

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** Scott Mathers, MPA, P.Eng.,  
Deputy City Manager, Planning and Economic Development  
**Subject:** 767 Fanshawe Park Road East  
Public Participation Meeting  
**Date:** August 22, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Phuc Minh Tran relating to the property located at 767 Fanshawe Park Road East:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 6, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London as amended, to change the zoning of the subject property **FROM** a Residential (R1-7) Zone **TO** a Residential R5 Special Provision (R5-7(\_));
- (b) **IT BEING NOTED** that the following urban design and site plan matters were raised during the application review process for consideration by the Site Plan Approval Authority:
  - i) Provide an alternative building typology/form such as 3-storey townhouse or 3 storey stacked townhouse with grade level units or access to alleviate the following concerns:
    - i. Break down the proposed large building massing and architecture to more identifiable individual units (e.g., townhouses) as opposed to a large single massing.
    - ii. Consider a flat-roofed typology to accommodate a three-storey form with grade level accessible units.
    - iii. Provide enhanced East and West side elevations (more windows, massing and articulation) reducing the blank facades proposed.
    - iv. Provide weather protection (e.g., canopies/shade) above balconies and the entrance steps.
    - v. Increase the accessibility to the ground floor units by reducing the excessive number of steps to ground floor. If stacked units are proposed, further steps can be incorporated within the unit and ground floor units can be accessed from the street with minimum number of steps.

## Executive Summary

### Summary of Request

The applicant has requested to rezone the subject site to permit the development of a single 2.5 storey stacked townhouse building, containing 12 dwelling units, which is equivalent to a density of 64 units per hectare.

### Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to a Residential R5 Special Provision (R5-7(\_)) Zone providing for townhouses and stacked townhouses that will permit the proposed development. The following special provisions would facilitate the proposed development: a minimum front yard setback of 3.8 metres, a minimum interior side yard setback of 3.3 metres, balcony encroachment of 3.25m

into the required front yard and a maximum density of 64 units per hectare.

### **Rationale of Recommended Action**

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhoods Place Type;
3. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood.
4. The recommended amendment facilitates the development of a site within the Built-Area Boundary with an appropriate form of infill development.

### **Linkage to the Corporate Strategic Plan**

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

### **Climate Emergency**

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encourage active transportation

### **Analysis**

#### **1.0 Background Information**

##### **1.1 Previous Reports Related to this Matter**

None.

##### **1.2 Planning History**

None.

##### **1.3 Property Description**

The subject site is located on the south side of Fanshawe Park Road just east of Trossacks Ave in the northeast quadrant of the city in the Stoneybrook Planning District. Currently situated on the property is a single-storey brick dwelling, detached garage, and a wood shed. The site consists of a grassed area with relatively flat topography with trees in varying locations.

Fanshawe Park Road East is an arterial road/Urban Thoroughfare with an average daily traffic volume of 22,500 vehicles per day.



Figure 1: 767 Fanshawe Park Road East, facing south (Google image, June 2021)

#### **1.4 Current Planning Information**

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type fronting an Urban Thoroughfare (Fanshawe Park Road East)
- Existing Zoning – Residential R1 (R1-7) Zone

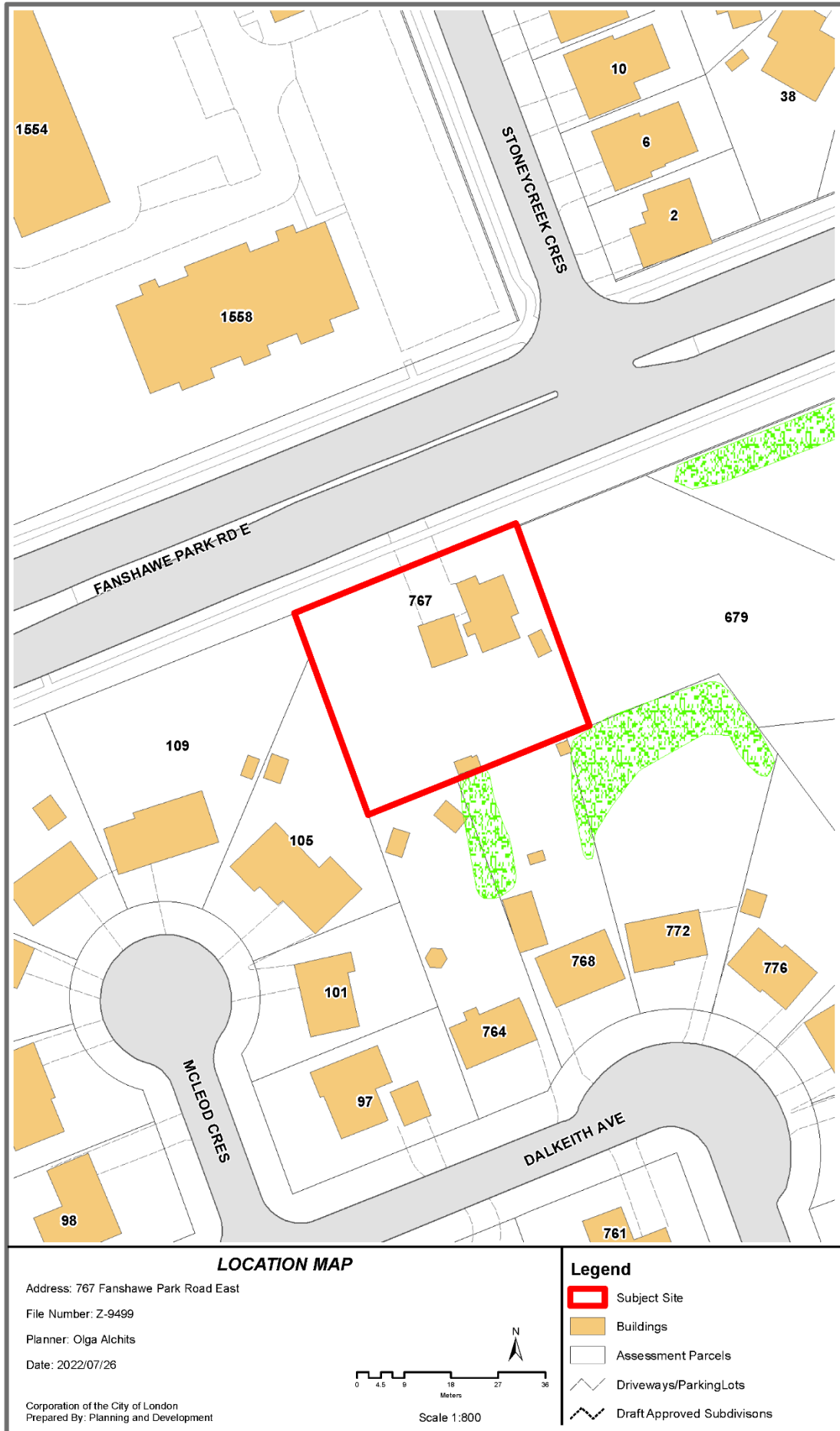
#### **1.5 Site Characteristics**

- Current Land Use – Single detached dwelling
- Frontage – 45.7 metres (149.9 feet)
- Depth – 41.1 metres (134.8 feet)
- Area – 1,888.1 square metres (2,0323.3 square feet)
- Shape – Rectangular

#### **1.6 Surrounding Land Uses**

- North – medium/high-density residential, townhouses and apartment buildings
- East – Low Density Residential, single detached dwellings
- South – Low Density Residential, single detached dwellings
- West – Low Density Residential, single detached dwellings

## 1.7 Location Map (Insert Here)



## 1.8 Intensification

The proposed 12 residential units represent intensification within the Primary Transit Area and the Built-Area Boundary.

## 2.0 Discussion and Considerations

## 2.1 Development Proposal

In April 2022, the City accepted a complete application that proposed a 2.5-storey stacked townhouse building, containing 12 dwelling units, equating to 64 units per hectare, fronting Fanshawe Park Road East. Vehicular access to the site is proposed to be provided by a single right-in, right-out driveway from Fanshawe Park Road East and will be located near the western property line. Pedestrian connections to the street are provided through direct connections from units facing the street, and a sidewalk providing pedestrian access to rear and internally facing units. Recently the applicant has made some changes to the design of the proposal as part of a response to Urban Design Peer Review Panel Comments, to add balconies to the upper units to provide private amenity space in addition to the common amenity area. The renderings submitted with the application have been updated to reflect the addition of balconies and were circulated to the public as part of the Notice of Public Hearing. 18 vehicular parking spaces are located in the western side yard and rear yard. Common outdoor amenity area and landscaped open space is proposed along the eastern property line and southeast corner of the subject site. The site concept plan is shown in Figure 2, and a series of building renderings are shown in Figures 3 through 6.

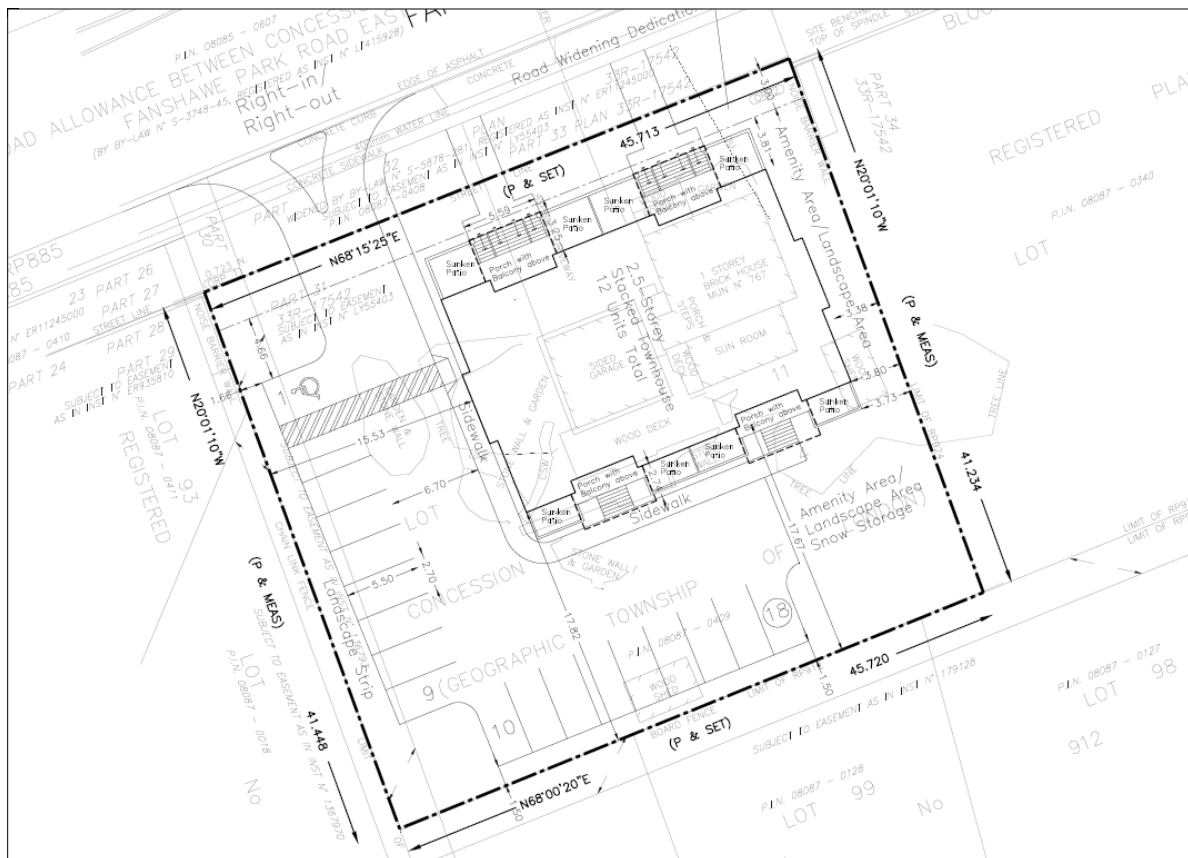


Figure 2: Site Concept Plan



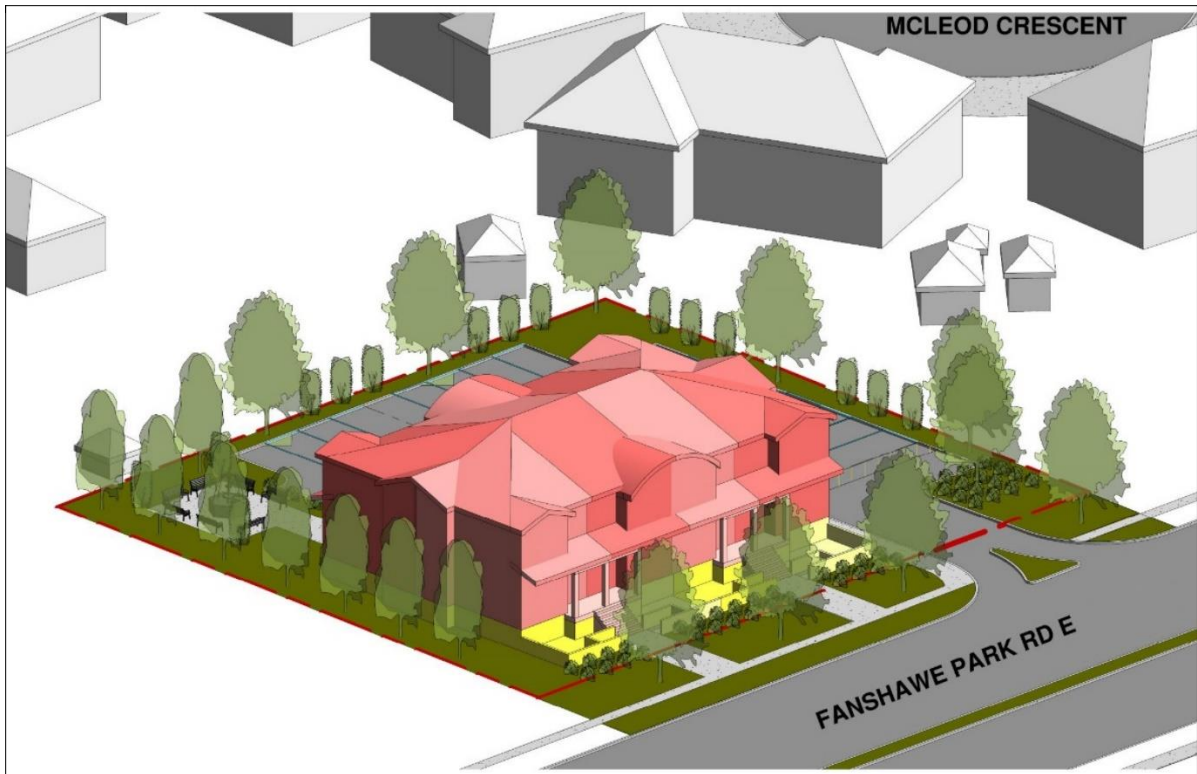


Figure 3: View looking south from Fanshawe Park Road East



Figure 4: View looking north towards Fanshawe Park Road East



Figure 5: Image of North Elevation



Figure 6: Image of South Elevation

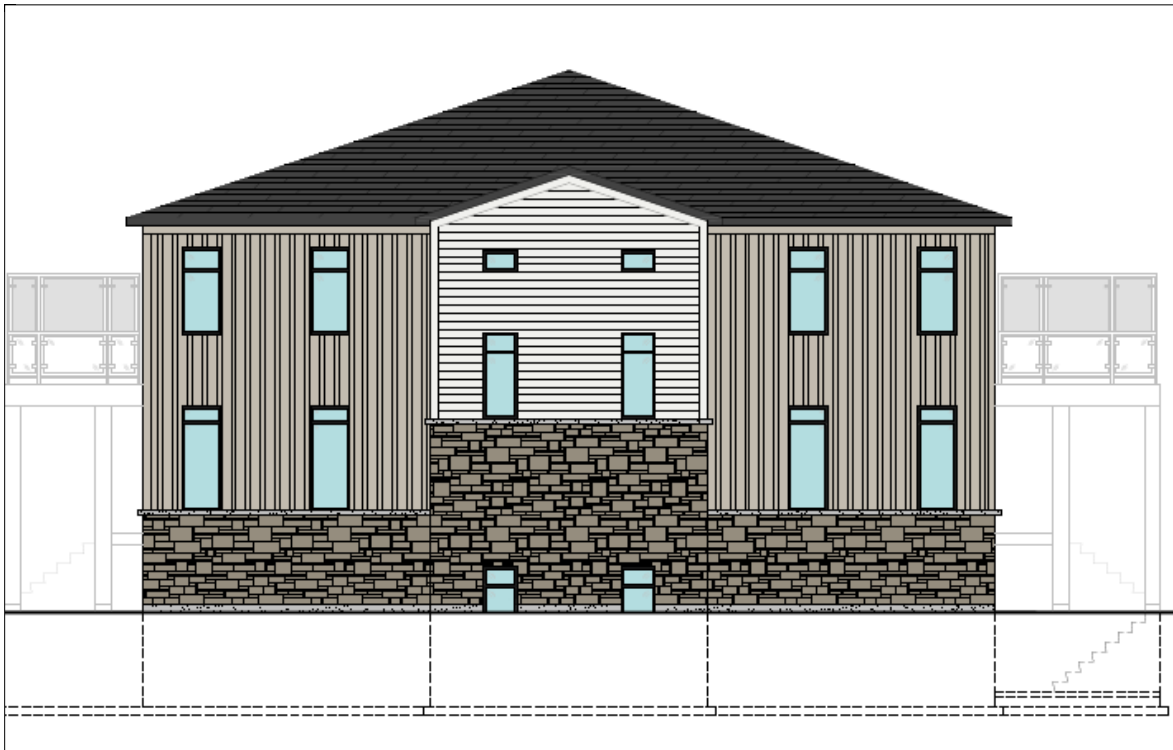


Figure 7: Image of East Elevation

## 2.2 Requested Amendment

The applicant is requesting a Residential R5 Special Provision (R5-7(\_)) Zone, which permits cluster townhouses and cluster stacked townhouses. Special Provisions are being requested for:

- a reduced minimum front yard setback of 3.8 metres in place of 8.0 metres;
- an increased balcony encroachment of 3.25 metres into the required front yard in place of 1.5 metres;
- a reduced interior side yard setback of 3.3 metres in place of 4.5 metres; and
- a maximum density of 64 units per hectare in place of 60 units per hectare

## 2.3 Community Engagement (see more detail in Appendix B)

Through the community engagement process, six written responses were received from members of the public.

The public's concerns were related to the following matters:

- Privacy, noise
- Traffic impacts
- Over intensification
- Drainage

## 2.4 Policy Context

### *Provincial Policy Statement, 2020*

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

### *The London Plan*

The London Plan is the new Official Plan for the City of London. On May 25th, 2022, an Ontario Land Tribunal decision resolved all remaining policy appeals within The London Plan, effectively bringing The London Plan into full force and effect. Any applications in process prior to the May 25th date should continue uninterrupted as per the “clergy principle” (the policies that were in force at the time the application was received will continue to direct that application). Both the 1989 Official Plan and The London Plan policies will be considered as part of this analysis.

The London Plan provides Key Directions (54\_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;



- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 2, 4 and 5).

The London Plan also provides direction to make wise planning decisions by:

- Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is in the Neighbourhoods Place Type fronting on an Urban Thoroughfare (Fanshawe Park Road East) as identified on Map 1 – Place Types and Map 3 – Street Classifications. The permitted uses within the Neighbourhoods Place Type at this location include a range of residential uses such as stacked townhouses, fourplexes and low-rise apartments (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The minimum permitted height is 2 storeys, and the maximum permitted height is 4 storeys, with the potential to achieve an upper limit of up to 6 storeys. (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The London Plan height framework promotes intensification along higher order streets. Specifically, Policy 919\_2 and 3 speaks to the range of uses and intensity permitted will be related to the classification of the street. Properties fronting onto major streets may allow for a broader range of uses and more intense forms of development than those fronting onto minor streets.

The site is also in a special planning area known as the Primary Transit Area which is where infill and intensification is directed and is a major part of the Plan's strategy to manage growth as a whole targeting 45% of all future residential growth in the Built-Area Boundary (The London Plan, Policy 91\_).

#### *1989 Official Plan*

The subject site is designated Low Density Residential in accordance with Schedule 'A' of the 1989 Official Plan. The Low Density Residential designation permits primarily single detached, semi-detached and duplex dwellings. Residential intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments, subject to specific criteria (3.2)

### **3.0 Financial Impact/Considerations**

There are no direct municipal financial expenditures associated with this application.

### **4.0 Key Issues and Considerations**

#### **4.1 Issue and Consideration #1: Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions "shall be consistent with" the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

The policies of the PPS direct planning authorities to identify appropriate locations and

promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account existing building stocks or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (1.1.3.4) Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional units and development (1.4.3b)).

Consistent with the PPS, the recommended townhouse development will contribute to the existing range and mix of housing types in the area, which consists primarily of one and two-storey single detached dwellings to the south, west and east and townhouses and apartment buildings located on the north side of Fanshawe Park Road East. The proposed development has a similar intensity and built form of the existing surrounding neighbourhood context and is appropriate for the site and adjacent neighbourhood. Further, the proposed 2.5 storey, 12 unit stacked townhouse will provide choice and diversity in housing options for both current and future residents. No new roads or infrastructure are required to service the site, making efficient use of land and existing services.

## **4.2 Issue and Consideration #2: Use**

### *The London Plan*

Policy 916\_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. Furthermore, policy 918\_2 states that neighbourhoods will be planned for diversity and mix of unit types and should avoid the broad segregation of different housing types, intensities and forms. The development of the proposed 2.5 storey, 12 unit stacked townhouse development would contribute to a mix of housing types available in the area.

The subject site is in the Neighbourhoods Place Type of the London Plan fronting an Urban Thoroughfare. Table 10 - Range of Permitted uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed based on the fronting street classification (921). At this location, Table 10 would permit a range of residential uses including single detached, semi-detached, duplex, stacked townhouses, fourplexes and low-rise apartments (Table 10-Range of Permitted Uses in Neighbourhoods Place Type).

### *1989 Official Plan*

The 1989 Official Plan supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied and provide a supply for residential land that is sufficient to accommodate the anticipated demand for a broad range of new dwelling types over the planning period (3.1.1 ii). The subject property is designated Low Density Residential in the 1989 Official Plan. This designation contemplates primarily single detached, semi-detached and duplex dwellings. Residential Intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments. Zoning provisions for residential intensification projects will ensure that infill housing projects recognize the scale and character of adjacent land uses and reflect the character of the area and address the Planning Impact Analysis policies in Section 3.7 of the Plan (3.2.1. and 3.2.3.2.).

### Analysis:

Conforming to the 1989 Official Plan and The London Plan, the recommended

townhouse development will contribute to the existing range and mix of housing types for current and future residents. The 2.5 storey, 12 unit stacked townhouse building is a contemplated use under Table 10 in the London Plan and Residential Intensification policies in the Official Plan. The proposed development can be appropriately accommodated on the subject site, allows for efficient intensification on the land and increases the diversity of housing types. Furthermore, the analysis of intensity and form below will demonstrate that the proposed townhouse development can be developed on the subject lands in a way that is appropriate for the site and adjacent neighbourhood.

### **4.3 Issue and Consideration #2: Intensity**

#### *The London Plan*

The London Plan contemplates residential intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (83\_, 937\_, 939\_ 5. and 6., and 953\_ 1. and 2.). The London Plan directs that intensification may occur in all place types that allow for residential uses (84\_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2 storeys and a maximum height of 4 storeys, with an upper limit of 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 (953\_3.).

#### *1989 Official Plan*

The subject site is designated Low Density Residential in the 1989 Official Plan. Development within this designation shall have a low-rise, low coverage format that minimizes problems of shadowing, view obstruction and loss of privacy. While residential densities are generally limited to 30 units per hectare, the Plan also provides for residential intensification through the development of vacant and/or underutilized lots within previously developed areas. (3.2.1. and 3.2.3). Such residential intensification permitted in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments in a range up to 75 units per hectare (3.2.3.3.). Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area.

#### Analysis

The subject site has frontage on an Urban Thoroughfare, which is a higher-order street, to which higher-intensity uses are directed. The site is located within walking distance of a broad range of uses such as convenience commercial, neighbourhood facility and community facility within 800 metres. There are several open space areas within approximately 115 metres such as Dalkeith Park and Constitution Park as well as Kilally Meadows Environmentally Significant Area approximately 750m to the south of the subject site. A commercial plaza with grocery stores, retail, and restaurants is located approximately 1 kilometre west of the subject site at the intersection of Fanshawe Park Road East and Adelaide Street North. In addition, there are three schools within an 800-metre radius. As this site is currently developed with one single detached dwelling, the proposed development represents an appropriate form of intensification through infill development. The current single detached dwelling represents an underutilization of the lot within a developed area and the increased intensity of development on the site will make use of existing transit and public services in the area. The subject site is in an area where both the 1989 Official Plan and The London Plan direct and support residential intensification and redevelopment.

The proposed 2.5-storey, 12-unit townhouse development yields a density of 64 units per hectare, remaining within the maximum density of 75 units per hectare considered under the 1989 Official Plan Policies. In addition, 2.5 storey height is less than the maximum, where the policy indicates the maximum height of 4 storeys and with bonusing up to 6 storeys. The proposal is considered in keeping with the intensity policies set out by the London Plan. As such, staff is satisfied the proposed intensity

and scale of development is in conformity with the City's Official Plans.

#### **4.4 Issue and Consideration #3: Form**

##### *The London Plan*

The London Plan encourages compact forms of development as a means of planning and managing for growth (7\_, 66\_). The London Plan encourages growing "inward and upward" to achieve compact forms of development (59\_ 2, 79\_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59\_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59\_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, considering such things as access points, driveways, landscaping, amenity areas, building location and parking; 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 (953\_ 2.a. to f.). Specific City Design policies indicate that principal building entrances and transparent windows should be located to face the public right-of-way, to reinforce the public realm, establish an active frontage and provide convenient pedestrian access (291\_). They also indicate that residential buildings should include outdoor amenity spaces (295\_), and support reduced parking rates in place types and parts of the city that have high accessibility to transit (271\_). Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578\_)

##### *1989 Official Plan*

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. Infill projects are subject to the preparation of a Neighbourhood Character Statement assessing the physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment (3.2.3.3.). They are also subject to a Statement of Compatibility to demonstrate that the proposed project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood (3.2.3.4.). Applications for residential intensification are also to be evaluated on the basis of Section 3.7 – Planning Impact Analysis (3.3.3ii)).

##### Analysis

Consistent with the 1989 Official Plan and the London Plan, the recommended intensification of the subject properly would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands for stacked townhouses would contribute to achieving a more compact form of growth.

The location and massing of the proposed building is consistent with urban design goals with The London Plan. The building is proposed to be situated close to Fanshawe Park Road East, creating a street presence that is appropriate with the surrounding context. The building location will create an animated and vibrant street frontage that interacts well with the public sidewalks, creates a strong street presence and provides an interactive realm along Fanshawe Park Road East.. The 2.5-storey height of the proposed building is similar to the single detached dwellings to the south, east and west of the subject site and maintains the low-rise character of the area.

Adequate parking is provided for the proposed development, as required by the Zoning By-law and Site Plan Control By-Law. The surface parking lot is accessible through the

driveway from Fanshawe Park Road East in the interior and rear yard. The parking will be screened from the street and adjacent lands by landscaping and fencing.

Comments from Urban Design staff and the Urban Design Peer Review Panel highlighted various considerations regarding the design of the stacked townhouse building proposal. The applicant was commended for providing a site and building design that incorporates an active-low rise built form along Fanshawe Park Road East with walkway connections from City sidewalk, providing an appropriately sized outdoor amenity space; and locating majority of the parking behind the building and screened from the road frontage.

Urban Design staff and the UDPRP also identified additional site plan matters that are included and requiring additional consideration at the site plan approval stage.

Based on the comments provided by staff the applicant submitted a revised design concept plan shown in figures 5-7. The revision made was to add balconies to the upper units to provide for private amenity space in addition to the common amenity area.

The proposed development is of a suitable form to meet urban design goals. Staff are satisfied that any remaining design related issues will be addressed at the site plan stage.

#### **4.5 Issue and Consideration #4: Zoning**

The proposed stacked townhouse building requires special provisions to facilitate the development. Special Provisions are being requested for a reduced minimum front yard setback of 3.8 metres in place of 8.0 metres, an increased balcony encroachment of 3.25 metres into the required front yard in place of 1.5 metres, a reduced interior side yard setback of 3.3 metres in place of 4.5 metres and a maximum density of 64 units per hectare in place of 60 units per hectare. The reduced front yard depth reflects current urban design standards in The London Plan, which encourages buildings to be positioned with minimal setbacks to public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (259\_). Staff has no concerns with the proposed setbacks. The built form meets the intent of the urban design policies in The London Plan and provides a street-oriented residential development.

The balcony encroachment of 3.25 metres into the front yard whereas 1.5 metres is the maximum permitted is being requested to permit balconies on the upper levels to add private amenity space to the townhouse development. The encroachment is appropriate for the site as it helps to activate the streetscape and provides additional amenity space for the tenants. The balconies to the rear of the development comply to the Zoning By-law as they are adequately set back from the rear property line and do not infringe on the required setback.

The required interior side yard depth is intended to provide adequate separation between the proposed development and adjacent properties, while also providing access to the rear yard. The eastern interior side yard abuts a rear yard of a detached dwelling lot. Staff are satisfied that the proposed 3.3 metre setback provides adequate separation between the future stacked townhouse building and the abutting lot. Privacy issues will be mitigated through spatial separation, landscaping, tree retention and fencing.

The recommended special regulation to permit a higher density of 64 uph is consistent with the goals of residential intensification as laid out in the 1989 Official Plan and The London Plan. The proposed development is intended to make efficient use of the property and existing services. The associated density is appropriate given that the site can accommodate the building, adequate parking, landscaped space, outdoor amenity space, private amenity space and provide spatial separation with abutting uses.

#### **4.6 Issue and Consideration #5: Public Concerns**

Through the community engagement process, six written responses were received from members of the public. The public's concerns were related to the following matters:

##### *Privacy/ Noise/Lighting*

The proposed building is being positioned away from the abutting rear yards to the greatest ability. The proposed building provides setbacks of 17.6 metres to the rear lot line, 15.53 metres to the western lot line, and 3.3 metres to the eastern lot line. Vehicular parking is located in the western side yard and rear yard with fencing and landscaping proposed to provide a buffer between the abutting properties helping to maximize privacy. Landscape Architect staff are satisfied that a 3.3 metre setback will be sufficient to protect offsite trees. It will provide sufficient soil volume for require Site Plan tree planting to provide for privacy. Street trees and detailed landscape plans will be further considered through the Site Plan Approval process. 'Dark sky' compliant lighting is proposed to illuminate the parking and pedestrian pathways on the subject lands with limited light cast onto adjacent lands. Additional landscaping along Fanshawe Park Road East frontage will be used to lessen the view of the parking area from the street.

##### *Traffic impacts*

No significant traffic or transportation impacts are anticipated, as such no Transportation Impact Assessment was required as part of a complete application. Fanshawe Park Road East is classified as an Urban Thoroughfare and an arterial road with an average daily traffic volume of 34,000 vehicles per day. Residents of the proposed development will have access to transit (Route #34) and have access to active transportation infrastructure such as cycling lanes and pedestrian sidewalks.

##### *Over intensification*

The proposed development adds a greater number of units to the subject site than what currently exists and is considered intensification. The London Plan policies state that Residential Intensification will only be permitted where adequate infrastructure exists to support proposals including, off-street parking supply and buffering, community facilities, with an emphasis on outdoor recreational spaces and traffic impacts and transportation infrastructure, including transit service (3.2.3.7). The London Plan height framework promotes intensification along higher order streets. Specifically, Policy 919\_2 and 3 speaks to the range of uses and intensity permitted will be related to the classification of the street. Properties fronting onto major streets may allow for a broader range of uses and more intense forms of development than those fronting onto minor streets. Staff are satisfied that the proposed density is appropriate for the site and is able to accommodate sufficient parking, amenity space and adequate infrastructure, community facilities, transportation and services exists to support the proposal.

##### *Storm Water Management*

As part of the site plan application process, the applicant's Engineer is required to provide a stormwater management design that complies with the City's Site Plan Control by-law and Design Specifications Manual. All sites that come through the site plan process, are required to control, contain, and outlet their stormwater to a safe outlet (i.e., right of way). If the site is experiencing drainage issues in its current state, this will be resolved as part of the site plan application through the Engineer's design which may include a combination of catch basins, swales, parking lot surface storage, infiltration galleries etc. A controlled engineered site will function much better than an uncontrolled non-engineered site. Engineering staff are satisfied that the setbacks proposed as part of this application provide for sufficient space to provide for stormwater management.



## **Conclusion**

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan and the 1989 Official Plan. The recommended amendment would facilitate the development of an underutilized site with a land use, intensity and form that is appropriate for the site.

**Prepared by:** Olga Alchits  
Planner I, Planning Implementation

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

## Appendix A

Bill No.(number to be inserted by Clerk's Office)  
2022

By-law No. Z.-1-22\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 767 Fanshawe Park Road East.

WHEREAS Phuc Minh Tran has applied to rezone an area of land located at 767 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 the lands located at 767 Fanshawe Park Road East, as shown on the attached map comprising part of Key Map No.(A103), from a Residential R1 (R1-7) Zone **TO** a Residential R5 Special Provision (R5-7(\_)) Zone.
- 2) Section Number 9.4 of the Residential (R5-7) Zone is amended by adding the following Special Provision:
  - ) R5-7(\_) 767 Fanshawe Park Road East

a) Regulations

- |   |                            |
|---|----------------------------|
| i) Front Yard Setback (Minimum)                         | 3.8 metres (12.46 feet)    |
| ii) Setback of Balcony Projection to Lot Line (Minimum) | 3.25 metres (10.66 feet)   |
| iii) East Interior Yard Setback (Minimum)               | 3.3 metres (10.82 feet)    |
| iv) Maximum density of 64 units per hectare (Maximum)   | 64 Units per hectare (uph) |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

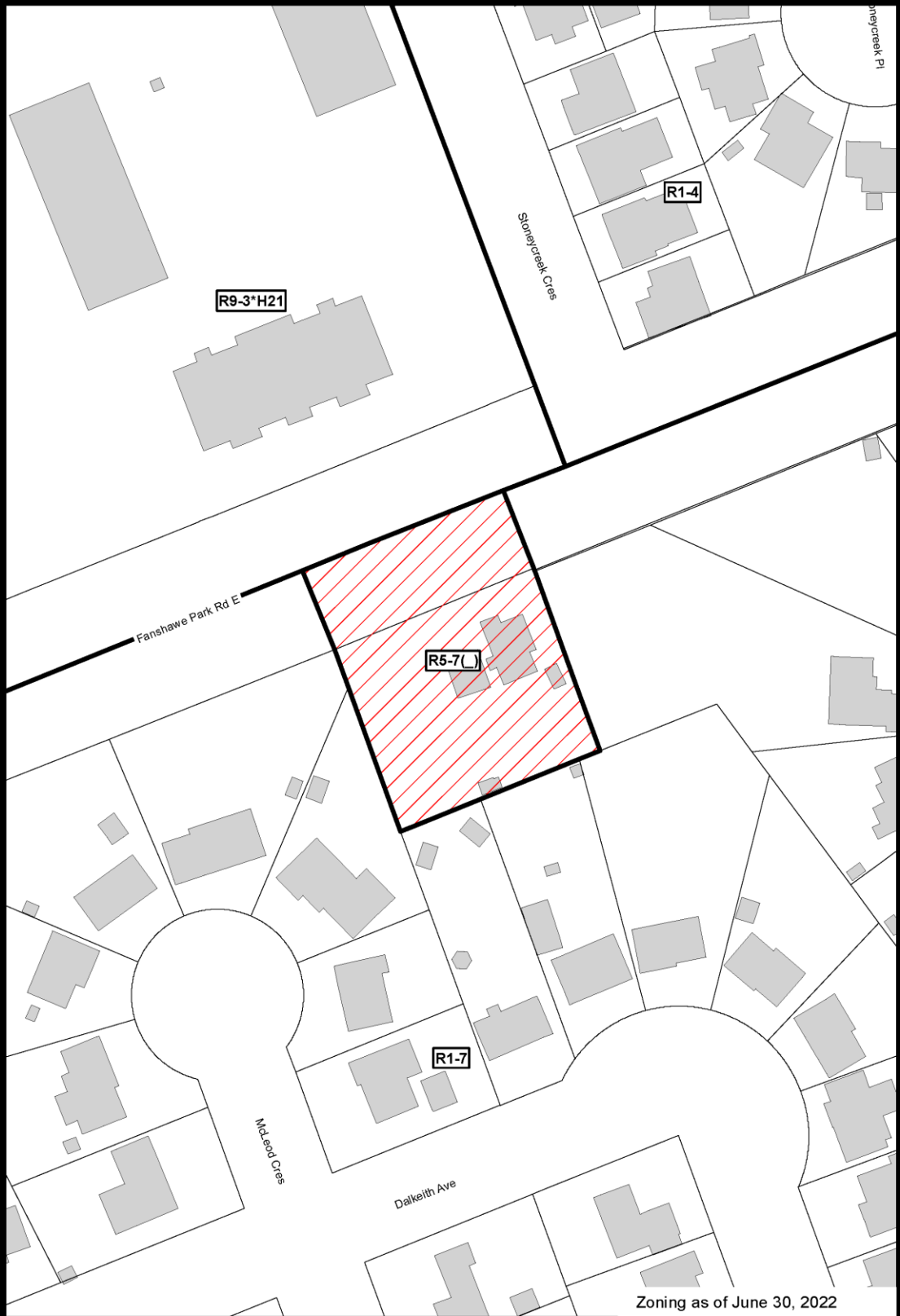
PASSED in Open Council on September 6, 2022.

Ed Holder  
Mayor


Michael Schulthess  
City Clerk

First Reading – September 6, 2022  
Second Reading – September 6, 2022  
Third Reading – September 6, 2022

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




**File Number: Z-9499**  
**Planner: OA**  
**Date Prepared: 2022/07/26**  
**Technician: RC**  
**By-Law No: Z.-1-**

**SUBJECT SITE** 

**1:1,000**

0 5 10 20 30 40 Meters



## Appendix B – Public Engagement

### Community Engagement

#### Notice of Application:

On April 27, 2022, Notice of Application was sent to 256 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 28, 2022. A “Planning Application” sign was posted on the site.

#### **Responses:**

6 replies were received.

#### **Nature of Liaison:**

The purpose and effect of this zoning change is to permit the redevelopment of the site for a single 2.5-storey stacked townhouse, containing 12 dwelling units. Possible change to Zoning By-law Z.-1 **FROM** a Residential (R1-7) Zone **TO** a Residential R5 Special Provision (R5-7(\_)) Zone, to permit cluster townhouse dwellings, cluster stacked townhouse dwellings with a minimum front yard setback of 3.8m where 8.0m is required, minimum interior side yard setback of 3.3m where 4.5m is required, and a maximum density of 64 units per hectare. The city may consider other special provisions.

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

<b>Written</b>	<b>Telephone</b>
Margaret & Tim Wilson 764 Dalkeith Avenue London, ON N5X 1R8	
Randy & Maureen Wilson 105 McLeod Crescent London, ON N5X 1S9	
Jeff & Lindsay Meldrum 102 McLeod Crescent London, ON N5X 1T1	
Sharon Contant & Michael Raskas 106 McLeod Crescent London, ON N5X 1T1	
Stuart & Cathy Cunningham 89 McLeod Crescent London, ON N5X 1S7	
Doug & Sue Berberich 768 Dalkeith Avenue London, ON N5X 1R8	

From: Margaret Wilson  
Sent: Friday, May 6, 2022 10:35 AM  
To: Alchits, Olga <oalchits@london.ca>  
Subject: [EXTERNAL] File Z-9499

Hi Olga I am contacting you in regards to a zoning change going to take place behind our property file Z-9499, I have many concerns about this,

Increased noise in a quiet neighborhood that 12 units will bring.  
Increased garbage disposal that will increase pest control  
Privacy matter, ground is higher, definitely need a very high stone wall, I'm not having tenants looking down into my backyard.  
Dogs constantly barking at all hours with tenants coming and going.  
Devalue of my property who wants to live behind a complex.  
Lighting shining into my backyard.  
This will totally disrupt our privacy as this is taking place directly behind my house  
We reside at 764 Dalkeith Ave  
We would like a city meeting in regards to this matter  
Thank you  
Margaret and Tim Wilson

---

**From:**

**Sent:** Tuesday, May 10, 2022 9:13 PM

**To:** Alchits, Olga <oalchits@london.ca>; Cassidy, Maureen <mcassidy@london.ca>;  
Doc Services <DocServices@london.ca>

**Subject:** [EXTERNAL] 767 Fanshawe Park Road Planning Application Z-9499

Olga Alchits, Maureen Cassidy, and city clerk

We appreciate the opportunity to express our concerns regarding the Notice of Planning Application Z-9499 received in the mail for proposed development for 767 Fanshawe Park Road.....

- please see attached document outlining our concerns with the proposed development
- also, please consider this our written notification that we would like to receive updates and notification of Council Decision.

Thank you for your time and consideration.

Randy & Maureen Wilson

105 McLeod Crescent

(abuts subject property)

Olga Alchits, Maureen Cassidy, and city clerk

We appreciate the opportunity to express our concerns regarding the Notice of Planning Application Z-9499 received in the mail for proposed development for 767 Fanshawe Park Road.....

- please see attached document outlining our concerns with the proposed development
- also, please consider this our written notification that we would like to receive updates and notification of Council Decision.

Thank you for your time and consideration.

Randy & Maureen Wilson

105 McLeod Crescent

(abuts subject property)

**767 Fanshawe Park Road East \ File: Z--9499**

In response to the Notice of Planning Application for 767 Fanshawe Park Road East received by mail Apr 28, 2022.....



We appreciate the opportunity to express our concerns regarding the proposed development as well as provide some history and “missing” detail that is NOT presented in the report.

We purchased our home that backs onto the subject property and have lived here for more than 20 years.

We are familiar with the subject property as it was owned by family members for many years. The single-family residential property is on the South side of the Fanshawe and is located at the west side of what was a dairy farm owned by the Wilson family. From the home to approx. Glenora Drive all the way South to the river was part of the farm. We tell you this to establish that family have been part of this “neighbourhood” before it was even a neighbourhood – 3 generations! A lifetime of neighbourhood knowledge.

We feel there are parts of the Planning and Design Report that are not accurately presenting the proposed development and its impact on abutting properties.

We ask that decision makers read the Planning and Design Report with careful scrutiny starting with the cover page that prominently displays a photo that is VERY DATED. We believe the picture on the front of the report is around 25 years old.

With today’s technology, WHY use such an old photo?

- Perhaps make the property appear larger?
- Present a perception that the property and abutting properties have a level of privacy that does not exist?
- Trying to support the claim of “generally flat topography”?

In the VERY DATED cover page picture.....

- Fanshawe Park Road is still 2 lanes
- The sidewalk does not align east and west of the property as it does today
- **The red line outlining the subject property makes it appear as though it includes land that was expropriated for the road** – that stretch of Fanshawe Park Road is now 4 lanes and the subject property is much smaller than the red line presents. That road widening occurred BEFORE the land applicant owned the subject property.
- The noise attenuation walls that were built east and west of the property when Fanshawe Park Road was widened are not represented in the photo
- Trees on property West of subject property that were removed for the noise attenuation wall are in the picture
- From what is in the driveway, we believe the photo is around **25 years old**.

#### Concerns:

□

**Drainage** – page 2 of the Planning and Design Report describes the subject property as “generally flat topography”

- The existing residential home sits at a higher elevation than the abutting properties and the land slopes away from the existing home and towards the abutting properties on Dalkeith and McLeod Crescent.
- **Water flows in the path of least resistance**
- Curbs and gutters did not exist on that stretch of Fanshawe Park Road until the widening of the road. Prior to the curb and gutter installation, during heavy downpours and fast snowmelts we would get water running onto our property and pooling on our side – water takes the path of least resistance
- The Planning and Design Report has a paved laneway and 18 parking spaces --- existing green space that absorbs downpours and snowmelt would be almost nonexistent
  - We have helped clear snow on the subject property when it was still owned by family members. We do not believe the small area in the Southeast corner of the property that is identified as being Amenity Area / Landscape Area Snow---Storage is anywhere near large

enough to support snow storage for a laneway and 18 parking spaces

- AND water flows in path of least resistance

Given the slope of the residential property this represents a serious risk of flooding onto our property.

- There is a green hydro box located on our property just south of the subject property which could end up in a pool of water
- Our foundation is approx. 50' from the subject property's lot line
- We have a basement entrance. With the lack of natural absorption, any blockage or failure of manmade drainage, could cause FLOODING and not just of our yard but our HOME.

Current photos to illustrate topography is **NOT** "generally flat"

IMAGE 1 – visible difference along back deck demonstrates grade falls away from the residential home (slopes down from the road towards the rear of the property)



IMAGE 2 – grade falls away towards the West and South of the residential home



### Infrastructure

○

page 17 A bullet from the Provincial Policy Statement (2020) "will utilize existing municipal services within an existing built-up area of London"



- “on an underutilized parcel that is connected to existing and appropriate infrastructure levels to accommodate the development”
  - above comments are interesting given that at point of sale, the subject property was still on septic system.
  - During Fanshawe Park Road widening ONE sewer connection was brought across the street to the lot line but not connected.
  - We have not noticed any activity that would indicate that any connection to the sewer has been made – we believe the property is still on septic system.
  - Question whether “existing” infrastructure can support the proposed development.

**Undue compatibility and adverse impacts to adjacent lands:**

- The Planning and Design Report indicates compatibility and “no undue adverse impacts or privacy issues with adjacent lands”
- Page 22 presents a storyline that the “presence of Fanshawe Park Road East, a four--lane major arterial road, generates greater impacts on lands proximate the road than the proposed development due to the noise lighting and vibration associated with this road type” We strongly disagree....

○ **Noise**

- Above comment appears to be an effort to disregard **adverse impacts to adjacent lands:**
- No consideration regarding property grade
- Parking lot
- Engines
- Key fobs and their locking feature that beeps
- People

○ **Environmental**

- Parking lot --- gas and oil leaks – we are downhill
- Lights from cars entering/exiting the parking area
- Lights from the subject property and parking shining onto our property

○ **Health**

- Noise – it only takes 10 decibels to double sound
- Exhaust – we have an asthmatic in our household and this proposal has 9 parking spaces stretching across the back our yard PLUS another 9 east of our lot line – 18 in total.
- Garbage – we do not see any sort of indoor garbage storage in the stacked townhouses which leads us to believe that the garbage for the 12 units will be stored outside
  - will draw critters to the area – raccoons, mice, rats, etc.

○ **Safety**

- Enter / Exit Fanshawe with only right turns
  - vehicles wanting to go West can exit with a right turn to the east, immediately move into the left lane and make a U turn at the entrance to Stoneycreek Crescent – we see this happen as things are today
  - Increased risk of motor vehicle collisions / injuries in this stretch
  - Increased accidents in a geographic area = increased car insurance premiums for those living in geographic area
  - If a vehicle is put into gear in the wrong direction they could lot line and end up in our backyard

• **Privacy**

- Page 23 “The dwellings on the adjacent lands have frontages onto internal drives opposite to Fanshawe Park Road East, thus minimizing view obstruction from the proposed building”
- The statement above, is TOTAL DISREGARD for the exiting homes and use of their yards.
- We have large windows at the back of our home
- We spend a greater amount of time in our back yard than our front yard.

- Page 12 “with fencing and several meters of landscaping proposed to provide a buffer that will maximize privacy and minimize disruption to adjacent lands”
- “fencing” is not described
- “several meters of landscaping”
- 31 of 32 existing trees are being removed
- our interpretation of the site plan is that “several meters of landscaping” is describing several liner meters of landscaping to describe what looks like a **sliver of landscaping** – how does this maximize our privacy????
- Page 30 “given that the 2.5 storey townhouse building is of similar height as the adjacent buildings, an appropriate privacy level is maintained for both residents in the surrounding neighbourhood and future residents of the proposed development.”
- Reality: abutting properties are 1 or 1.5 storeys and sit at a lower elevation than the proposed 2.5 storey development. Taking into account the higher elevation at the front of 767 Fanshawe – the proposed development is a significant deviation from the single--family residential character of the neighbourhood on the South side of Fanshawe.

The Planning and Design Report presents a narrow and selective scope that conveniently uses the North Side of Fanshawe Park Road throughout the report

- Page 2 selectively and narrowly describes the subject lands as “the only lands on this portion of Fanshawe Park Road East (between Trossacks Ave and Glenora Dr) with direct street access”
  - True, HOWEVER, interesting that Trossacks was chosen as the cutoff AND is located on the North side of Fanshawe Park Road
    - On the SOUTH side, just a few feet west of the Fanshawe / Trossacks T-- intersection are TWO single--family residential homes facing Fanshawe Park Road, both with direct access to Fanshawe Park Road
    - AND staying on the SOUTH side and continuing further West to Adelaide Street there are SIXTEEN more single--family residential homes facing Fanshawe Park Road with direct access onto Fanshawe Park Road
  - AND staying on the SOUTH side and continuing further West to Adelaide Street there are SIXTEEN more single--family residential homes facing Fanshawe Park Road with direct access onto Fanshawe Park Road.
- **Page 6 reads: “primarily single detached dwellings to the east, west, and south. Thus consideration of the character of the abutting lands is warranted Agree**
- Page 6 refers to a map (page 7) with circles that are suppose to represent 400m and 800 m / 5 min and 10 min walking distances – the circle is a radius and we believe it does not take into account that a person walking must get to their destination by streets. To test how realistic the circles are, walking tests were done from 767 Fanshawe to each of the following locations
  - Dalkeith Park
    - 767 Fanshawe to Dalkeith Ave entrance – 11 mins
    - 767 Fanshawe to Glengyle Cres entrance – 8 mins
    - 767 Fanshawe to Dunboyne Ave entrance – 7 mins
  - Constitution Park
    - 767 Fanshawe to Trossacks Ave entrance – 3.5 mins
    - Note: timer was stopped while waiting for the light to cross Fanshawe at Trossacks.
- Report indicates Dalkeith Park is approx. 250m (820ft) to the south and Constitution Park approximately 400m (1,310ft) to the north
  - Test shows that Constitution Park is the shortest time even though the report indicates it is a furthest distance.

- Test indicates 5 min walk is realistic if heading to the North side of Fanshawe – must cross 4 lane road – there is a traffic light
  - Test for the 3 entrances to Dalkeith Park indicate a best case scenario is heading to the Dunboyne Ave entrance which is 28% greater than 5 min walk
  - **Test supports our belief that the circle does NOT represent walking on streets. The circles represent getting to a destination the way the crow flies.**
- Page 8 has a picture of “low--density residential built form on McLeod Crescent “
  - We agree the picture is of houses on McLeod Crescent
  - None of the houses in the picture about the subject property.
    - The picture selected is several houses South of Dalkeith Ave
    - The focal point in the picture is a 2 storey home
    - Our home, which abuts the subject property, is a side split, 1.5 storey home and sits at a lower elevation than the house currently on the subject property.
- Page 9 describes the street character immediately North of the subject lands
  - A lot of emphasis is placed on the density on the North side of Fanshawe – what is presented is somewhat accurate BUT lacking balance. We will supply the missing balance.....
    - The Medium to high--density residential builds on Trossacks are separated on the East side of Trossacks by a bike path and creek. (see Image 4 below)
    - The Medium to high--density residential builds on Trossacks are separated on the West side of Trossacks by Constitution Park, a bike path and creek (see Image 5 below).
    - The proposed build on the South side does NOT offer a large buffer like that of the North side of Fanshawe Park Road – it offers a parking lot as a buffer
    - Page 9 mentions some 1 to 2 storey low--density residential uses (“Stoneybrook Cres”) that sit adjacent to the high density lands
      - While the report mentions “Stoneybrook Cres” pretty confident that they really they mean “Stoneycreek Cres”. Stoneybrook Cres is much further West. Stoneycreek Cres is across the road.
      - NOT mentioned are the “abutting” single--family residences to the North (Trossacks Ave, McTaggart Cr; McTaggart Ct) which are buffered by Constitution Park, a bike path and a creek.
  - Page 9 describes 1150 Fanshawe Park Road East which is further east
    - again on NORTH side of Fanshawe as a “site plan application proposes the construction of a 3 storey stacked townhouse block and a 6--storey apartment building, with a total of 87 residential dwelling units. This site plan application is of note as the proposed townhouse block serves an almost identical service and built form.”
      - “nearly identical”? The picture of that development appears as though the 6--storey apartment building is stacked on top of the townhouse block and is a much larger site.
      - This area on the North side of Fanshawe is decades younger in it’s development stage and neighborhood character than the South side of Fanshawe Park Road.
      - Per information from the city website, 1150 Fanshawe Park Road East is currently zoned Restricted Office / Convenience Commercial Special Provision

- By comparison, the subject property is currently zoned for Single detached dwelling.

IMAGE 4: bike path and creek buffer between medium to high--residential builds and single--family homes North side of Fanshawe Park Road on Trossacks Ave – buffers single--family homes on Trossacks and McTaggart Cr.



IMAGE 5: Constitution Park , a bike path and creek buffer between medium to high--residential builds and single--family homes North side of Fanshawe Park Road on Trossacks Ave – buffers single--family homes on Trossacks and McTaggart Ct.



#### Design Objectives

- Pg. 11 “Ensure compatibility and fit” – we do not see this proposal as meeting this goal
- “Ensure the maintenance and enhancement where possible, of privacy between the subject lands and abutting properties”
  - we lack confidence in this goal being achieved
    - “where possible” sounds like an exit door
    - the applicant is an off premise landlord. Currently, tenants of the applicant for the subject property are expected to do the outside landscape maintenance. The first tenant that rented the property from the applicant mowed the lawn the first year. The 2<sup>nd</sup> year it was mowed twice in April and that was it – they moved out around the 1<sup>st</sup> of October. The lawn was very overgrown and there were



weeds 6 feet tall. The owner spent Thanksgiving weekend cleaning up what had not been mowed for 5 months.

- Happily the current tenants put more effort into the outside maintenance than the previous tenant.
- Pg. 16 “As the proposed building elevation are conceptual at this time, they will be further refined through the Site Plan Approval process”
  - We question what the above means – particularly when reference has also been made to 1150 Fanshawe
- Improve and enhance the Fanshawe Park Road East streetscape
  - This did not seem to be a goal while the 1<sup>st</sup> tenant lived there
  - Pg. 20 “The proposed development has landscaping, tree plantings, retention of existing trees and fencing to act as a buffer between the subject lands and abutting lands, reducing the risk of compatibility issues”
    - Our fence is chain link, retention of that fence and proposed landscaping does NOT act as a buffer
    - There are compatibility issues
  - Pg. 23 “screening from adjacent low-density residential dwellings the use of new and existing trees, fencing, and landscape”
    - “existing trees”
      - tree inventory and notes document shows 31 of 32 trees would be removed!
      - existing chain link fence!
      - While the report indicates only a 22% lot coverage that would appear to only account for the townhouse structure and disregards the parking lot – there is next to nothing left to landscape or absorb water – “landscaping” is a small token in the proposed development – water flows in the path of least resistance!

In conclusion, we feel the proposed development is too much too large for the size of the subject property and does NOT fit the character of the single-family residential neighbourhood on the SOUTH side of Fanshawe Park Road. The proposal adversely affects the homes/people abutting the subject property.

We ask the decision makers to take into consideration:

- The elevation and grade of the subject property
- Drainage, potential for flooding of abutting properties
- Adverse affects to abutting properties

We thank you for your time and consideration.

Randy and Maureen Wilson 105  
McLeod Crescent London, ON  
N5X 1S9

---

**From:** Jeff Meldrum **Sent:** Friday, May 13, 2022 8:43 AM  
**To:** Cassidy, Maureen <mcassidy@london.ca>; Alchits, Olga <oalchits@london.ca>; Doc Services <DocServices@london.ca>  
**Subject:** [EXTERNAL] 767 FANSHAWE PARK ROAD PLANNING APPLICATION Z-9499

I am writing this email to express my concerns regarding the notice of planning application Z-9499 received in the mail for 767 Fanshawe Park Road.

We would appreciate any updates regarding decisions made regarding this application. Names of those making the decisions and detailed reasoning. I will also include that we strongly oppose this zoning request.

We have lived at 102 McLeod Cres for 10 years now and purchased this home to raise our family. We have two small children and there are other small children in our quiet court. Northridge is a peaceful neighbourhood and we would like to keep it as such. We have privacy and noise concerns with a building of that nature 300 feet from our front door. This building would have a clear view to my front yard and children playing which makes us uncomfortable and raises safety concerns. The widening of Fanshawe Park Road a few years ago has increased noise at least two fold and has been a nuisance on many occasions. The increase of cars and population into such a small dense area will only magnify noise and disrupt our peaceful court/neighbourhood. We are also concerned about the increase in pollution, exhaust from the extra traffic, garbage that would most certainly cause odour in the warm months and bring more raccoon, mice and skunk to the area. We also have concerns that constructing a building of this nature again in such close proximity to my home could and will only decrease the current value of my property if and when a future sale were to occur. Who is responsible for compensation for the negative monetary impact on my property? When we purchased our home we did so in an older established neighbourhood for a reason. Again in closing we strongly oppose this zoning request.

My ask is that careful consideration be given to the decision regarding Z-9499 and the decision makers take into account what if it were their neighbourhood or home.

Thank you for your time.

Jeff & Lindsay Meldrum  
102 McLeod Cres, London

---

**From:** M Raskas  
**Sent:** Monday, May 16, 2022 12:41 PM  
**To:** Alchits, Olga <oalchits@london.ca>; Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** [EXTERNAL] 767 Fanshawe Park Road Planning Application Z-9499

Att: Olga Alchits and Maureen Cassidy

Please see the attached document which contains our concerns and comments.

Thanks for your consideration in this matter  
Sharon Contant and Michael Raskas

May 16, 2022

Sharon Contant and Michael Raskas

Olga Alchits  
[Oalchits@london.ca](mailto:Oalchits@london.ca)

Councillor Maureen Cassidy  
[Mcassidy@london.ca](mailto:Mcassidy@london.ca)

**767 Fanshawe Park Road East \ File: Z-9499**

We are residents of 106 McLeod Crescent. McLeod Crescent lies on the South side of Fanshawe Park Road. Our residence is in the cul de sac section of McLeod Crescent. Part of our cul de sac backs onto Fanshawe Park Road. Our cul de sac lies on the west side next to the property at 767 Fanshawe Park Road

In the request for rezoning the applicant states in Spacial Analysis and Neighbourhood Context that "The subject lands are the only property along this portion of Fanshawe Park Road East with street frontage". This is false. There are several properties. Our own property backs onto a property which faces Fanshawe Park Road.

This application seems to disregard other residences facing Fanshawe Park Road E. which lie further west of the property for which this rezoning is being requested. As we know the decision as to whether to allow this rezoning will set a precedent. If this development is allowed to proceed it signals to other owners of single family residences with properties facing Fanshawe Park Road that they too may be able to rezone. According to an older city plan, multifamily and higher density development was supposed to be restricted to major intersections in order to facilitate access to and from properties via existing roadways and minimize impacts on single family residential neighbourhoods.

Higher density dwellings require increased access to and from the property. Major intersections help facilitate this while minimizing the impact on traffic on the existing roadway or increasing the likelihood of accident from traffic trying to enter or exit them. Access to and from properties is important to both vehicle and pedestrian traffic. There are no major intersections in the vicinity of this proposed development that would help to effect safe traffic flow.

The proposed development does not provide a means for those exiting the development to travel west on Fanshawe Park Road. What will happen? Will those residents who wish to travel west turn around in surrounding neighbourhoods on the North side of Fanshawe Park Road further intruding on the surrounding neighbourhoods?

The proposed development would impact back yards and side yards on McLeod Crescent, Dalkeith Avenue and Dunboyne Crescent. The developer of the property does not sufficiently address the impact of this development on these residences in regard to increased water runoff, noise levels, light intrusion or privacy intrusion or the change in the residential character of this well established neighbourhood. The fencing which they say would help to reduce intrusion is not addressed properly.

The city needs to protect the rights of those living in existing low density property while still increasing housing by carefully choosing where to increase density.

Increased density should not come at the cost of stripping residents who live in existing low density housing of their right to privacy, or subject them to increased light, sound and air pollution. This proposed development will not attenuate current light, sound and air pollution but add to it.

Some of the maps and photos presented in this proposal for rezoning are dated and therefore present an inaccurate and misleading picture of the situation and the neighbourhood.

Thank you for hearing our concerns in regard to the Notice of Planning Application Z-9499 received in the mail for proposed development at 767 Fanshawe Park Road East. Please keep us informed about updates and notified of Council decision. Thank you for your consideration.

Sincerely,

Sharon Contant and Michael Raskas

---

**From:** stucunningham

**Sent:** Monday, May 16, 2022 3:02 PM

**To:** Alchits, Olga <oalchits@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Doc Services <DocServices@london.ca>

**Subject:** [EXTERNAL] 767 Fanshawe Park Road Planning Application Z-9499

May 16, 2022

Good Afternoon,

My husband and I have read the detailed response to the request to the proposed amendment to allow the planning application Z-9499 as prepared by Maureen and Randy Wilson who reside at 105 McLeod Crescent. Their property abuts the subject property.

We agree with and support their response against this proposal.

Regards, Stuart and Cathy Cunningham

89 McLeod Crescent, London, On.N5X 1S7

---

**From:** Berberich, Doug **Sent:** Monday, May 16, 2022 5:03 PM  
**To:** Alchits, Olga <oalchits@london.ca>  
**Cc:** Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** [EXTERNAL] Submission regarding rezoning application for 767 Fanshawe Park Road East File: Z-9499

Dear Olga Alchits,

Please find attached our response to the rezoning application to permit the replacement of a 1 storey single family residence located at 767 Fanshawe Park Road East with a stacked townhouse development consisting of a two and a half storey building containing 12 dwelling units (File Z-9499).

We are the owners of 768 Dalkeith Avenue, the abutting property immediately to the south of the property for which this rezoning request has been made.

For the reasons set out in more detail in the attached document, we strongly object to the proposed redevelopment plan and would like our comments to be taken into consideration in assessing the re-zoning application.

We also wish to receive notice of and an invitation to attend any meeting at which the public may attend to speak to this matter.

We would be grateful if you would be so kind as to acknowledge receipt of this e-mail and attached submission, so that we know it has been received prior to the filing deadline of May 18, 2022.

Thank you,  
Doug and Sue Berberich  
768 Dalkeith Ave.

Submission in opposition to speculative overdevelopment proposal by Phuc Minh Tran on property located at 767 Fanshawe Park Road East – File Z-9499

May 10, 2022

To: Olga Alchits  
[oalchits@london.ca](mailto:oalchits@london.ca)  
Planning & Development  
City of London  
300 Dufferin Avenue, 6th Floor  
London, ON PO Box 5035  
N6A 4L9  
cc: Maureen Cassidy  
[mcassidy@london.ca](mailto:mcassidy@london.ca)  
From: Doug & Sue Berberich  
768 Dalkeith Ave.  
London, ON  
N5X 1R8

[rear-yard directly abuts the subject property]

Subject: Notice of Opposition to Speculative Overdevelopment Proposal for rezoning to permit the replacement of a 1 story single family residence located at 767 Fanshawe Park Road East with a stacked townhouse development consisting of a 2 ½ storey building containing 12 dwelling units.  
File Z-9499

Our home is located at 768 Dalkeith Avenue and our property is situated directly behind the subject property. We have lived in this neighborhood for 39 years and are very familiar with the area on which the subject lands are located.

In reviewing the Planning and Design Report (“the report”) submitted on behalf of Minh Tran, we noted that it contained a number of omissions and/or inaccuracies, which we believe are relevant to the consideration of this application. We will attempt to provide

accurate information so that the city can properly discharge its obligations to make an informed decision.

We strongly object to the proposed rezoning and over-development plan as set out in the report. The proposed redevelopment is entirely out of keeping with the character of the neighborhood. The report notes that the subject lands currently have a single storey brick dwelling on the property. All homes on the south side of Fanshawe Park Road in the Northridge area (i.e. to the east and west of the subject property) are also detached single family residences. The homes that abut the subject property on McLeod Crescent and Dalkeith Avenue (west and south of the subject property) also consist of a range of detached single family residential dwellings 1 to 1.5 stories in height. Mr. Tran proposes to replace the existing 1 storey single family dwelling on the subject property with a much taller (1 to 1.5 stories taller than all surrounding homes) 2.5 storey structure (which the report inaccurately describes as Submission in opposition to speculative overdevelopment proposal by Phuc Minh Tran on property located at 767 Fanshawe Park Road East – File Z-9499

“slightly taller than, but similar to the single detached dwellings to the south, east and west of the subject lands and maintains the low-rise character of the area” [page 15]). The report also fails to mention that at the front (street level) of the subject property is at a significantly higher elevation than the surrounding properties to the south (Dalkeith Avenue) and west (McLeod Crescent), which will exacerbate the significant height difference compared to the existing structures.

Not only is the height of the proposed structure much higher than the existing structure, but the proposed rear yard setbacks are much less than the existing set-backs, meaning that this much taller building will be much closer to our back yard, creating a “wall-like” effect impairing our sight-lines.

The subject property simply does not have sufficient depth to accommodate such a large structure and allow for unimpaired sightlines and a reasonable buffer between the two properties. In this regard, it should be noted that the higher density structures on the North side of Fanshawe Park Road have significantly deeper lots with much larger buffer areas between those structures and abutting properties.

Another significant concern we have relates to potential drainage issues, including potential for flooding onto my property and seepage of gas, oil, salt and other contaminants from the cars/trucks in the parking lot proposed to be created on the subject property. The planning and design report [page 2] says that the site consists of a grassed area with generally flat topography. In fact, the property slopes downward from the road level to the rear of the property (we estimate a 6-8 foot difference in elevation). The existing large grassy back yard on the subject property absorbs most run off from rain and snow, however, the proposal calls for substantially the entire lot to be paved for parking spaces, with only a thin strip of grass around the edges of the property. As a result, we are extremely concerned that this proposed development will change the existing drainage patterns to the detriment of our property.

The proposed plan also calls for the destruction of 31 of 32 mature trees on the property, entirely out of keeping with the character of the neighbourhood. It is also noteworthy that because Mr. Tran is seeking to put as large a structure as possible on the subject property, the replacement trees purportedly designed to offer a buffer between the subject property and abutting properties are so close to the property lines that the site diagram shows that the canopies of these trees will all need to encroach onto the abutting properties to offer any buffer at all. Planning to encroach on the neighbors to maximize a development on a lot that is not large enough to properly accommodate such a large development, does not seem reasonable.

The planning and design report also makes reference [page 9] to a vacant property at 1515 Trossacks Avenue and Fanshawe Park Road East (on the north side of Fanshawe Park Rd). While the report seems to dismiss this property, it should be noted that this property (being on the north side of Fanshawe adjacent to another townhouse complex and having street access on a quieter street, would be a significantly better suited location to this sort of development.

Other concerns include odor and rodents from outdoor garbage storage, noise, light from cars entering and exiting parking lot and parking right at my fence line, loss of privacy.

The subject property would reasonably be suited to a 1 to 1.5 storey duplex (with entrances at ground level rather than elevated as shown on the drawing) that maintains a large grassed back yard and as many mature trees as possible. The current proposal, appears to seek to overdevelop the property beyond what it can reasonably accommodate to the detriment of the abutting properties.

## Comments on Specific Elements of the Planning and Design Report Design Goals and

### Objectives:

- Ensure compatibility and fit with surrounding neighborhood context – building a 2.5 storey – 12 unit structure, removing substantially all of the mature trees and greenspace to be replaced with a parking lot does not reasonably achieve this objective
- Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties. A 12 unit structure that is significantly higher than all surrounding houses and positioned closer to all abutting houses, 14 plus parking spaces all facing into the abutting properties, with a tiny green-space for 12 families to share, also does not seem likely to achieve this objective.
- In summary, the proposed development does not achieve either of these design goals, because the building is too high, has too many units, is too close to abutting properties, calls for too many cars/trucks to park directly against abutting properties back yard lot lines, destroys substantially all of the mature trees on the lot and leaves not nearly enough green space remaining to allow for water absorption or provide an effective buffer between abutting properties.

### Vehicular Access:

- The proposal seems to recognize that increasing traffic exiting and entering a busy road like Fanshawe Park Rd is not ideal, but responds by saying that vehicular access will be right turn in and out. However, this is not a change as this is the situation now. What is proposed to change is that 12 times the volume of traffic would be entering and exiting from the subject property. When traffic is multiplied by 12 times, this represents 12 times the traffic risk.

### Built Form and Site Compatibility

- References to “North Side of Fanshawe” – references in the plan to the higher density structures on the north side of Fanshawe do not support the proposed 12 unit 2.5 storey structure on the south side of Fanshawe. The properties on the South side are characterized by detached single family residential dwellings that are 1 or 1.5 storeys in height. Moreover, the higher density structures on the north side have deeper lots and much larger buffer zones.
- References to the proposed 2.5 storey height of the proposed building being “slightly taller” than the 1 and 1.5 story structures to the south, east and west of the subject lands and that this “maintains” the low rise character of the area appear to be paying mere lip service to the objectives of compatibility and “remaining respectful to the older sophisticated character of the low-density residential component of the surrounding neighborhood”. With respect, remaining respectful of the surrounding neighborhood would imply a much smaller 1 or 1.5 storey structure that allows for the retention of a significant number of mature trees and a large grassed rear yard.



#### Utilization of existing municipal resources

- It is our understanding that the subject property is not hooked into the city sewage lines, but rather remains on a septic system. The accuracy of the claim about the existing infrastructure being able to accommodate the proposed development should be validated. Furthermore, given the drainage issues presented by the property sloping down to the abutting lands to the south and west, we believe that a proper drainage plan to ensure that abutting properties are not exposed to flooding or run-off should be a pre-requisite to any development that would change the drainage or exacerbate the risk of causing flooding onto neighboring properties.

#### Intensification where appropriate:

- While the policy of intensification is reasonable, any proposal must be assessed based on the characteristics of the property and its ability to accommodate the development. The subject property is not of sufficient size or depth to accommodate such a large structure. This is why the proposal calls for the elimination of virtually every mature tree (31 of 32), shrinking of set-backs and the elimination of most green space in favour of a paved parking lot that covers most of the rest of the property that is not taken up by the building itself and with insufficient room for any kind of effective buffer between the subject property and the abutting properties.

#### No Risks to Public Health or Safety

- If the development and paving of substantial portions of the lot gives rise to risks of flooding and/or seepage of gasoline, oil, salt or other contaminants onto the abutting properties this most definitely could create health and safety risks.
- Similarly multiplying by 12 the number of vehicles accessing and leaving the property onto a heavily trafficked road does pose risks that are not acknowledged in the report
- Also, if the plan calls for external storage of garbage, there is an additional concern that having large refuse containers servicing 12 families will attract rodents to the neighborhood.

#### Official Plan Designation remains appropriate – it does not need to be changed

- It is noted on page 20 of the report that the subject lands are designated “Low Density Residential”, which permits single detached, semi-detached and duplex dwellings, the latter two of which would permit reasonable intensification that could be appropriately accommodated without erecting a structure that is too high and too big for the lot and that requires the destruction of substantially all of the mature trees and green space on the property.
- Although higher density structures may be permitted under the official plan designation, this is only under special conditions when compatible with a neighborhood.
- The subject lands are not well suited to accommodate the proposed development, which is not in keeping with the character of the neighborhood due to the “over-reaching” nature of this proposal.
- The proposed development has minimal landscaping, retains only 1 of 32 existing mature trees, proposes parking right up to the edge of the back yards of at least 3 of the abutting properties,

with a sliver thin grass buffer and new trees to be planted so close to the property lines that the canopies (according to the developers own drawings) substantially encroach onto the neighbouring properties. It also calls for 12 families to share what appears to be a tiny green space (described in the proposal as “a large outdoor amenity space”).

#### Scale of Development

- 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.
- The proposed structure which will be located at the front of the property (which is already significantly higher than the neighboring properties due to the downward slope from the road to the rear of the property) is proposed to be 2.5 stories in a neighborhood where the abutting homes are 1 and 1.5 stories and positioned closer to all property lines, will mean that the residents in the building will look directly down into the backyards of the abutting properties (loss of privacy) and that owners of the abutting properties will have their sightlines obstructed by a much higher building that sits closer to their properties.
- As a result, the above problems are not “minimized” with the current proposal.

#### Supporting Infrastructure

- Residential intensification will only be permitted where adequate infrastructure exists to support the proposed development:
- As noted previously due to the size of the proposed structure and plan to pave most of the remaining property to allow for off street parking there is no room left to provide adequate buffering
- Also as noted previously the traffic impacts have been minimized in the report notwithstanding that 12 times the number of vehicles will be exiting and entering onto a very heavily traveled road.
- Further, other than the natural absorption of water into the existing large grassed rear and side yards (on the south and the west sides of the property), which the proposed development will replace with pavement, the subject property also has no drainage system other than onto the abutting properties to the south and west of the subject property.

#### Compatibility

- The report indicates that the proposed development is compatible with the surrounding neighborhood because the existing structures are of “slightly” lower height than the 2.5 story height of the proposed structure, But in reality the proposed structure is almost twice the height of the surrounding residential dwellings.
- The report also indicates that the proposed 2.5 story structure is in proximity to buildings of equal or greater heights. The buildings being referred to in this statement are on the north side of Fanshawe Park Rd, which is zoned for higher density residential dwellings, whereas all of the residential dwellings on the South side of Fanshawe are low density residential dwellings.  
  
Accordingly, this proximity argument is something of a “red herring”.
- The report further indicates that the building setbacks will ensure no undue adverse impacts or privacy issues with adjacent lands. However, the proposed setbacks are all closer to the abutting properties than the existing structure and the building is significantly higher, which will impact

on privacy and sightlines.

#### Location

- the subject lands are not of a sufficient size or configuration to accommodate the proposed residential intensification. The property is not deep enough to allow for a structure of this size with the number of parking spaces required and still allow for adequate buffering with abutting properties

#### Land supply

- there is reference in the proposal to an undeveloped parcel of land at 1515 Trossacks Avenue, which is larger than the subject property and is located on the north side of Fanshawe Park Rd which already has the zoning that would permit a higher density residential development the report states. The report, however, suggests that the proposed development on the subject property would nevertheless be preferable because it is uncertain whether the undeveloped parcel is municipally serviced and does not have an existing vehicular entryway. However, neither is the subject property currently serviced by municipal sewers. Furthermore, the other property offers the capability of entering and exiting onto Trossacks Avenue, which is a quieter street and which has a light at the intersection of Trossacks and Fanshawe to facilitate safe turns and pedestrian crossings (which would be far more desirable than exiting and entering onto a busy arterial road like Fanshawe as is necessary on the subject property).

#### Mitigation of adverse impacts

- the report acknowledges that adverse impacts are typically considered to be loss of privacy noise and the visual impacts of site development view obstruction shadowing and goes on to say that for the proposed development privacy will be maintained through the use of landscaping tree retention fencing and appropriate building setbacks. However, as can be seen by the drawings in the proposal, these adverse impacts are not accounted for or adequately mitigated by the proposed development due to the significantly greater height of the proposed structure relative to the surrounding structures, the destruction of substantially all of the mature trees on the subject property, the elimination of substantially all of the green space on the existing property, and the creation of parking directly along the property lines of at least three of the abutting properties

#### Housing objectives

- the proposal states that the proposed development broadens the range and mix of housing types in the area however there is already a broad mix of housing types in the area. The area on the north side of Fanshawe Park Rd has a significant number of multi family residential dwellings. The fact that the South side of Fanshawe Park Road in the Northridge area is low density residential, actually helps to preserve a balanced mix of housing types in the area (low density on the south side and higher density on the north side).

#### The London Plan

- the London plan includes the following statement: as directed by the policies of this plan, intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighborhoods and represents a good fit.
- Respectfully, the current proposal most definitely does not do this.

**Conclusion:**

We have carefully reviewed the planning and design report and believe that the proposed development is simply too ambitious for the size of the lot. The proposed building is too high and contains more dwelling units than can appropriately be accommodated. We are very concerned about the various issues that we have raised in this document (including concerns about drainage and runoff, loss of privacy, noise, view obstruction and shadowing) and respectfully ask the City to act to protect our interests and the interests of the other property owners in the neighborhood of the subject property.

To be clear, we are not opposed to any development on the subject property. Some development could be appropriate, provided it truly is sensitive to existing neighborhood and represents a good fit. This would permit a single detached, semi-detached or duplex dwelling (as provided for in the official plan) of a height of 1 to 1.5 stories (in keeping with the height of the neighboring structures) that retained adequate green space, including a large grassed back yard and the retention of as many mature trees as possible.

However, the proposed development in our view seems aimed at maximizing the development opportunity for one property owner (who has never resided in the neighborhood) and does not adequately consider the adverse impacts to the neighboring property owners (many of whom have lived on the abutting properties for many years).

We would ask to receive notice of any public hearing related to this matter, so that we can arrange to attend and speak to this application.

Thank you,

Doug and Sue Berberich

**Agency/Departmental Comments**

Parks Planning and Design, May 18, 2022:

Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Engineering, May 24, 2022:

Engineering has no concerns related to the re-zoning application.

**The following items are to be considered during a future development application stage:**

***Transportation:***

- Provide TMP for servicing and any additional works in the City ROW.
- Road Widening dedication of 24.0m from centre line required on Fanshawe Park Road East (6.33m on West Limit, and 6.13m on East Limit).
- Provide dimensions for driveway, clearance of minimum 1.5m's from all utilities.

***Water:***

- Water is available from the existing 400mm dia PVC watermain along Fanshawe Park Road.
- There is an existing municipal fire hydrant located at the eastern limit of the site.

***Wastewater:***

- As part of a 2016 Fanshawe Pk Road widening project there is a 600mm trunk sanitary sewer on Fanshawe Park Road East. At that time this was an existing single family lot that is not identified or included in any sanitary drainage areas. It appears that the SF lot was stubbed with a 150mm san. p.d.c. as shown on City Plan #27111.
- At site plan, The Applicant's Engineer is to field verify this p.d.c. for location, condition and size and certify whether it is adequate for the intensified proposed use.

### **Stormwater:**

- As per City as-constructed 27101, the site at C=0.75 is tributary to the existing 450mm storm sewer on Fanshawe Park Road East. Changes in the “C” value required to accommodate the proposed expansion will trigger the need for on-site SWM controls designed to the satisfaction of the City Engineer. The design of any required on-site SWM controls shall include but not be limited to, required storage volume calculations, flow restrictor sizing, LID solutions, etc.
- As per the City of London’s Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
  - the flow from the site must be discharged at a rate equal to or less than the existing condition flow;
  - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
  - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
  - “normal” level water quality is required as per the MECP guidelines and/or as per the EIS field information; and
  - shall comply with riparian right (common) law.

The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.

- A portion of the site is within the setback for an Imperial Oil Pipeline Easement and therefore the applicant shall contact Imperial Oil for any required permits/approvals.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- The subject lands are located within a subwatershed without established targets. City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. This may include but not be limited to, quantity control, quality control (70% TSS), erosion, stream morphology, etc.
- Additional SWM related comments will be provided upon future review of this site.

### Heritage Planning, April 26,2022:

Re: Archaeological Assessment Requirements- Heritage Comments

This memo is to confirm that I have reviewed the following and find the report’s (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (Z-9499)

- Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 767 Fanshawe Park Road East November 2021/

Please be advised that heritage planning staff recognizes the conclusion of the report that states that: “no archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such no further archaeological assessment of the property is recommended.”

An Ontario Ministry of Heritage, Sport Tourism, Culture Industries (MHSTCI) archaeological assessment compliance letter has been received (without technical review), dated Nov 30, 2021.

Archaeological conditions can be considered satisfied for this application.

### Ecology, May 17, 2022

**Notice of Application (Z-9499) – 767 Fanshawe Park Road East**  
Zoning amendment to allow stacked townhouses, consisting of a single 2.5-storey

building containing 12 dwelling units

This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major issues identified

No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Ecology – complete application requirements

None.

Notes

None.

Landscape Architect, August 12, 2022

The Tree Preservation Plan [TPP] provided by the applicant identifies 2 large trees/shrubs along the east property line as boundary. The protective fencing as proposed and setback along interior side yard is sufficient to protect them. Trees 8-11 are proposed for removal and are growing within the easement. The applicant shall contact the easement holder to determine if there are any special protocols to follow during removal.

Reminder to the applicant, that all trees over 50 cm dbh cannot be removed until Site Plan Agreement has been issued. If the applicant wants to remove before this, they are required to get a removal permit from Forestry Operations.

**City of London Design  
Specifications and Requirements Manual, Chapter 12 Tree Planting and  
Protection Guidelines Section 12.2.2 <https://www.roadauthority.com/Standards>.**

Site Plan Planning, June 1, 2022

The plans are similar to the SPC submission. The layout was reconfigured to emphasize rear articulation and amenity space at the cost of a bit of shared amenity space and two parking spaces (18 are required and provided). Overall, this proposal is a standout for the quality of documentation and integration of staff feedback. I commend the applicant for going beyond our standards to deliver a tasteful example of infill intensification.

Site Plan Planning, July 26, 2022

Visitor parking is required at a rate of one (1) space for every ten (10) dwelling units (C.P.-1455-541 6.2.a.ii). Visitor parking can be included within the overall parking requirements for the residential use. Ensure visitor parking spaces are a minimum of 3 metres from dwellings containing windows to habitable rooms.

Another item of consideration is accessibility. The current site plan has accessible parking but all of the entrances involve ~8 steps. Understandably, people use accessible parking spaces for reasons other than mobility. The policies do not specifically call for wheelchair accessible entrances, and the outside amenity space lets guests socialize without needing to enter, at least for some months. That said, if there is a way to fit a temporary ramp for wheelchair users, the doorway could benefit from being more in line with the staircase instead of being offset to the side. Alternatively, the applicant could modify the current design to include asymmetric French doors or even double doors, which would also help with carrying in large accessories. However, there may not be enough clearance in the interior entryway for a wheelchair unless the applicant removed the half wall.

Urban Design, June 14, 2022

- The applicant is commended for providing a site and building design that incorporates the following design features: An active low-rise built form along Fanshawe Park Road East with walkway connections from City Sidewalk;

provides an appropriately sized outdoor amenity space; and locating majority of the parking behind the building and screened from the road frontage.

- Consistent with the staff and panel comments, please incorporate the following comments:
  - Please provide a detailed response to the Urban Design Peer Review Panel that explains how the Panel comments have been addressed.
  - Provide for an alternative building typology/form such as 3- storey townhouse or 3 storey stacked townhouses with grade level units or access to alleviate the following concerns:
    - To break down the proposed large building massing and architecture to more identifiable individual units( e.g., townhouses) as opposed to a large single massing.
    - Consider a flat-roof typology to accommodate a three-storey form with grade level accessible units.
    - Provide enhanced East and West side elevations( more number of windows, massing and articulation) reducing the blank facades proposed.
    - Provide weather protection (e.g. canopies/shade) above balconies and the entrance steps.
    - Increase the accessibility to the ground floor units by reducing the excessive amount of steps to ground floor. If stacked units are proposed, further steps can be incorporated within the unit and ground floor units can be accessed from the street with minimum number of steps.

Urban Design, July 22, 2022

Comments that will be addressed at the Site Plan Application Stage

- The incorporation of balconies, material changes and enhanced side elevations by providing material adjustments and windows are acknowledged and appreciated.
- To accommodate the concerns of accessibility and livability, explore ways to increase the height to 3 storeys above grade to increase ground floor accessibility and provide greater daylight to basement units.
  - Explore ways through the rearrangement of units better accommodate accessibility and daylight access for livability.

Urban Design Peer Review Panel Comments and Applicants Responses, July 14, 2022

Comment No.	Comment	Response By	Response
1	While the Panel generally supports the increased density and proposed land use for the site, the Panel strongly recommends the applicant revisit the Panel at the Site Plan stage for further design review and comments. Given the building could serve as a model for future development, the Panel recommends careful consideration of the architectural facade treatment.	Zelinka Priamo Ltd.	Acknowledged. The owner does not wish to make substantial changes to the design at this time. A revisit to the UDPRP at the SPA stage would most likely just result in repetitive comments.

2	<p>The Panel recommends the applicant consider alternative building typologies such as three-storey or stacked townhomes to break down the current large architectural building mass and blend with the surrounding neighborhood character.</p>	Zelinka Priamo Ltd.	<p>At this time the owner wishes to proceed with the current 2.5-storey proposal. Given the surrounding private amenity areas for the single detached dwellings, and the existing drop in grades towards the rear of the property, increasing the building height could generate overlook concerns to adjacent properties.</p> <p>Additionally, the proposed 2.5-storey design is more in keeping with the surrounding 1-2 storey single detached dwellings, and blends better with the exiting dwelling than a taller 3-storey building.</p>
3	<p>The Panel notes that the proportion and character of the elevations read more like a large house rather than a series of townhouses. Moreover, the East and West elevations are largely blank and lack architectural interest. The Panel suggests revising the massing to the aforementioned three- storey, flat-roofed building with rigor placed on defining the main facade to read more like a series of townhouses, and additional attention placed on the East and West facades.</p>	Zelinka Priamo Ltd.	<p>The intent was to have the design of the stacked townhouses read as a large house to blend it in with the adjacent built forms to the west, east, and south. The proposed roof-line is in keeping with the existing rooflines of the community.</p> <p>That being said the east and west elevations have been re-evaluated by our design team, and adjustments to materials, and number of windows have been made. Those revisions can be found in the provided design package. None of the revisions impact the ZBA, and final elevations will be determined at the SPA stage.</p>
4	<p>The Panel suggests the applicant explore opportunities to redesign and/or relocate the outdoor amenity area such that it possesses a stronger relation to the built form. Examples of such relation could include integrated balconies, patio areas or rooftop amenity areas.</p>	Zelinka Priamo Ltd.	<p>Balconies have been added to the upper units to provide private amenity space in addition to the common amenity area. The common amenity area will remain in its current location as it is buffered by the traffic noise along Fanshawe Park Road East.</p> <p>The proposed balconies will require a special provision as part of the ZBA. Discussions with staff are required to ensure support for the additional provision.</p>
5	<p>The Panel commends the applicant for preserving the large existing tree on Fanshawe Road. However, the proposed outdoor amenity space is small and disconnected from pedestrian circulation routes. Consider reorganizing the site to take advantage of the existing tree and adjacent areas for the outdoor amenity space. A physical</p>	Zelinka Priamo Ltd.	<p>Acknowledged. The amenity area is blocked from view from Fanshawe Park Road because it's in part private space for the residents. It area should not be treated differently than private rear yards for single detached dwellings. Additionally opening up a visual connection will also result in traffic noise spilling into the amenity area from Fanshawe Park Road East.</p>



	and visual connection with the road will also serve as a reminder of this amenity space as well as the importance of preserving large canopy trees.		
6	The Panel notes that the vehicular entrance should be simplified to minimize the width of the curb cut. Consider removing the channelization.	Zelinka Priamo Ltd.	Through the SPA process, the driveway access will be designed to the City standard for width, and radii.
7	The Panel notes that the basement level and raised ground floor are problematic from an accessibility standpoint. Uncovered exterior stairs could create accessibility issues and pose maintenance concerns during the winter months. The Panel suggests that if the development be reconfigured to a three-storey building with ground floor units closer to the at-grade elevation, some accessibility concerns would be alleviated.	Zelinka Priamo Ltd.	As noted above the owner wishes to proceed with the 2.5-storey design. While accessibility is problematic, at this time, there is no requirement for stacked townhouses to meet AODA requirements on accessibility.  Balconies have been added to the upper units, which in turn also act as covered porches for the entranceways protecting residents from the elements and addressing maintenance concerns during the winter months.

Urban Design Comments and Applicants Responses, July 14, 2022

Comment No.	Comment	Response By	Response
1	The applicant is commended for providing a site and building design that incorporates the following design features: An active low-rise built form along Fanshawe Park Road East with walkway connections from City Sidewalk; provides an appropriately sized outdoor amenity space; and locating majority of the parking behind the building and screened from the road frontage.	Zelinka Priamo Ltd.	Acknowledged.
2	Please provide a detailed response to the Urban Design Peer Review Panel that explains how the Panel comments have been addressed	Zelinka Priamo Ltd.	See responses provided above.

3	Provide for an alternative building typology/form such as 3-storey townhouse or 3 storey stacked townhouses with gradelevel units or access to alleviate the following concerns:	Zelinka Priamo Ltd.	See response to UDPRP Comments #2 and #7 above.
4	To break down the proposed large building massing and architecture to more identifiable individual units (e.g., townhouses) as opposed to a large single massing.	Zelinka Priamo Ltd.	Balconies have been added to the upper units, which also serve as weather protection for the entranceway stairs/porches. Additional revisions to the materials also breaks up the massing. Final elevations will be determined at the SPA stage.
5	Consider a flat-roof typology to accommodate a three-storey form with grade level accessible units.	Zelinka Priamo Ltd.	The proposed roof is consistent with the adjacent single detached dwellings surrounding the property on the south side of Fanshawe Park Road East.
6	Provide enhanced East and West side elevations (increase number of windows, massing and articulation) reducing the blank facades proposed.	Zelinka Priamo Ltd.	See response to UDPRP Comment #3 above.
7	Provide weather protection (e.g. Canopies/shade) above balconies and the entrance steps	Zelinka Priamo Ltd.	See response to UDPRP Comment #7, and UD Comment #4 above.
8	Increase the accessibility to the ground floor units by reducing the excessive amount of steps to ground floor. If stacked units are proposed, further steps can be incorporated within the unit and ground floor units can be accessed from the street with minimum number of steps.	Zelinka Priamo Ltd.	The owner wishes to proceed with the 2-5-storey design at this time. Additional building height to reduce the number of stairs for the ground floor unit would have greater impact on the side yard setback requirements, and potentially create overlook concerns into adjacent rear yards.

Upper Thames River Conservation Authority, April 27, 2022:

Please be advised that the subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

Accordingly, the UTRCA has no objections to this application and a Section 28 permit application is not required.

## Appendix C – Planning Impact Analysis

3.7 Planning Impact Analysis	
Criteria	Response
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>The proposed land use is a contemplated use in the London Plan and contributes to a variety of housing forms within the neighbourhood.</p> <p>The proposed townhouse development is compatible with the surrounding neighbourhood as the 2.5 storey is similar in height to abutting 1-2 storey residential dwellings to the south, east, west and apartment buildings to the north.</p> <p>Factors such as site layout, building line and setback from the street, and height and massing transitions with adjacent properties enhance the compatibility with the surrounding neighbourhood.</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;	The site is sufficiently sized and configured to accommodate the proposed residential intensification. The proposed development is located along an arterial road that is supported by public transit, cycling lanes, pedestrian sidewalks and full services are available to the site.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	Outside of the undeveloped parcel (1515 Trossacks Ave) there are no additional lands available which would support this development.
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;	The proposed development is within proximity to neighbourhood and community facilities as well as open space, recreational opportunities and all transit services.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;	The proposal is not eligible to be considered for affordable housing as a bonus provision is not required. That said, dwelling units in a townhouse complex are typically more affordable than the neighbourhood's prevailing single detached dwelling units. The addition of the proposed units to the housing supply may also free-up other more affordable units elsewhere in support of Municipal Council's commitment to the Housing Stability Action Plan, Strategic Area of Focus 2: Create More Housing Stock.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses	The scale/height of the proposed townhouse development is appropriate at this location. Privacy impacts will be mitigated through the use of landscaping, tree retention, fencing and appropriate building setbacks. The visual impacts of the development will be minimal given the height of the proposal, spatial separation from the abutting yards, and future landscaping and fencing.

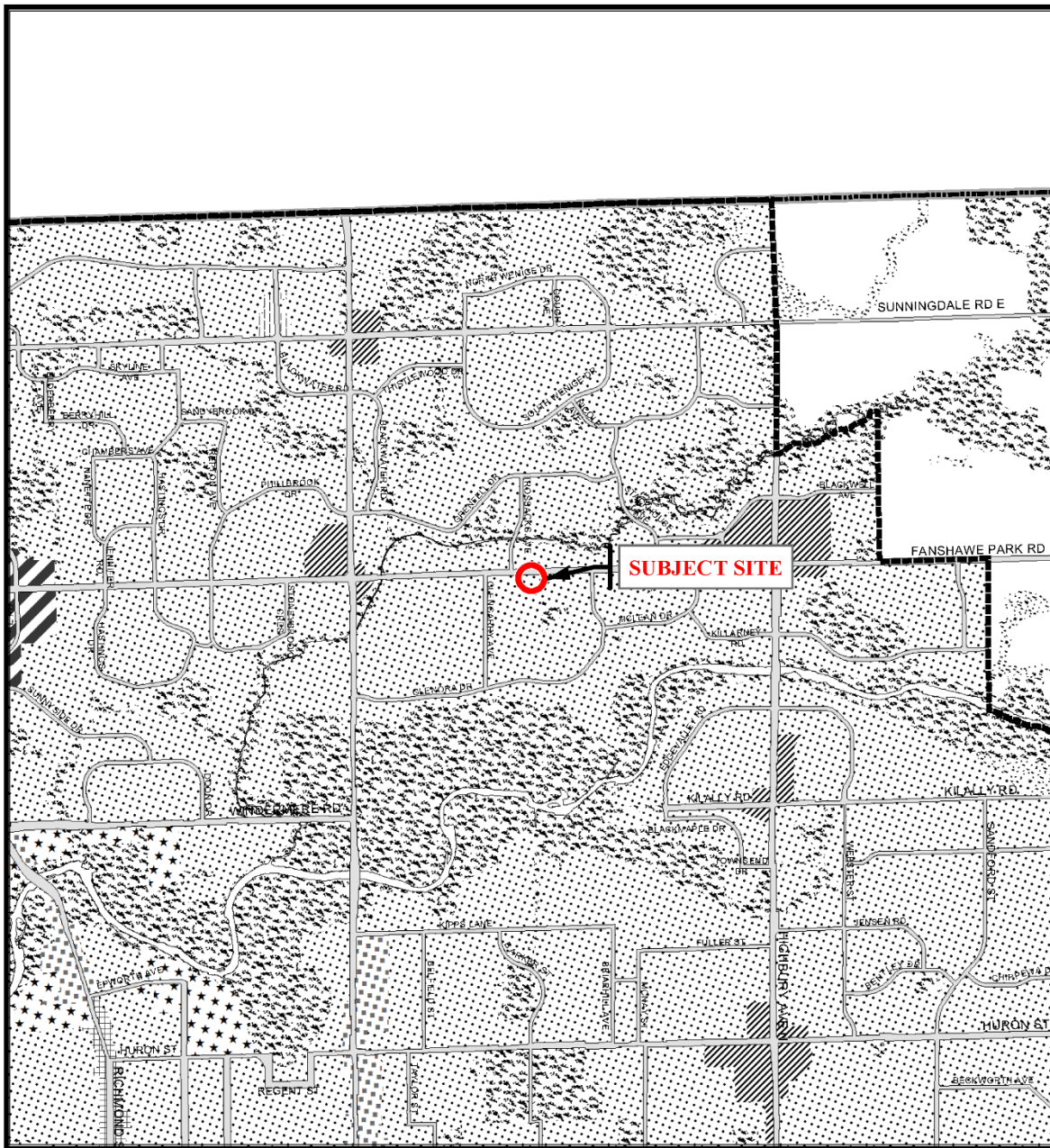
<p>The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area</p>	<p>Landscaping and screening opportunities through vegetation will be considered at a future Site Plan Approval stage, that maintains, to the best extent possible, existing vegetation and introduces additional shrubs as needed to screen the overall development from adjacent properties and the streetscape, such as enhanced landscaping along the frontage.</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>Transportation Planning and Design was circulated on the planning application and development proposal and is satisfied. Further refinements will be addressed at the Site Plan stage.</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 exterior design will be compatible with the existing and future lands uses in the area.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources</p>	<p>The subject lands are identified as having archaeological potential on the City's Archaeological Mapping. Based on the findings from the Stage 1-2 Archaeological Assessment, no archaeological resources were identified on the lands and all archaeological conditions can be considered satisfied for this application.</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>Not applicable.</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</p>	<p>The requested amendment is consistent with the in-force policies of the Official Plan. The majority of requirements of the Site Plan Control By-law have been considered through the design of the site, including provision of amenity space, landscaping, parking and setbacks</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>Privacy impacts will be mitigated through the use of landscaping, tree retention, fencing and appropriate building setbacks. The visual impacts of the development will be minimal given the height of the proposal, spatial separation from the abutting yards, and future landscaping and fencing. Additional mitigation measures will be considered at the time of Site Plan Approval, lot grading plan for stormwater flows and major overland flows on site demonstrating that all stormwater flows will be self-contained on site, in accordance with City standards.</p>
<p>Impacts of the proposed change on the transportation system, including transit</p>	<p>The residential intensification of the subject lands will have no impact on the transportation system, rather contributing to the potential of future transit ridership,</p>

1577_Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	Response
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns and for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. There are no significant natural, cultural heritage, or archaeological resources requiring protection and no natural or man-made hazards to be considered.
Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan	The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to the creation of a mixed-use compact City and strong, healthy and attractive neighbourhoods. The massing and scale of the proposed buildings can be appropriately integrated into the community through the application of the relevant City Design policies at the Site Plan Approval stage.
Conformity with the policies of the place type in which they are located	The townhouse proposal provides for a use and intensity of development contemplated within the Neighbourhoods Place Type on an Urban Thoroughfare Street Type.
Consideration of applicable guideline documents that apply to the subject lands	No additional guideline documents apply to the subject site.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan	The site will be fully serviced by municipal water, sanitary and storm.
Criteria on Adjacent Lands	Response
Traffic and access management	The proposed development will incorporate a right-in/right-out driveway to access the site. A Traffic Impact Assessment was not required as part of this application. Transportation Staff have no concerns.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. A noise study was not required for the Zoning By-law amendment application.
Parking on streets or adjacent properties	Adequate parking is provided for the proposed development, as required by the Zoning By-law and Site Plan Control By-law. Parking on streets or adjacent properties is not anticipated.
Emissions generated by the use such as odour, dust or other airborne emissions	The proposed development will not generate noxious emissions.
Lighting	'Dark Sky' compliant lighting is proposed for the surface parking lot, walkways, and building exterior lights. This form of lighting reduces the amount of upward projected lighting and instead projects all light towards the ground. Further lighting details will be addressed at the Site Plan Approval stage. It is a Site Plan standard that any lighting fixture is to minimize light spill onto abutting properties.

Garbage generated by the use	Site Plan Control covers waste collection along with mail pick (door-to-door or shared location), snow storage and other site functionalities. Waste collection is tied to the approved site plan for the Site Plan Approval Development Agreement.
Privacy	A variety of screening and buffering mechanisms are proposed to maintain or enhance privacy between the proposed development and adjacent lands. The use of trees and vegetation (where possible), fencing, and landscaping are proposed. Given that the 2.5-storey townhouse building is of similar height as the adjacent dwellings, an appropriate privacy level is maintained for both residents in the surrounding neighbourhood and future residents of the proposed development. Additional mitigation measures will be considered at the time of Site Plan Approval, such as additional plantings.
Shadowing	Shadowing is not expected beyond which would otherwise be present with a single detached dwelling. Existing off-site mature trees to the south, east, and west of the subject lands currently provide shadowing on abutting lands
Visual Impact	The proposed buildings are to be of high architectural quality and finish and will create a compatible development with attractive visual impacts. Landscaping will be implemented through the Site Plan Approval process to further screen buildings from the south, east, and west. It should be noted the dwellings to the south, east, and west front internal roads and face away from the subject lands, thus the proposed building will not be obscuring any existing sight lines. The building will provide an attractive street presence on the south side of Fanshawe Park Road East.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed development.
Trees and canopy cover	A conceptual landscape plan (Image 16) and Tree Preservation Plan were submitted by the applicant, which provide details of specific tree removals and trees to be retained. All trees that can be reasonably retained are shown as such. Trees that conflict with building construction, or trees that pose a hazard are to be removed.  At the Site Plan stage, a complete landscape plan will be developed to provide for new tree planting and screening from adjacent land uses.
Cultural heritage resources	The subject lands are identified as having archaeological potential on the City's 2018 Archaeological Mapping. Based on the findings from the Stage 1-2 Archaeological Assessment prepared by Lincoln Environmental Consulting Corp and the letter received by The Ontario Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTCI) no archaeological resources were identified on the lands and all archaeological conditions can be considered satisfied for this application.
Natural heritage resources and features	Not applicable.
Natural resources	Not applicable.

# Appendix D – Relevant Background

## The London Plan



### Legend

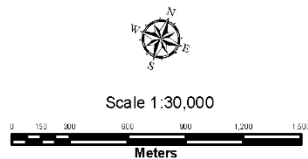
- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

**CITY OF LONDON**  
Official Plan

**LONDON PLAN MAP 1**  
- PLACE TYPES -

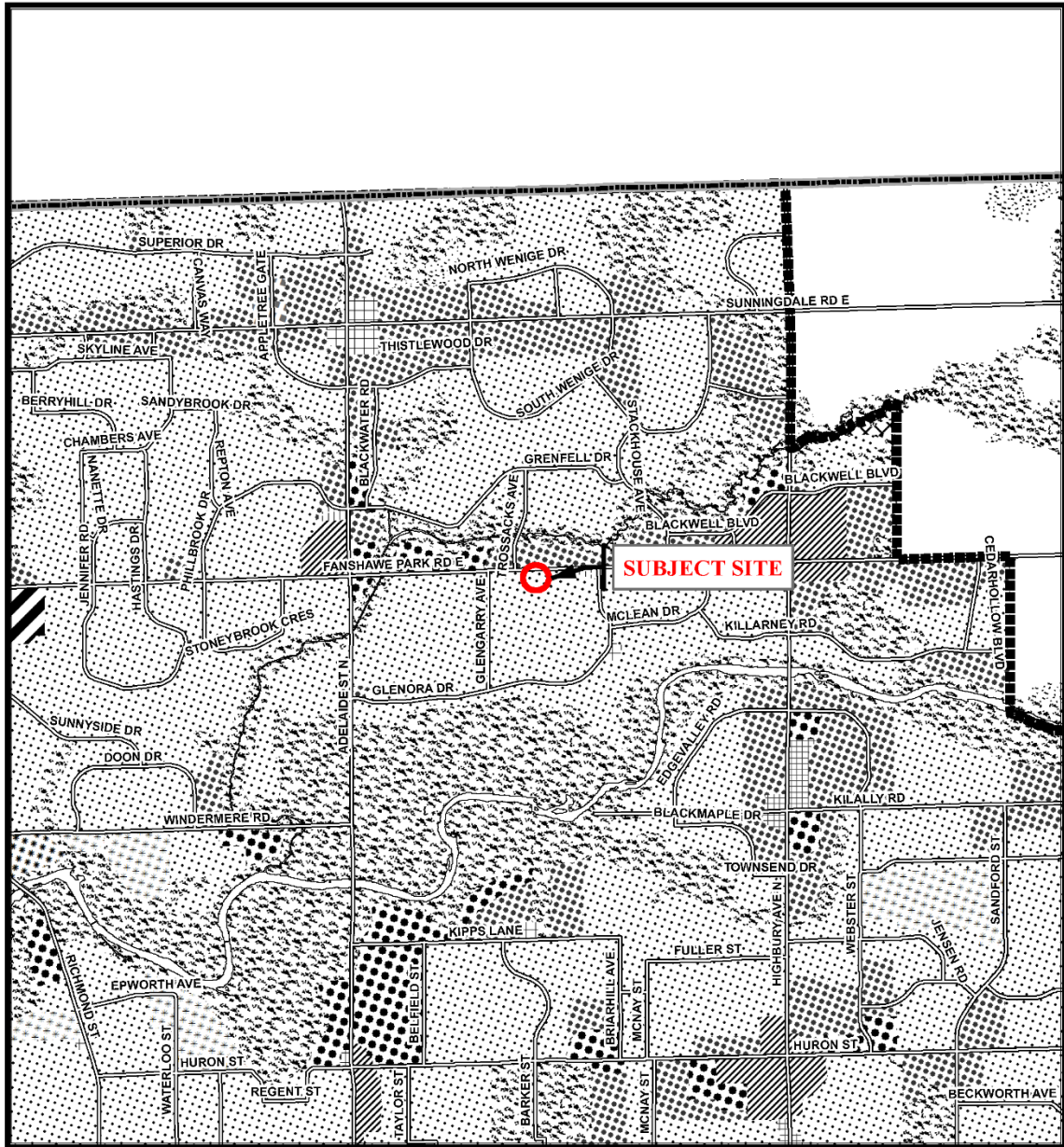
PREPARED BY: Planning & Development



**File Number:** Z-9499  
**Planner:** OA  
**Technician:** RC  
**Date:** 2022/7/26



# 1989 Official Plan- Schedule A- Land Use

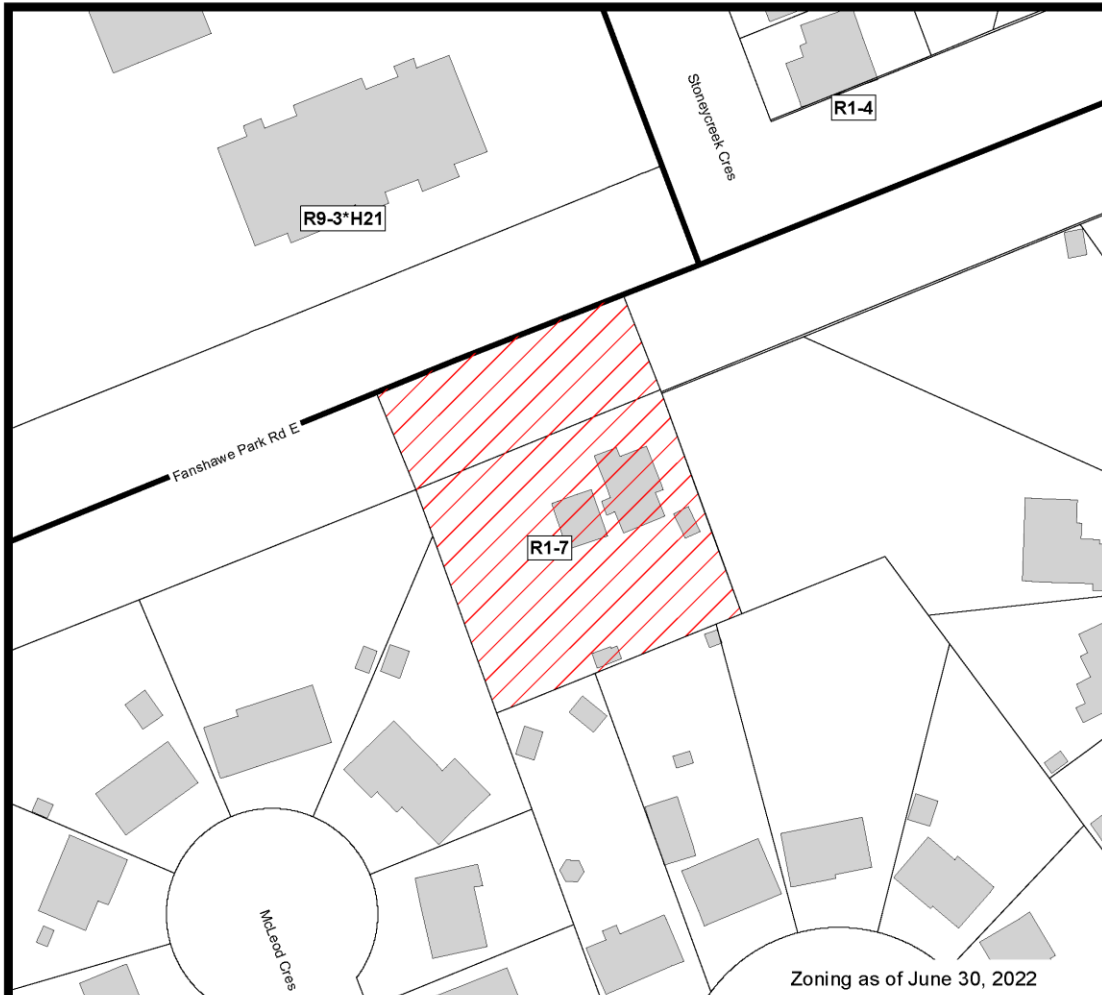


Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Format Regional Commercial Node		Office/Residential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

<p><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 450 600 750 900 1050 1200</p> <p>Meters</p>	<p>FILE NUMBER: Z-9499</p> <p>PLANNER: OA</p> <p>TECHNICIAN: RC</p> <p>DATE: 2022/07/26</p>
--	--	---



# Zoning By-law Z.1- Zoning Excerpt



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            | OS - OPEN SPACE                   |
| R7 - SENIOR'S HOUSING                     | CR - COMMERCIAL RECREATION        |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | ER - ENVIRONMENTAL REVIEW         |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | OB - OFFICE BUSINESS PARK         |
| R10 - HIGH DENSITY APARTMENTS             | LI - LIGHT INDUSTRIAL             |
| R11 - LODGING HOUSE                       | GI - GENERAL INDUSTRIAL           |
| DA - DOWNTOWN AREA                        | HI - HEAVY INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | EX - RESOURCE EXTRACTIVE          |
| CSA - COMMUNITY SHOPPING AREA             | UR - URBAN RESERVE                |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | AG - AGRICULTURAL                 |
| BDC - BUSINESS DISTRICT COMMERCIAL        | AGC - AGRICULTURAL COMMERCIAL     |
| AC - ARTERIAL COMMERCIAL                  | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL           | TGS - TEMPORARY GARDEN SUITE      |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RT - RAIL TRANSPORTATION          |
| CC - CONVENIENCE COMMERCIAL               | "h" - HOLDING SYMBOL              |
| SS - AUTOMOBILE SERVICE STATION           | "D" - DENSITY SYMBOL              |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL               |
| OR - OFFICE/RESIDENTIAL                   | "B" - BONUS SYMBOL                |
| OC - OFFICE CONVERSION                    | "T" - TEMPORARY USE SYMBOL        |
| RO - RESTRICTED OFFICE                    |                                   |
| OF - OFFICE                               |                                   |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING  
BY-LAW NO. Z.-1  
SCHEDULE A**



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

FILE NO:

Z-9499

OA

MAP PREPARED:

2022/07/26

RC

1:1,000

