house required in the former re-zoning, now reverts back to R1(8). The designation of Fanshawe under the *Official Plan* (1989) and formally recognized by the City in the 2011 re-zoning, is “arterial road”. In the 2018 *London Plan*, the area is officially designated a “neighborhood”, and one side faces an “urban thoroughfare” bordered on both sides by pedestrian and bike paths.

It is worth mentioning here that the “urban thoroughfare” side of this elongated property is small. In fact, 83% of the property perimeter backs onto R1 single family dwellings of 1 to 2 stories. As such, there is an obligation to meet the requirements of:

London Zoning Bylaws 1989 - Section 3.1.2 – Low Density Residential Objectives:

- “Enhance the character and amenities of residential areas by directing higher intensity uses to locations where existing land uses are not adversely affected.”
- “Development within areas designated Low Density Residential shall have a low rise low coverage form that minimizes the problems of shadowing, view obstruction, and **loss of privacy**” (*Official Plan* 3.2.2; emphasis added)
- “Residential Intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained as outlined in policy 3.2.3.3 and 3.2.3.4.” (*Official Plan* 3.2.3)
- “Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area.” (*Official Plan* 3.2.3.2)
- “New development should provide for a diversity of styles, continuity and harmony in architectural style with adjacent uses. (*Official Plan* 3.2.3.8)
- “Development of the site or area for medium density residential uses shall take into account surrounding land uses in terms of height, scale and setbacks and shall not adversely impact the amenities and character of the surrounding area.” (*Official Plan*)
- According to the *Official Plan* (3.2.3.4), the onus is upon the applicant to “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.” Removal or all trees and replacement with a parking lot for 63 cars is not, by any objective criteria, a good fit. Nor is a reduction in the offset from neighbours.
- If Council wishes to anticipate the aspirations of the *London Plan* (2018), it must consider Sections 940 and 953 that require that the subject lands can appropriately accommodate the proposed development, allowing for efficient intensification of the lands while also providing large landscaped open space, sufficient parking, and large building setbacks. Moreover, these sections stipulate that “as a municipality, we will design for and foster a well-designed built form throughout the city....” Well-built forms do not start with multiple variances from the Bylaws. Furthermore, the documents go on to state an aspiration to “development that is designed to be a good

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fit and compatible within its context.” Section 937 clearly states that “Intensification within existing neighbourhoods will be encouraged to help realize our vision for ageing in place, diversity of built form, affordability, vibrancy, and

effective use of land in neighbourhoods. However, such intensification must be undertaken well **in order to add value to neighbourhoods rather than undermine their character**, quality, and sustainability” (emphasis added).

In our opinion, R5 could be appropriate, but at a lower density in this application totaling 16-20 units to match the previous R1 bonus, 2011 plan (or a plan equivalent to R5-5).

Specific Concerns Relating to deviations from Bylaws and the *Official Plan*:

1. Although the Notice of Planning Application (28 January 2019) outlines a proposed change from R1/Bonus to R5-7, the Planning and Design Report (Zelinka and Priamo 21 Dec, 2018) proposes R6-5 (pg. 16), and R6-7 (page 35).

2. The London *Official Plan* (1989) 3.2.3.2 permits a density of up to 75 units/ha. This statement lists building types ranging from detached to low rise apartments. However, significantly, Section 3.2.3.8 of the same *Official Plan* states that “it is intended that an intensification project **should meet all Zoning By-law regulations.**” It is clear then that the Official Plan insists on observance of the zoning Bylaws. The Plan does not supersede the existing Bylaws. Thus, in Section 9.2 of the City of London Zoning Bylaws (1989), under PERMITTED USES in R-5, the Bylaws describe two possible configurations:

1. a) Cluster townhouse dwellings
2. b) Cluster stacked townhouse dwellings

The MAXIMUM assigned density for stacked townhouses is “60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres.” This site is neither inner city nor a designated major activity centre. If these Bylaws are observed with regard to number and nature of neighbourhood, it is arguable that even 60 units/ha are illegitimate.

Section 3.2.3.8 of the *Official Plan* indicates that “there may be instances when a **minor** variance is warranted based on the configuration of the site or development constraints associated with it. Any required variance should be evaluated as part of the development” (emphasis added). The density proposed is such that it requires not a single minor variance, but multiple major variances.

3. The proposed setback of apartment Block A from the west side property is 4.9 m. The proposed height (only to mid roof) of the structure is 12.1 m. However, the Bylaw requires a setback of 0.5m per metre of height, which in this case would be 6 meters not 4.9 m. (Bylaw Section 9, Table 9.3).

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“when the end wall of a unit contains no windows to habitable rooms or 6.0 metres (19.7 feet) when the wall of a unit contains windows to habitable rooms”.

Since the elevation plan of townhouse Block A contains full windows on the 1st and 2nd floors and transom windows on the 3rd, setback should be 6 meters.

4. The hyper density of the proposed buildings necessitate an expansive parking lot (1.5 spaces per residential unit). Since the parking lots abut neighbours on *three sides* it is urgent to note that they do not conform to City Bylaws in several ways (Site Plan Control Bylaw CP 1455-541).

6.2g “Private Outdoor Space d) i) Common parking lots should not be closer than 3 m (9.8 feet) to a private outdoor space; ... (iii) Parking spaces should be oriented so that headlights and fumes are not directed towards the private

outdoor space by using a parallel parking arrangement or by screening with planting or fencing;”

6.2 a ii One (1) “visitor parking space shall be provided for every ten (10) dwelling units”;

6.2 d “Where feasible, parking should not be permitted in a yard adjacent to a residential zone. Where such parking is permitted, adequate screening will be required (see Section 9 on landscaping).”

- a) The eastern parking lot does not meet the required 3 m setback (it is 2.4 m).
- b) City Bylaws require that parking spaces be oriented *away from* neighbours and be shielded by a privacy screen both to avoid lights and fumes. Both lights and/or fumes are directed into neighbours’ yards in this current plan.
- c) Parking spaces are required to be broken by a landscaping feature every 15 spaces. This is entirely missing in the current plan.
- d) Parking spaces are presently apportioned at the minimum required 1.5 times number of residential units (i.e.: 42 units x 1.5 = 63 parking spaces).
- e) Accessible parking is inadequate at present. Only one of the two slots is the regulation twice the regular width. As well, accessible parking is required for 4% of the total which in this case would be 2.5 slots. (Bylaw Z-1-14, Sect. 4.19; Ontario Reg. 413/12, Sect. 80.36).
- f) The development cannot accommodate 63 parking spaces while complying with the Bylaw R5 Section 9 table 9.3 that mandates 35% of the development area to landscaping.
- g) There are no spaces for mandatory bicycle storage.

In view of the above, night time parking will be noisy and cast car headlights onto neighbours’ back yards, all of which will be less buffered than would be the case had setback been respected and trees preserved. Fumes will float into adjacent backyards where children play. Moreover, the parking lot will be illuminated literally 24/7. This

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will be an annoyance to neighbours who border 83% of the perimeter and ALL of the parking lot. Assurances that lights will be downcast do not answer the light pollution problem since lamp poles cast a large circumference. This current parking plan clearly violates the *London Plan 279*: “Lighting of parking areas will be designed to avoid negative light impacts on adjacent properties.”

5. Premier Homes’ “Tree Report” dictates the destruction of all trees on the site (with the exception of the SW hedge and *some of the* shared boundary trees). This violates the aspirations of the *London Plan*.¹ We all recognize that London comprises discrete neighbourhoods each with its own individual character – Wortley Village, Old North, Byron, Sunningdale, Old South, and Old Stoneybrook, etc. A unique and historical feature that *distinguishes* Old Stoneybrook among London’s northern neighbourhoods is the many mature trees bordering former farm fields. Moreover, trees planted during the suburb’s development in the early 1970s are now grand and mature. Mature trees are thus a defining characteristic of Old Stoneybrook. As a distinctive feature of the neighbourhood, preservation and respect of neighbourhood characteristics (formally enshrined in the guiding principles of both the *Official Plan* and the *London Plan*) must be respected by planners and developers alike. Indeed, **Zelinka Priamo explicitly recognize this as a distinguishing feature** on p. 6 in the “Spatial Analysis and Neighbourhood Character” section of their Planning and Design Report: “Large mature trees are located on many of the properties in the area.” The Zelinka Priamo plan recognizes the mature trees, but then proceeds to plan for their clearcutting.

Note: 307 Fanshawe is *in and of itself* designated a “Tree Protection Zone”: Bylaw No.

C.P.-1515-228 Map D2. Why is the plan not sensitive to this Bylaw? Moreover, the *Official Plan* (1989) places great emphasis upon the preservation of existing trees (11.1.1 ii) and the quality of green space. The *Official Plan* 1989 section 11.1.1 x directs: “Landscaping should be used to conserve energy and water, enhance the appearance of building setback and yard areas, contribute to the blending of new and existing development and screen parking, loading, garbage and service facilities from adjacent properties and streets.”

- a. In the current plan, landscaping is below threshold – 32% instead of the 35% required in Bylaw Section 9 table 9.3. Worse yet, much of the proposed landscape encompasses property margins and offset, and is neither practically useful for future residents of the development, nor does it buffer the surrounding neighbours.
- b. Flooding over this alluvial clay-based property has always been a perennial problem. Water retention characteristics of the site will be drastically degraded with this plan.
- c. Since the eastern border of the parking lot does not provide the required setback, there is insufficient room to plant substantial trees. Indeed, installation of the parking lot might damage the root structure of neighbours’ trees. In this way, even

¹ See *London Plan* 272 – The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Moreover, the *London Plan* devotes an entire section specifically to the retention of trees.

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salvaged trees might die. Replacement trees situated elsewhere, if even possible, will take DECADES to grow to anything substantial. In the meantime, neighbours will be denied buffering from: 63 cars, 24/7 lighting, and the industrial-scale garbage and snow removal contractors for decades.²

- d. The current plan provides no space for snow cleared from the parking lot. This will inevitably result in the narrow bordering grounds being piled meters-high with snow. Inevitably again, this will result in even worse flooding during the spring thaw. Zelinka Priamo’s Planning and Design Report elevation drawings (p. 15) indicate a substantial grade at the rear of the property. Where will melt water go if not into the neighbours’ yards? No catchment located under the paved areas will redirect melt water produced by thaw along the perimeter. If the alternative is to load snow into trucks to cart away, neighbours will endure the noise of night now removal and cartage operations.
- e. According to a licensed arborist, any new “replacement” trees, in the absence of other mature trees on the lot, will be drowned in the flooding caused by melting snow.

6. It is not clear that Premier Homes’ plan includes a reservoir for storing precipitation run-off from the proposed large concrete and asphalt surface area, or to actively pump back up to the existing drainage connection. This violates the proposed sections of the *London Plan* (2018) below.³ To make matters worse, while the present site comprises a gentle front-to-back downward slope, the Zelinka Priamo elevation plan (their Figure 22) shows that front and middle of the site will be raised and levelled. The result will be a sharper downward slope pushed to the extreme back of the property and thereby steepened (see **Figure 1** below). This now steepened slope, where snow will be piled, means that spring runoff cannot be retained by water management or routed by the parking lot. Instead, the melt will pour downhill into the residential backyards. This exacerbates the potential to drown neighbours’ existing trees (according to a consulting arborist), and to flood basements bordering the 307 property.

² *London Plan*: Direction 4/9: “Strengthen our urban forest by monitoring its condition, planting more, protecting more, and better maintaining trees and woodlands.”

³ See *London Plan* 282: “Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and to help convey stormwater and reduce the heat island effect.” 283: “Large surface parking areas will be designed to incorporate low impact development measures to address stormwater management.”

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Side View



Aerial View



Figure 1. A current gradual front-to-back slope is pushed and steepened to the rear of the lot in the proposed development. The red shading indicates the area of a proposed slope that empties into rear-abutting yards. Red line denotes original grade of lot. In addition, note that the aerial view of this diagram illustrates the lack of space available for snow removal and storage: the entire perimeter of the lot is either border or walkway.

7. Privacy is a big concern. The surrounding residences are 1 - 2 stories. Although Zelinka Priamo’s conceptual plan discusses 3.5 stories, the roof height (strategically faded in their diagram) is 12.1 meters and towers over adjacent properties. Compare **Figure 2A** below (copied from Zelinka Priamo Figure 22) to **Figure 2B** (elevation copied from Zelinka Priamo Figure 16 scaled and pasted into Zelinka Priamo Figure 22).

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Figure 2. Comparison of Zelinka Priamo elevations and neighbours' roof lines. The comparison shown in their report Figure 22 is faded at the roof line. The red arrow indicates its location in their representation (above Figure A). Compare this with the solid roofline from Figure 16 scaled to match at comparable features (blue arrows), and indicating the degree to which the proposed structure will dominate adjacent housing (above Figure B). Note that Zelinka and Priamo's depiction of front and back elevations of Apartment Block A differs in their Figures 16 and 22, making comparisons difficult. In view of this, the elevation and height disparity have been **conservatively** represented in our lower Figure 1B.

A 6-foot high perimeter privacy fence would provide no privacy from 2nd and 3rd floor balconies in the development. This lack of privacy will be exacerbated by the removal of all screening trees and their replacement with a parking lot. The elevation drawings (Zelinka Priamo's Planning and Design Report, p. 15) indicate a substantial grade at the rear of the property, and a more gradual one from the front: the proposed apartment blocks will loom more than 3 or 4 stories in height over neighbours. We refer you to the guiding principles of the Official Plan:

Vision Statement (2.3.1.)

- vi) "An Official Plan should enhance the character of residential areas and direct redevelopment and intensification activities to locations where existing land uses are not adversely affected."
- vii) "Land use planning should promote attractive ... building design which is sensitive to the **scale and character** of surrounding uses."
- viii) "While it is recognized that there may be redevelopment, infill and intensification in some established residential neighbourhoods, higher intensity land uses will be directed to locations where the character of the residential area is enhanced and existing land uses are not adversely affected."

Moreover, according to the *Official Plan* (3.2.2.) "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.**"

On page 8 of the "Design Goals and Objectives" section of the Zelinka Priamo Planning and Design Report, one of the 5 major goals listed is to "Ensure ... enhancement where

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possible, of privacy between the subject lands and abutting properties." By any objective criteria, this goal has not been realized since the design and layout of this high density intensification degrades privacy for abutting neighbours in the numerous and substantial ways enumerated above.

8. There is no indication that the plan includes centralized air conditioning: 42 window mounted air conditioners would be environmentally inefficient and add noise pollution to

the immediate neighbours. Is this building going to be LEED certifiable?⁴ A central air conditioning plant will further diminish the already-reduced landscaped area available, further eroding the 35% landscape requirement.

9. There seems no plan for garbage collection: no receptacle bins appear on the diagrams. The requirement for waste storage from such a concentrated density of 42 units will presumably reduce either parking spaces or landscaped space. As well, waste storage may further breach the already enumerated setback and Bylaw violations. In the current plan, waste bins will likely be close to neighbouring properties, bringing rotting garbage smells and pests. This will seriously degrade the enjoyment of outside spaces by both residents and neighbours alike. If waste collection is industrialized, the narrow lane access to industrial bins will mean routine reverse signal (beeping) at any odd hour, much to the detriment of peace enjoyed by residents and neighbours. Centralized garbage facilities will further erode the already-substandard landscaped area available, further failing to meet the 35% requirement.

B. Elements that affect the flow of traffic and pedestrians

1. According to the City of London Bylaws (1989), R5 buildings are required to have a 6 meters setback from a residential road **or 8 meters from a major artery** (i.e.: Fanshawe Park Rd. East). The setback proposed, anticipating widening of Fanshawe, is described by Zelinka Priamo in the Proposal Document as 4.5 meters. Not only is this far short of the required 8 meters; it is also misleading. Both the overhanging balconies as well as the below-grade window wells jut out 2.2 meters into the proposed setback. This thereby reduces the **actual setback** of the proposed structure to a mere **2.3 meters**. Where will the pedestrian and bike paths go? The Bylaws were established for efficiency and safety. How can these be achieved when the proposals are 5.7 meters short of the requirement? (Bylaw Section 9, table 9.3).
2. The front minimal setback means that exiting drivers will have an obstructed view of pedestrians and cyclists, especially near a bus stop. Who bears liability for accidents arising from this violation of the setback Bylaw?
3. The proposed “right turn in, right turn out” will frustrate residents and endanger other drivers, cyclists, and pedestrians alike:
 - a. If a bus is idling at the London Transit stop immediately west of the driveway, neither the resident driver, nor oncoming traffic will be able to gauge egress safely (Figure 3).

⁴ *London Plan* (2018): Section 6: “Reduce our human impact on the environment – reduce our carbon footprint as a city.” Section 8. “Promote green development standards such as LEED Neighbourhood Development and LEED Building Design and Construction standards.”

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- b. Residents travelling home westbound on Fanshawe will inevitably have to turn left/south at the lights onto Hastings to do a three point turn in order to turn right/east back onto Fanshawe into their own driveway (Figure 3). Alternatively, exiting residents wishing to travel west towards Richmond must first drive east along Fanshawe before making a U-turn in order to proceed west.⁵
- c. If the present “cut-out” in the Fanshawe lane divider remains, residents will attempt to make risky turns across two lanes of traffic to go either into or out of their driveway. Even worse, if the cutout is blocked, access for fire trucks from the Fanshawe Park Rd. East fire station might be delayed.

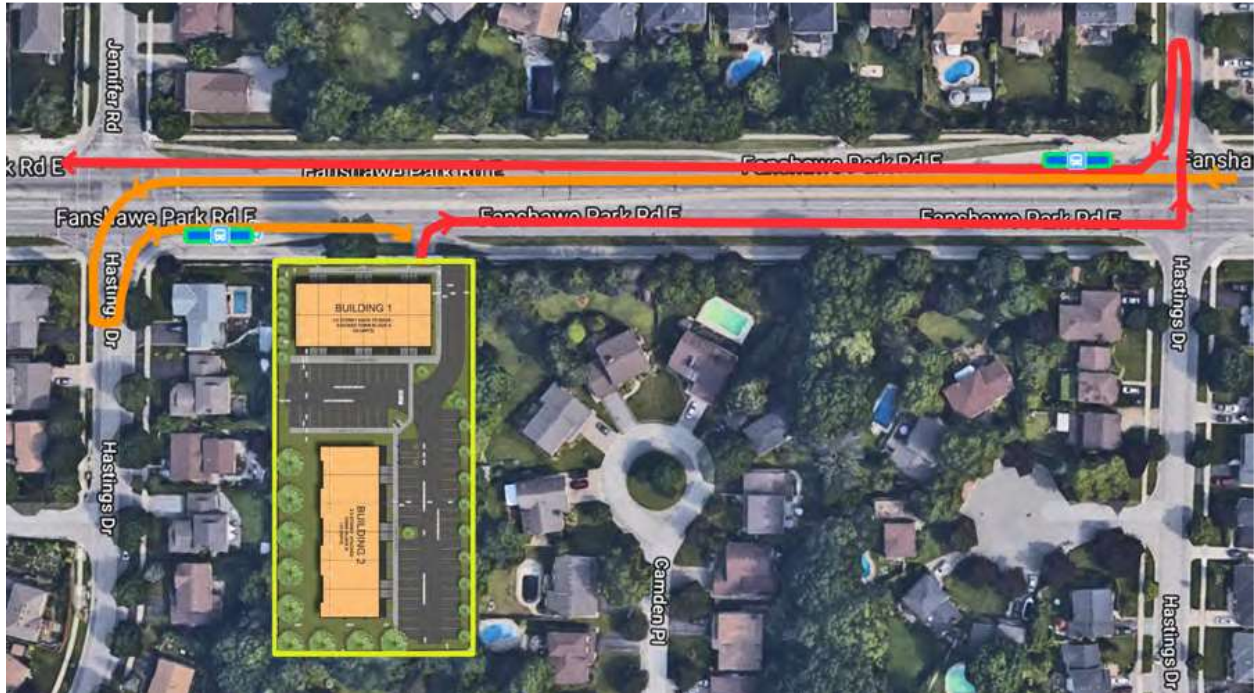


Figure 3. Map showing entrance and exit traffic challenges. Residents wishing to leave the complex and go westward must first turn east, pull a U-turn, and then go west (red line). Residents driving to the complex from the east, must first pass the complex, turn south onto Hastings, then pull a U-turn before proceeding east again (orange line). In both instances, visibility for integrating into traffic is challenged by bus stops (blue and green boxes). 307 Fanshawe is circumscribed in yellow.

C Elements likely to affect residents of the proposed development.

The useable green space of the property is miniscule, and very little of it is likely to be useable by residents. The plan articulates a 32% building coverage, but this does not

⁵ *London Plan 270*: “The location, configuration, and size of parking areas will be designed to support the planned vision of the place type and enhance the experience of pedestrians, transit-users, cyclists, and drivers.”

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include the parking lots. If one includes the narrow border of the eastern parking lot, the common total landscaped area is just under 32%. Current Bylaws require 35% (R5 Section 9 table 9.3).⁶ There is no play area in a development we have been told is intended to be family friendly.

1. We have been told that the proposed development is designed to appeal to people seeking housing on a budget (i.e.; young families). Given this, it is odd that the proposal does not define a play area or other green space. This contravenes the Official Plan (11.1.1 xvi). The proposed landscaped ground is limited to fragmentary and strip-like border spaces. This precludes room for a play area. This is an inevitable consequence of the high density infill and the required parking spaces.
2. There does not appear to be accommodation for bicycle storage. *London Plan 280*: “Secure, covered and non-covered bicycle parking should be incorporated into multiple- unit residential, commercial, retail, institutional, and recreational developments”.
3. Residents’ cars will be over crowded since back-to-back spacing in the proposal is 6.1 meters instead of the required 6.75 meters. City Bylaws (Site Plan Control Bylaw CP 1455-541:6.2 g): “Where the applicable zoning by-law regulations do not specify the size of parking spaces and aisles, the relevant standard minimum parking dimensions set out in Figure 6.1 and Table 6.1 shall be used and the spaces shall be clearly marked.” Moreover, in Figure 2.1 of the Bylaw, “Parking

separation,” each parking slot must be 5.5 meters long, and back to back separation should be 6.75 meters.

4. Residents inhabiting basement units at the front of apartment Block A (with 1 meter below grade patios immediately abutting pedestrian and bike traffic on Fanshawe Park Rd. East), will find their “patios” serving as refuse receptacles for the bus stop.

MASSING

⁶ This is also contrary to the *London Plan* 2018 Direction 7 Subsections 4 and 9 as well as Direction 8 that dictates the implementation of an ecosystem approach. In 160, we read that “Existing trees, both public and private, should be retained in accordance with an environmental impact study and/or a tree preservation plan, through the review of redevelopment and intensification project.” In 235, we note: “Landscaping should be used to define spaces, highlight prominent features and landmarks, add visual interest, define pedestrian areas, delineate public and private spaces, add comfort and improve health, offer visual screening, and improve the aesthetic quality of neighbourhoods.” In 940 it says that: “It is an important strategy of this Plan to support all of these forms of intensification, while ensuring that they are appropriately located and fit well within their neighbourhood.” In Section 953, we read: “The subject lands can appropriately accommodate the proposed development, allowing for efficient intensification of the lands while also providing large landscaped open space, sufficient parking, and large building setbacks.” In 237 we see that “Treescapes should be recognized as important features of a neighbourhood’s planned character.” Section 240 states: “Landscaping features that provide amenities for pets should be considered when designing streetscapes.” In 258 we read: “The layout and grading of a site should retain and incorporate desirable trees.” In 277 it states that “Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.” This **long list** of requirements – many repeating former points - speaks eloquently and consistently to a vision of London’s development entirely at odds with the present proposal.

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The *Official Plan* (for example 6.2.2) directs that “intensity (i.e. massing, height, scale) and design” must be “compatible with character and features of the surrounding area.” Quoting from Zelinka Priamo’s Planning and Design Report, the “2.5-storey and 3.5-storey heights of the buildings are slightly taller than, but similar to, the single-detached dwellings to the south, east, and west of the subject lands, and maintain the low rise character of the area. As the proposed 2.5 and 3.5-storey townhouse buildings will have a one half story below grade, it will appear to have a height of 2 and 3-storeys above ground, respectively, therefore remaining generally consistent and compatible with the abutting single detached dwellings. The greatest massing of the site, being Building 1, is located towards the street in a location that is away from the majority of abutting parcels, and abuts only one property, being 1261 Hastings Drive.” In reality, the structures rise to **twice the height** of neighbouring properties, either in Block A by design alone, or in the instance of Block B, by being built on top of the landfill. The lower surface grading present at the back is being raised, to judge from the elevation drawings, by nearly a full story height. Neither property could be stated to “be sensitive to, compatible with, and a good fit within the existing surrounding neighborhood” (*Official Plan* 3.7.3.1). Since both buildings sport either 2nd and/or 3rd story balconies, these structures cannot help but dominate the skyline. This will be particularly egregious once all the trees are removed.

ARCHITECTURAL DESIGN AND DETAIL

At the February 7 library meeting, Zelinka Priamo presented only conceptual ideas and designs. Most detailed questions went unanswered, or we were told these were Site Planning decisions. We strongly oppose important decisions being postponed to the Site Planning Committee since many such decisions **must** be made at the preliminary stages in order to effectively inform rezoning decisions. Furthermore, it is impossible at this time to gauge the design compatibility with the neighbouring area. Indeed, the

drawings are explicitly labeled as “conceptual” only. **We have no way of knowing what the actual plans or designs are.** Not only this, the concepts themselves are inconsistent in the documents. The 3D designs in Figures 12 - 15 differ from the elevation drawn in Figure 16, which in turn differs from the drawing in Figure 22 with respect to window and door design, roofline, dormers etc. The 3D colour representations are rudimentary and without meaningful specifics.

CONCLUSIONS

The Zelinka Priamo Planning and Design Report states:

“The proposed development has been **designed to be considerate and respectful** of the existing character of the neighbourhood and abutting dwellings. The *London Plan* permits stacked townhouses and apartment buildings of up to 6-storeys (with Type II Bonusing) on the subject lands; however, a more compatible and appropriate height of 2.5- and 3.5-storeys was ultimately selected for the development. The 2.5- and 3.5-storey height, along with **screening and buffering mechanisms**, work together to accommodate the development with **no undue, adverse impacts on the surrounding land uses.**”

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Given our detailed and carefully researched Response above, Zelinka Priamo’s statement is not supported by the facts of design and proposed implementation. The proposed density is only possible if multiple and major exemptions to Bylaws are permitted. The plan consistently fails to respect the Bylaws for setback, parking, tree preservation, and arguably, also density. The structure is in places **twice the height** of the R1 (8) neighbourhood within which it is embedded. All trees on the property that might have retained a modicum of buffering will be removed and replaced with a parking lot. Balconies on the apartment complexes will remove the last vestige of privacy and noise protection enjoyed by neighbours. The failure to observe Bylaws regarding setbacks for apartment block A, the eastern parking lot, and the raised infill upon which block B is to be built, negate whatever modest buffering the planners might have aspired to achieve.

If the density cannot be shoehorned into the existing lot size, then the plan is *demonstrably* impractical, inappropriate, and insensitive.

An infill development down the street, 567 Fanshawe Park Rd. East (**Figure 4** below) is also the product of intensification, but manages to fit into the neighbourhood and to complement surrounding area height (units are all single story).



Figure 4. Infill at 567 Fanshawe Park Rd. East: example of appropriately scaled and sensitive infill development.

It is worth mentioning that the comparative structures cited in the Zelinka Priamo document, the stacked townhouses bordering Fanshawe at 112 North Centre Road, have a substantial setback at both the front and the sides. They also highlight mature trees.

(Figure 5 below).

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Figure 5. Infill at 112 North Centre Road: example of setback and mature trees.

Official Plans and Bylaws are conceived, written, and implemented with careful thought, deliberation, and debate. They are written for a reason, and they help a city and its inhabitants to collaboratively build and sustain a livable and productive urban space.

Bylaws should not be circumvented solely to facilitate developers' plans and ambitions, especially when it is at the expense of established neighbourhoods and their residents.

Infill development and intensification are desirable and possible, but the concessions that would be required to wedge this proposed density into this specific site and neighbourhood should provoke City Planners and Councillors alike to register concern and resistance. Both the neighbours as well as the future residents of this site deserve better.

...By Cultivating Strong Roots

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

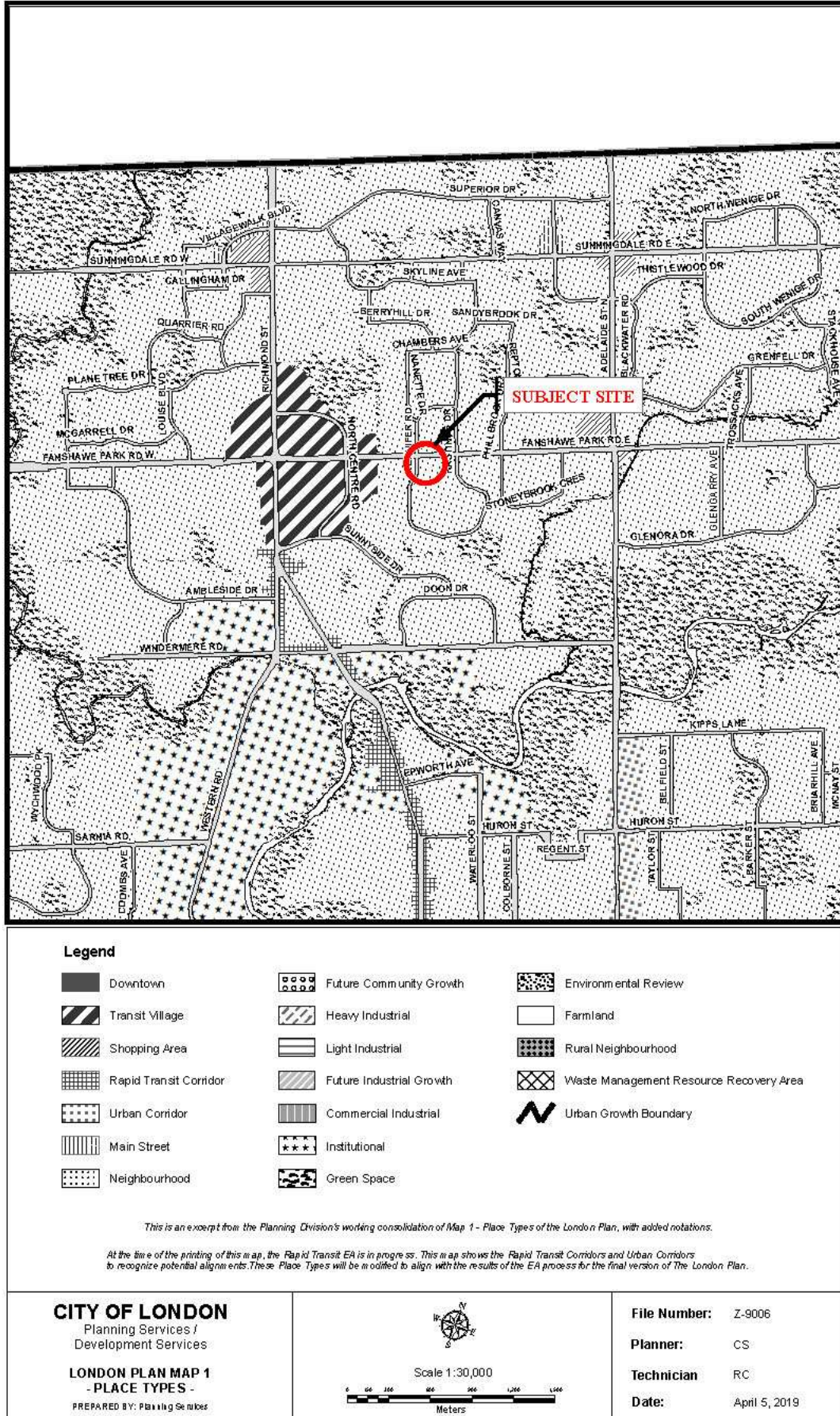
3.7 Planning Impact Analysis	
Criteria	Response
<p>Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.</p>	<p>The proposed land use is a different housing type than the prevailing land use in the abutting neighbourhood, but is compatible. The recommended amendment would provide for a development form that is compatible with the surrounding land use.</p>
<p>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;</p>	<p>The intensity can be accommodated on the subject lands in a form that is compatible with the abutting neighbourhood.</p>
<p>The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and</p>	<p>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.</p>
<p>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.</p>	<p>Although the proposed development is not considered to be medium density residential development or high density residential development as it is it meets the intensification/infill policies of the Official Plan there are parks, open spaces and community facilities located in close proximity of the site. The site is located on an Urban Thoroughfare and has access to various transit options.</p>
<p>The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.</p>	<p>As an alternative housing type, the proposed stacked townhouse dwellings may help satisfy a diverse range of housing needs within the community.</p>
<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 stacked 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 abutting residential neighbourhood, and impacts on adjacent properties such privacy and noise and light penetration would be mitigated through a combination of yard depth and appropriate space for landscape screening.</p>

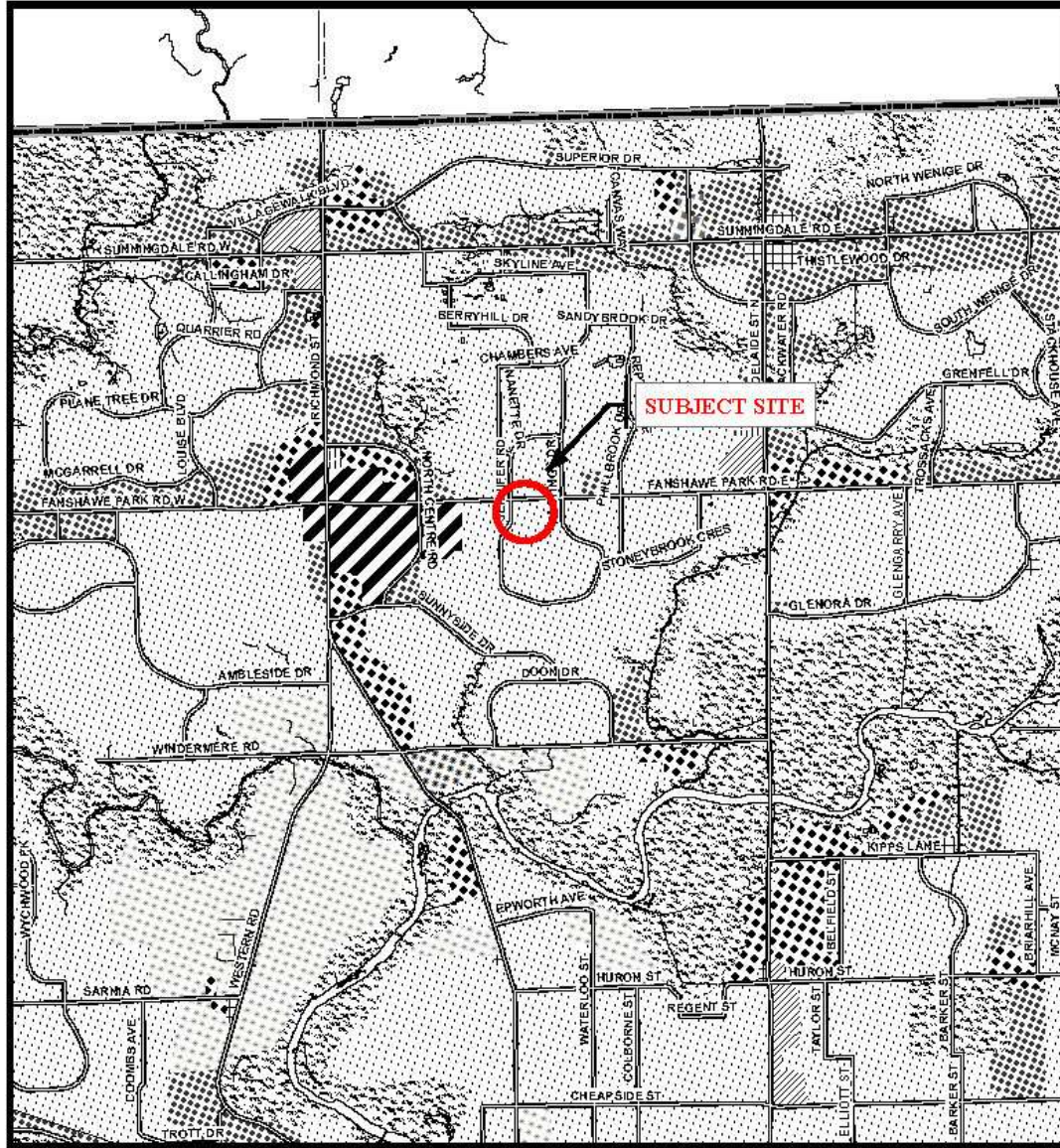
<p>The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;</p>	<p>Through the submitted tree protection study it has been identified that the location of the buildings, parking and grading needs will remove the existing trees from the site. The boundary trees including the existing cedar hedges have been identified to be maintained if possible. The proposed yard setbacks provide opportunities for additional tree plantings.</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>A Traffic Impact Study was submitted and accepted by the City. The City accepts the location of the access (restricted to rights in and rights out only) and that the amount of traffic will have a nominal impact on Fanshawe Park Road East and the abutting neighbourhood.</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 proposed development provides for setbacks that meet or exceed the required setbacks for the rear and side yards. The proposed front yard setback allows for a building along the Fanshawe Park Road frontage with units fronting the street which establishes a built edge and activates the street. The massing and height that is compatible with the existing neighbourhood (composed primarily of 2 storey homes), with the taller three (3) storey building along the Fanshawe Park Road frontage and the lower two (2) storey building in the interior of the site providing an appropriate transition into the neighbourhood. 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.</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 stormwater and associated easement on 7 Camden Road, 1277 and 1281 Hastings Drive 17 and 19 Camden Crescent is intended to convey stormwater from the property. A detailed engineering analysis was completed by the applicant and accepted by the City that confirms that through onsite retention measures stormwater can be adequately contained and conveyed through the easement. Further detailed design will be completed through the Site Plan process.</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 proposed stacked townhouse conforms to the 1989 Official Plan and The London Plan. The proposed stacked townhouse dwellings would be a more compact form of development than the single-detached dwelling that had existed on the property. The proposed height of 12m along Fanshawe Park Road is appropriate to provide for a strong street orientation and built form. The stacked townhouse in the rear is proposed to be 9m in height. The proposed 9m height The height is less than heights permitted in the abutting neighbourhood (10.5m). All of the proposed setbacks (rear and side yards) meet or exceed the minimum requirements of the R5-7 Zone regulation. The revised site plan provides the required amount of parking and the parking area setback from the east property line is 6.8 meters</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>The development would maintain a 2 and 3 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 12 metres for a lot depth of 30m maximum and a maximum height of 10m for the balance of lands. The proposed maximum heights is in keeping with the 10.5 metre maximum height permitted in the abutting Residential R1 Zone that surround the subject lands, and represents the maximum height of 12 metres that is the standard condition permitted in the Residential R5 Zone variations</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

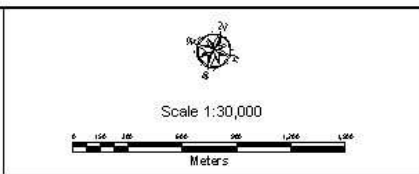
Additional Maps



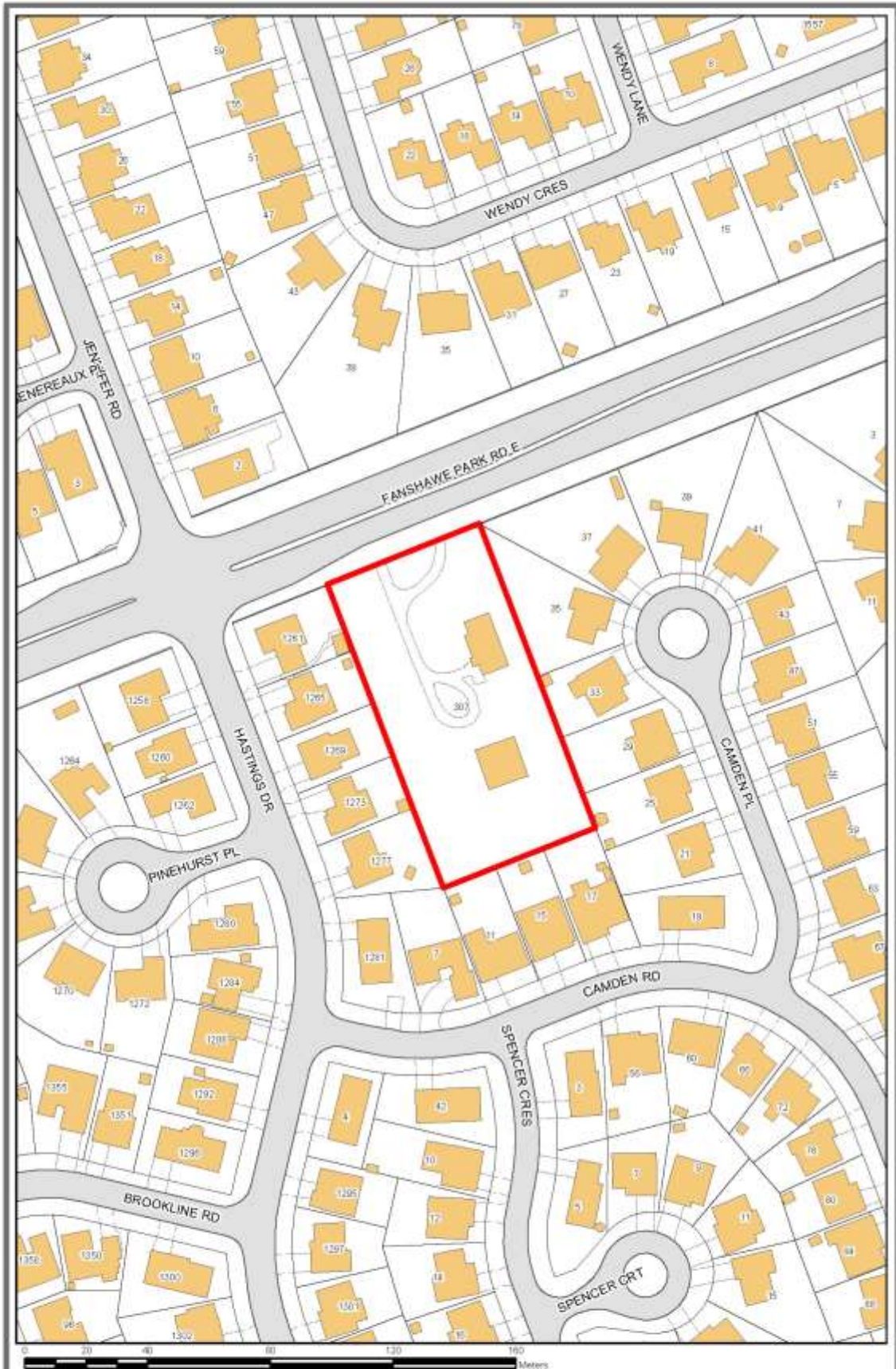


Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	NewFormat Regional Commercial Node		Office/Residential		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

CITY OF LONDON
 Planning Services /
 Development Services
OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services

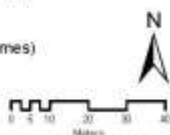


FILE NUMBER: Z-9006
PLANNER: CS
TECHNICIAN: RC
DATE: 2019/04/05



LOCATION MAP

Subject Site: 307 Fanshawe Park Road East
Applicant: 1423197 Ontario Inc. (Royal Premier Homes)
File Number: Z-9006
Planner: Craig Smith
Created By: RC
Date: 06/04/2019

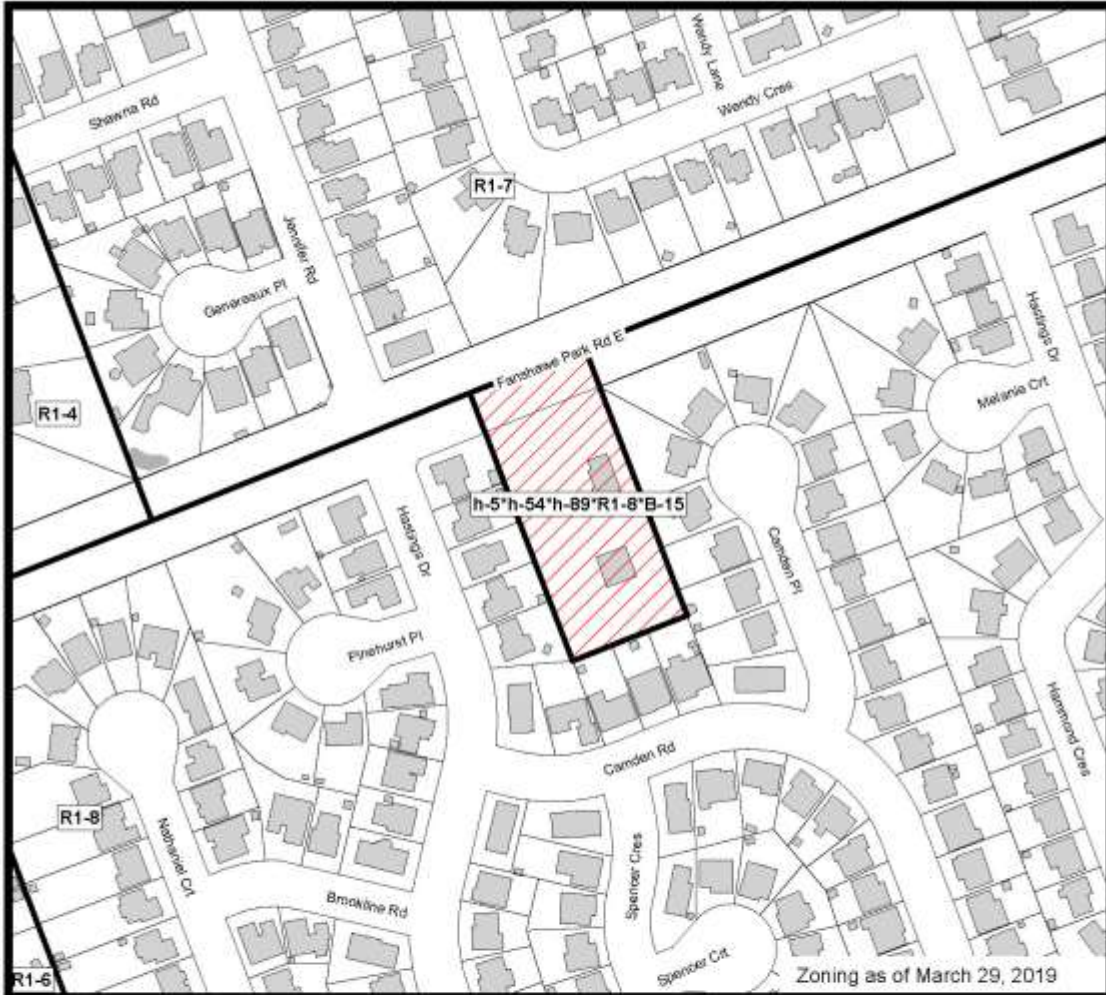


Scale 1:1,500

Corporation of the City of London
Prepared By: Planning and Development

Legend

-  Subject Site
-  Buildings
-  Driveways/Parking Lots
-  Parking Lot Edges



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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**



FILE NO:

Z-9006

CS

MAP PREPARED:

2019/04/05

DM

1:2,500

0 12.525 50 75 100
 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS