

Old Stoneybrook Community  
Association:  
Helping Grow Forest City

307 Fanshawe  
Application Z-9006

# Agenda

---

- **Context**
- **Land Use Change - City Council & UDPRP Recommendations**
  - Claudia Clausius
- **Adverse Impacts and Alternatives**
  - Deb Beverley
- **A Call for Changes**
  - Ron McDougall
- **One Case Study**
  - Fred Cull
- **Significance of the *Official Plan, London Plan,* & Bylaws**
  - Michael Crawford

# Our Position: We Support Development

Claudia Clausius

---

## Community Association Supports Development:

- Under-utilized lot
- Opportunity to intensify
- Suggested intensification to 20 UNITS  
(Submission to PEC, May 2019)
- Accept footprint of building (meeting with  
developer at City Hall, July 2019)
- Opportunity to promote accessibility
- Opportunity to diversify community

# Confused History of Proposal

---

- Original application to PEC was for **R5**
- However, the same application also mentioned **R-6-5, R6-7, R-8**
- City Planner suggested **R8** in order to address numerous Bylaw violations
- Formal Submission returned to Council **R5**
- Now an almost identical re-submission at **R5** but still invoking **R8.**

# Land Use Change

## **City Planner justifies 42 units on 307 site:**

“The recommended density of 75 units per hectare is **required** given that the maximum density within the R5 zone is 60 units per hectare”

*Official Plan (1989):*

- Section 3.2.3.8 Bylaw 9.2 Clustered Townhouses max 60 units/ha

*London Plan: density permitted is **context dependent**.*

307 is designated a “Neighborhood”, not a Transit Corridor, Urban Centre, Shopping Area, etc.

**Precedent is about 30 units/ha**

**= 17 units (not 42) = 25 parking spaces (not 63)**

# Consistent History of Response to Proposal

**PEC:** 27 May Decision Hung

**City Council:** 11 June directs the proposal “BE REFERRED back to the Civic Administration in order to undertake additional work with the applicant” [to address] (Minutes of meeting)

- Tree protection,
- Elevation,
- Intensification and Site Planning through UDPRP

**UDPRP:** July 17 recommendations consistent with Community critique re: elevation, parking lot size, loss of trees, buffering, green amenity space

# City Council Directions Not Addressed

---

## **Tree protection**

- Previous proposal had 20 bordering trees retained, now only 14 will be preserved.
- 6 additional trees will be cut down that are partially owned by neighbours.
- **ALL TREES WITHIN LOT WILL BE CUT DOWN in a designated Tree Protection Zone!**

## **Building Elevations**

- Now LESS privacy for neighbours – high, private transom windows have been replaced with full height windows.

## **Intensification and Site Planning through UDPRP**

- UDPRP gives preliminary direction to developer, with request to return with more information at 2nd meeting.
- City Staff rejects request for meeting due to limited resources.
- City Staff report does not faithfully address UDPRP concerns.



# UDPRP's Direction

---

- UDPRP accepts land use change with density and mass  
BUT WITH
- **CRITICAL QUALIFICATIONS:**
  - **“That’s a lot of parking lot!”**
  - “Critical” - Privacy and buffering require more careful thought .
  - Provide vegetation and tree preservation plans.
  - UDPRP suggests below grade parking.
  - Improve trafficking for garbage and parking.
  - Provision of central common green amenity space.
  - “It is requested that the application return to the Panel for review once an application has been submitted”



# Application Disregards UDPRP

---

- Fewer trees preserved than before (14 vs 20).
- Landscaping deferred to site plan phase.
- Privacy buffering is degraded.
- Parking lot traffic issues not addressed.
- Claims that the drainage swales serve as green amenity space
- Underground parking dismissed as too costly.
- Proposal did not return to UDPRP.

# Adverse Impacts and Alternatives

---

Deb Beverley

# Practical Problems with the Proposal

---

- Loss of all trees on lot, many on shared boundary, in a **Designated Tree Preservation Zone**;
- Loss of trees = removal of natural drainage; loss of privacy; noise and light buffering;
- Sewer capacity calculations based upon 1972 sewer installation data;
- Some aspects impractical or hazardous eg: U-turns on Fanshawe at rush hour?!
- Diminished set backs erode privacy and make noise and light pollution inevitable.

# Snow Storage

---

- Limited space for adequate storage of snow removed from parking lot.
- 22 foot space on east edge of lot is graded
  - Slopes down towards adjacent properties.
  - Cannot be utilized if cars parked in the lot.
- Only remaining space for snow – off the ends of the lot where there is no room for drainage other than onto neighbours' properties.
- Increase in water will impact water table, flood basements. (Provincial Planning Act 1.6.6.7)
- Salt, chemical laden melt will kill vegetation.

# What would be a better fit?

---

- 20 units for fewer or underground parking:
  - This is a zoning not a site plan issue. Have to address this now
  - 30 Parking spaces – 53% reduction in paved surface.
  - Alternatively, **underground parking**.
  - Allowing for trees to be saved in the Tree Protection Zone.
  - Create more, and more *usable* outdoor amenity space.
  - Remove need for hazardous parking i.e. East edge on curve.
- Number of parking spots drives all other issues to come out at site planning.

# 420 Fanshawe (Poole Property)

---

- Intensification
- 3 times larger
- Generous setbacks – no exceptions
- Underground parking
- 2/3 is common green amenity space



# A Call for Change

---

Ron McDougall

# One Case Study

---

Fred Cull

# Tree “Plan”

---

- Fewer trees retained than previously listed
- Mature hedges (line of trees 15-30 ft high) removed, replaced with saplings
- Will grow to 30ft “at maturity”
- Will take decades
- Meanwhile no buffering, privacy, trees
- Majority of neighbors likely to die before then
- How is this not an adverse impact on their property?
- Cutting mature trees without consultation

# Multiple Bylaw Infractions

Set back 4.9m

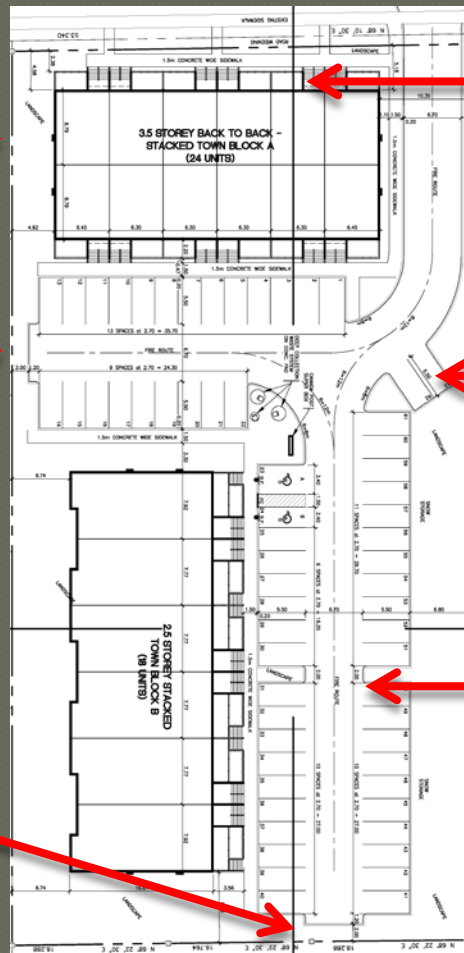
- Should be 6.0m because windows

Set back 2. m

- Should be 3.0m

Set back 2.0m

- Should be 3.0m

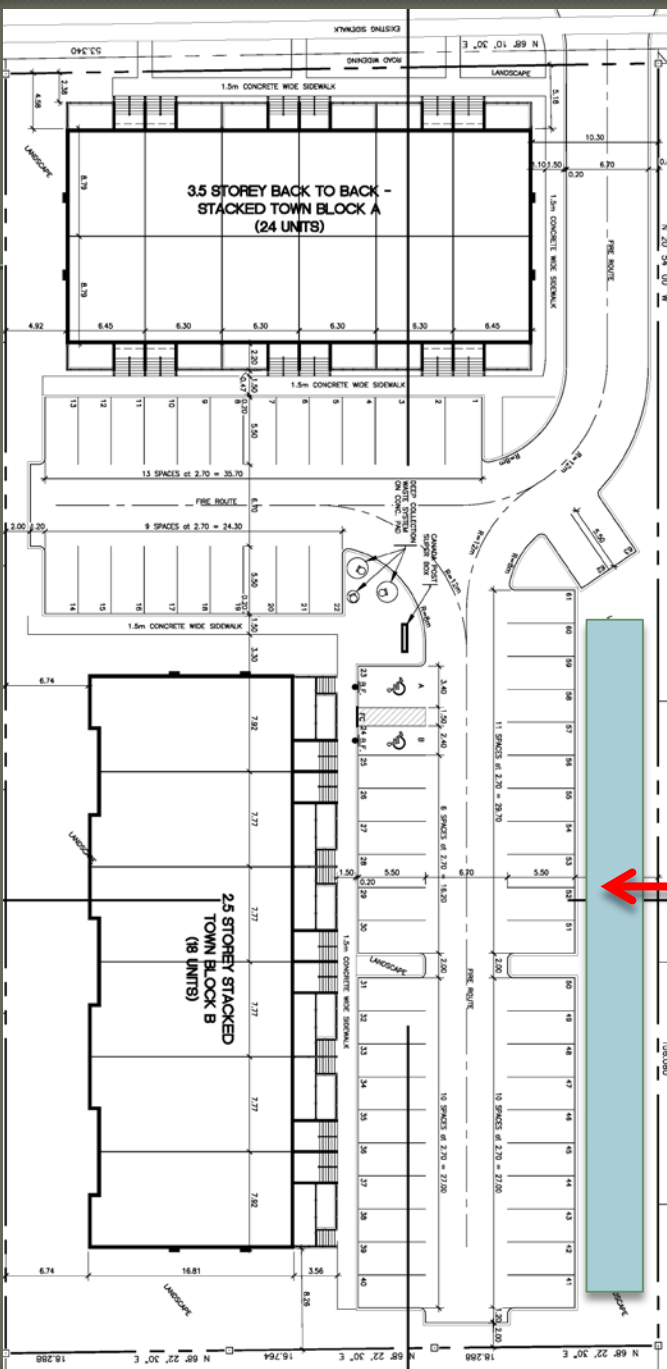


City Planning  
Accepts  
Reduced  
Setback

Set back is  
under 3. m

Parking  
oriented to  
shine onto  
neighbors

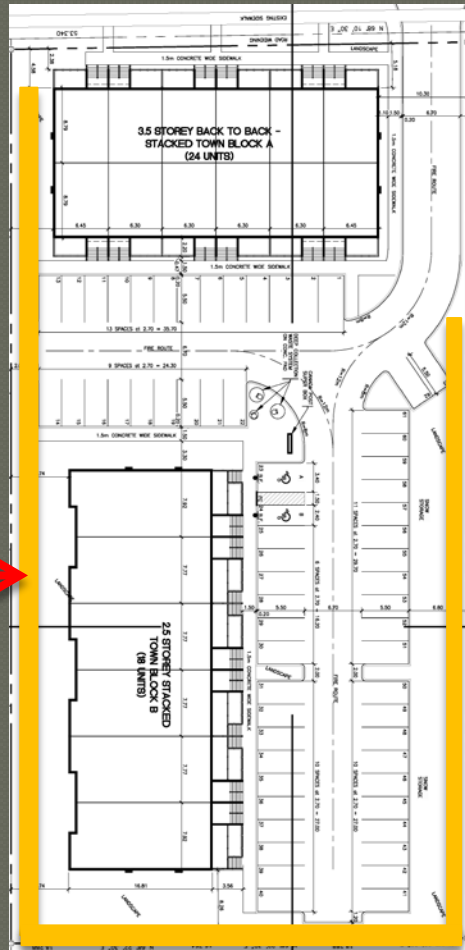
Contravenes Parking Lot Bylaws



Snow Storage???

# Whetter Swale Nightmare

Swales



I am against industrial-scale swales:

1. Swales force removal of most perimeter trees
2. Breed mosquitos
3. Can't landscape (ugly)
4. Not a green amenity space useful to residents



# Sanitary Sewer

---

- 6" pipe formerly serviced a single house
- Now proposed to service 101 people
  - BUT developer referred to "rent per room" – higher density planned for??
- Sewer quality and capacity not assessed since install in 1972
- Should empty to Fanshawe!

# Regulatory Context

---

Michael Crawford

# Ontario Planning Act

---

## Requires:

- Intensification
- Clear Proposal
  - Subsection 34(12), requires 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).
- Opportunity for Community input
- Care to avoid adverse effects
- Derogates details to municipalities

# No Adverse Consequences?

---

- 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 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 3.3.2 i*)

# Privacy and Buffering

---

*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.**”

*London Plan (1578. 6 a, b, e, g, k, m)*

Impact of **traffic, noise, lighting, loss of privacy, visual impact, loss of trees etc.**

# Official Plan Context

---

City Planner quotes the *Official Plan* (1989)  
3.2.3.8

“there may be instances when **a minor variance** is warranted based on the configuration of the site or development constraints associated with it”

- Not to maximize intensity without regard to privacy, noise, light pollution, parking buffering, etc.
- Not to maximize profit.
- Not to the detriment to future residents.



# What Justifies this Intensity?

---

- Accessible parking but no accessible residences?
- Not a LEED efficient structure (Leadership in Energy and Environmental Design)
- No common amenity space for residents
- No play space for children

= lack of diversity – no aged, no families with kids, no persons with disabilities...

# Problems with Process

---

- This iteration NOT consultative
- Plans/zoning continually changing in fundamental ways.
- Too much deferred to get a clear picture.
- UDPRP and proposal at odds
- Trust in process eroded:
  - City Planning and Engineer was previously OK with storm water management.
  - Residents red flagged drainage issues in proposal endorsed by City Planners.
  - Council intervenes by returning plan to City Staff.
  - Major Issues such as snow storage are still not addressed.

# What does rezoning include?

---

- Parking is driving all other considerations.
- Density not possible within the Bylaws unless parking is moved underground and buildings are moved more centrally.
- Bylaws not being respected.
- Developer is unwilling to make concessions
- Fundamental issues such as tree preservation, parking, landscaping are inextricably connected to rezoning for this site.
- They cannot be postponed to Site Planning.

# Purposeful Bylaws

## Current Recommendation

- Not a balanced or complete interpretation of Plans and Bylaws.
- Uses *parts* of Bylaws to support proposal.
- Ignores parts that constrain the proposal.
- Cherry picks those areas favorable to this Land Use change.

## Let's consider carefully:

- Bylaws were **thoughtfully** put in place by previous Councillors and City Hall to enhance London's development.
- We disrespect their work by riding roughshod over the Bylaws and the two City plans.
- **These documents are sensible and forward-looking urban planning.**
- We should follow them.