

From: Debbie Beverley

Date: September 19, 2019 at 9:30:24 PM EDT

To: Craig Smith <crsmith@london.ca>

Cc: "Tomazincic, Michael" <mtomazin@london.ca>, "Yeoman, Paul" <pyeoman@london.ca>, Anna Hopkins <ahopkins@london.ca>, gkotsifas@london.ca

Subject: [EXTERNAL] Re-Zoning Application Z-9006: Old Stoneybrook Community Response, Sept 19, 2019

Dear Mr. Smith,

I am submitting this response on behalf of the Old Stoneybrook Community Association regarding the amended application submitted for re-zoning of 307 Fanshawe Park Rd E., file number Z-9006. As a community, we appreciate the continued dialogue with the City and Developer that has permitted us to provide comment on the 307 Fanshawe re-zoning application.

Below you will find an Executive Summary of our feedback on the amended re-zoning application submission, file number Z-9006, along with a detailed explanation thereafter, to add clarity to our comments.

Executive Summary:

- i. The Community Association supports development and change in intensification to roughly 20 units from 1 unit (PEC 27 May 2019)
- ii. The Community Association supported, in broad strokes, the footprint of the buildings with respect to area but dispute the appropriateness of the proposed density, set backs, windows, and the huge parking lots. (Meeting with Developer and City Staff 12 July 2019)
- iii. City Council had reservations about the application and referred it back to City Staff to review "proposed tree protection, elevation, intensification and site grading concerns and a review to be undertaken by the Urban Design Peer Review Panel" (Council Minutes, 11 June 2019)
 - a. Tree protection has been "solved" by removing all trees not on neighbors' property (addendum posts by developer 13 Sept 2019)
 - b. Elevation changes have altered the stormwater issues to the satisfaction of City Engineer.
 - c. Intensification is still extreme (42 units) with no concession to site shape, buffering, intense use of site for parking – i.e. suggestion to put it underground
 - d. Urban Design Peer Review Panel expressed concern regarding size of parking lot, lack of shared green amenity space, lack of well-developed tree and buffering plans, poor choice and match of building finish materials, and lack of a landscaping plan. Concern was expressed regarding buffering.
 - Parking lot suggestion dismissed as too expensive

- Provision of amenity space rejected as developer contends the plan meets city minimum requirements – we and UDPRP thought the proposed area designated was not useful to residents
 - Building finish materials have been updated somewhat
 - Landscaping is being deferred to Site Plan stage
 - The revised Site Elevations document indicates a further erosion of privacy and buffering already poor in the original plan – full height windows now cover all stories of the west side of 4th floor of Building Block A and peer down over a property despite a set back variance is requested.
- iv. Community Association contends:
- a. that the developer’s unwillingness to address the size and coverage of the parking lot means even fewer trees will be preserved – neighbors will be less buffered than before
 - b. There is, in effect, no tree preservation plan because ALL those where the developer has exclusive jurisdiction will be removed
 - c. There is no Landscaping Plan, save to replace parts of a 20-30 line of coniferous trees on a shared border with saplings that will, “at maturity”, replace the former trees. All other landscaping deferred to Site Plan.
 - d. There has been no careful consideration of appropriate privacy and noise buffering – obvious tree issues aside, full-height windows are now placed in the west wall of building block A and peer down into the neighboring properties despite a reduced proposed set back. This represents an adverse impact on neighbors in contravention of City Policy and Plan.
 - e. City has not assessed (to our knowledge) an assessment of sanitary sewer condition and flow rate since 1972. Capacity will be a challenge but remains unknown
 - f. Space allocated to snow storage to the east of main parking lot would work only if there were no cars in the lot at the time of clearing – impractical and unrealistic
 - g. City has not appropriately considered traffic effects – developer’s consultant advocates U-turns on Fanshawe during rush hour. This particular intersection is already a site of serious accidents. This represents both a hazard and an adverse impact.

Introduction

The strange path this application has taken speaks to the difficulty of the challenges that intensification densities present: maximum densities permissible under the London Plan, Official Plan, and Bylaws, should theoretically be compatible with the myriad of other standards, policies, and Bylaws enumerated in the aforementioned official documents.

As a Community Association, and as some of you have acknowledged, the Bylaws that City Planning considers at this stage of the game (PEC), do not necessarily address the holistic picture encompassed in the two City Plans and Bylaws (that we have previously

enumerated Document presented before PEC 27 May, 2019). We have been told: first comes zoning, then comes addressing the finer details at Site Plan. We beg to point out that the proposed density (zoning) is driving the size of the parking lot, that in turn drives the peripheral location of the swales, that in turn necessitate removal of the majority of the neighborhood privacy elements - and buffering trees (Site Plan). At the meeting with the developer, his planning team, and city officials (12 July 2019), the Community Association made it clear that it was not the size of the buildings that were at issue, but the size of the parking lot. Moreover, in our submission to the City for the 1st PEC meeting, we indicated that we could see accommodating a reasonable intensification to 16-20 units (roughly 35 units per hectare). We are not adverse to intensification... Modified plans for drainage and sanitary sewer were also presented and clarified (more on that later).

In the Notice of the 23 Sept. 2019 PEC meeting it states: "Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document."

"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.**" Moreover, 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 centre" (emphasis added). 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 a density of even 60 units/ha is illegitimate.

Our argument, that the maximum density zoning application did not provided sufficient detail to see how it also respects other City Plan and Bylaw requirements, evidently found resonance at City Council (11 June 2019). Furthermore, many of the very features we took issue with and asked for redress (27 May, 2019 PEC submission) were again reiterated by the City Council-mandated panel of impartial outside experts (Urban Design Peer Review Panel - UDPRP; 17 July, 2019). Our position is that there is a disconnect, a calibration issue, with regard to how City Planning sees and approves this particular proposal, versus how the affected community, City Councilors, and indeed external and arms' length professionals interpret the City Plans, Policies, and Bylaws.

With respect to concerns enumerated by UDPRP, City Planner Mr. Tomazincic has been at pains to delineate for us those issues that are appropriate at the re-zoning approval stage, and those that are appropriate for the site plan phase. Significantly, the

UDPRP items, if addressed, would impact the proposal in a fundamental way. Surprisingly, the 13 Sept. 2019 re-submission letter from the developer via Zelinka Priamo, discards some of the most important elements as having been addressed adequately in the original plan (amenity space), or as too expensive (sub-grade parking). To sum up, the crux of the design and conceptual problems translate to, in the words of the first speaker of the UDPRP meeting (17 July 2019), "that's a lot of parking lot..!" We have been arguing this same point consistently.

1. Parking Lots and Amenity Space

A theme that runs through the UDPRP critique centers on the large size of the parking lot and placement of buildings as a problem: these two issues affect tree preservation, privacy and buffering for the existing neighbors, parking lot traffic flow (garbage retrieval was mentioned at the hearing as a parking lot traffic issue), and the provision of common green amenity space for anticipated residents. UDPRP explicitly cites that an objective should be to "reduce the impact of surface parking on the existing residential neighborhood." The solution suggested included rotation and re-siting of building block 2, and "below grade parking to create green space / outdoor amenity space around the buildings at grade". To achieve the recommended buffering, tree preservation and amenity space, the developer would have only two options: either reduce the number of parking spaces (and zoning density), or put some of the parking underground. The developer is adamant at resisting both options: a reduced density suggestion offered at the 12 July meeting was answered with a threat to build an apartment building; and the possibility of underground parking is rejected as uneconomical in the letter from Zelinka Priamo 13 Sept 2019. Both options are fundamental both to the plan as well as to the re-zoning application, and in its present form, the site plan does not meet the threshold nor requirement for understanding that is required by the Ontario Planning Act.

Parking lot size and placement - essentially equates to residential density. These are key to whether or not the requested zoning and density should be granted. Since there is no willingness to accept solutions, the re-zoning application should be rejected. Moreover, parking lots still intrude beyond the 3 m limit imposed by the parking Bylaws (to roughly 2 meters at three locations; Site Plan Control Bylaw CP 1455-541). Finally, it is interesting that although there is provision for accessible parking, there is not a single accessible residential unit proposed.

2. Buffering

The removal of trees, formerly proposed to leave 20 of 61 standing, has now been reduced to 14 - all situated on neighbors' property or shared boundaries. This extreme degree of clear-cutting is necessitated by swales circumscribing the lot's edges, and these are in turn necessitated by edge-to-edge parking lots. How is not removing trees from neighbours property displaying respect for an area formally designated by the City as a Tree Protection Zone? There is no concession here at all to trees or buffering.

According to the revised tree plan, the partial removal and then replacement of hedges (presently a line of mature conifers standing 15 to 30 feet high), envisages similar heights and buffering "at maturity". It takes decades for a replacement sapling to reach this height, and it is surely not the intention of the two City Plans to deny privacy and buffering to neighbors of developments for periods likely to exceed neighbours' lifespans. How can this be justified as not representing an adverse impact?

The set back variance for building block 1 at the NW corner has been a source of concern for neighbours, and was directly commented upon verbally by UDPRP (though not explicitly entered into the letter). City Plans and Bylaws both differentiate regarding the impact of un-windowed versus windowed walls that overlook a neighbouring yard (Bylaw Section 9, Table 9.3). The set back for the former is less than for the later. If set back variance is permitted, the west wall should at minimum, lack windows. That said, such a variance in set back does not respect the intent of City Plans nor bylaws (and this is also presently an issue before LPAT respecting the Windemere development) According to Section 3.2.2.8 of the Official Plan, "there may be instances when **a minor** variance is warranted based on the configuration of the site or development constraints associated with it." Our position is that no such variance should be accorded when the sole reason for it is to increase profit via density at the expense of a neighbour, not to accommodate an intrinsically awkward aspect of the site itself.

It is interesting to note that a former concession to buffering (minimizing the 4th story windows on the west side to valence lighting to reduce the view of neighbouring properties below) is replaced with full windows. City zoning setback requirements and City policy indicate that buffering and privacy should be approached with care. The revised proposed model ignores the directives of City Policy, Bylaws, and the direction of the UDPRP. The design should be rejected.

3. Stormwater management

We appreciate that the developer has altered the site plan with respect to grading. Formerly, the lot was higher than neighboring properties and drained to the surrounding edges. Now the lot is proposed to contain a depression in the parking lot to collect and temporarily store water for restricted drainage to a neighbour's easement catch basin. It is worth mentioning that the former plan was not queried by City Planning: indeed they recommended approval the last time PEC met. Since it was only our strenuous objections that forced this logical and necessary design change, we are very uneasy regarding enforcement of the majority of issues they would prefer to defer to the Site Planning phase.

For example, the westward displacement of the large parking lot to accommodate a snow storage space at the eastern edge of the site would work only if there were never any cars in the parking lot following a snowfall. Since the developer's traffic consultant indicates only 19 of 63 cars are likely to driven to work at morning rush hour (miraculously 24 return in the afternoon), the likelihood of the eastern snow storage

space being usefully deployed is nil. Where will the snow REALLY be shoveled? Off the end of the southern and western (?) edges of the large and small lots respectively? (ie; onto neighboring back yards?)

We are also perplexed that water that was formerly designated to empty onto Fanshawe now all collects and is directed to the SW corner.

4. Sanitary Sewer Capacity

Both the Developer's consultant as well as the City Engineer appear to accept that the 6 inch sewer pipe that formerly led from the single family home on the site into the Camden Place network will be sufficient to accommodate the waste of an estimated 101 residents of the new buildings. At the 12 June meeting with the developer and city officials, the developer referred to "profit per room." We are concerned that this reflects a desire to market to higher than average (the basis of sewer capacity calculations) density per unit, and that the estimate of 101 residents is consequently low. To be clear, a 6 inch pipe that runs at a 1% grade and that used to service a single family dwelling is now proposed to service 101 people... or more. Our request is that this drain to the main trunk on Fanshawe.

Furthermore, both the developer's as well as the City Engineer's calculations are based upon designs and flow rates calculated and last measured at the time of installation - 1972. Specific queries to City Planning regarding the present grade (1%), and state of sewers have not been answered. This leaves no margin for confidence and error.

5. Fit , Finish, Character and Privacy

Fit and finish (character) of the buildings appear to have been upgraded in the latest elevation drawings (13 Sept. 2019), but not in the rendering attached to the 2nd PEC meeting announcement. There are now full height windows on all four floors of the west wall of building block A, and this contravenes both the spirit and letter of the City Plans.

In conclusion, while we do appreciate the discussion and recognize the changes that have been made to the plans for 307 Fanshawe Rd. E, we still urge you to reject the current proposal. Too many issues are outstanding that directly and adversely impact the neighbourhood and contravene many of the City Bylaws and London Plan.

Kind regards,

Deb Beverley
President
Old Stoneybrook Community Association