

December 8, 2011

Mr. Bud Polhill, Chair
Planning & Environment Committee
City of London
London, Ontario
(sent by email)

**SUBJECT: APPLICATION BY CITY OF LONDON 1607-1653 RICHMOND STREET
PUBLIC PARTICIPATION MEETING ON 12/12/2011**

Dear Sir,

As the owner of three of properties affected by this Application (1631, 1635, and 1639 Richmond Street) I have several issues with the subject City Application.

FIRST: Application failed to mention key Planning History re 1631, 1635, and 1639 Richmond.
The Application had a long coverage of Planning History and Previous Reports, But:

- 1) The Application failed to mention that in **12/2006, 1639 Richmond Site Plan Application** was submitted to build 19 Townhouses conforming to the Zoning Bylaws.
- 2) The Application failed to mention that the Municipal Council has refused every City Staff Report recommending Approval of 1639 Richmond Site Plan Application, even though the Site Plan was meeting all Zoning bylaws and Site Plan guidelines.
- 3) The Application failed to mention that in response to the March 1, 2010 Report , the Municipal Council, on March 8, 2010, refused again my Site Plan Application for **NO REASON**, and requested City Staff to find reasons for such refusal.!! And, if they cannot, to hire an outside planner to find reasons for Council refusal..!!
This strange decision was reported to OMB on March 9, 2010 (see attached letter)
- 4) The Application failed to mention that the Letter of Mr. Brown, received by BNEC on March 7, 2011 **excluded** 1639 Richmond Street.
- 5) The Application failed to mention that a **Site Plan Application for 1631 and 1635 Richmond Street started in April, 2011**. This site plan is called **Phase 2 and Phase 3** of the OMB-approved Site Plan on 1639 Richmond Street.
- 6) The Application failed to mention that, even though I had OMB approvals, I have agreed to consider the City Proposed higher density zoning on 7/14/2011 **only under certain conditions**. These conditions were documented in writing to Mr. Dave Ailles on 7/20/11:
 - a. Community (OMRA) approval of the proposal is critical.
 - b. OMB Approved Site Plan on 1639 Richmond Street to stay valid and in full force
 - c. No holding Provision on 1631, 1635, and 1639 Richmond Street.
 - d. Storm Water Management must be upgraded to handle the new higher density. Such upgrade must be completed in 2012 and must be funded by the City.
 - e. Approvals to be quickly obtained (9/2011) since I have already lost huge sums of money as a result of City delaying my 1639 Richmond approvals for years.
- 7) The Application failed to mention that there was a Neighborhood Meeting on 10/4/2011 to present the 1631-1635 Richmond Site Plan and Elevations, which are approved by the City UDPRP. The Meeting was attended by the City Planning and Site Plan Approvals Executives and Staff.

SECOND: Issues with Transportation/Traffic Recommendations:

- 1) The Application does not provide a full traffic signals at the main entrance across from Jacksway. The City required them in 2004 as a condition to rezone the block from R1 to R5/R6. Full Traffic Signal is even more needed now considering the size of the development.
- 2) The Application does not provide a left-turn into the main entrance across from Jacksway until 2016. This left turn is approved today for 1639 Site Plan alone.
- 3) The Application does not provide from a left-turn out to Richmond from main entrance across form Jacksway. I was told by Planning in writing that this left turn will be allowed on temporary basis until access to Hillview is developed.

THIRD: Issues with Storm Water Management Upgrade/Funding:

- 1) The Approval of this Application must be **conditional** on the Approval of the Storm Water Management Upgrade Recommendation/Report.
- 2) Storm Water Management Upgrade must be approved at the same Municipal Meeting.
- 3) Upgrades to be done in 2012 and at City Expense, NOT at Developer's expense.
- 4) Comments on Page 15, last paragraph, and page 16, 2nd paragraph, are not acceptable.
- 5) Without Upgrading the Storm Water Management, No Site Plan will be approved.

FOURTH: Issues with Three-Reading (WITHELD) Approval Process:

- 1) The Three- Reading Approval Process was just introduced couple of days ago. I do not have prior experience with such a process.
- 2) The three readings of the bylaws enacting the Official Plan and Zoning bylaw amendments as recommended in clauses (a) to (h) should NOT be subject to entering into a Development Agreement with the City. This is a new condition that was never mentioned before. And, is not even mentioned anywhere in the body of the Application. Only Site Plan Approval is stated as the requirement for the enacting the proposed bylaws (page 34, 3rd paragraph and Page 36, 1st paragraph)
- 3) The Enacting of the bylaws should also take place if a modified or a new Site Plan and Elevations conforming to all the proposed Bylaws ARE APPROVED (as stated in page 36).
- 4) Application must state what is the appeal window for the three is reading process.
- 5) If the appeal starts after the Bylaws are enacted, then, I will be severely impacted, after spending a lot of time and money to get the Site Plan approved. **I want appeal to be permitted after the Introduction not after the Enacting.**

FIFTH: Need to Confirm Current Zoning, Site Plan Applications and Site Plan Approvals.

The application does clearly confirm the current rights as stated by the City Planner.

- 1) The current zoning of R5/R6 will stay in effect on 1631, 1635, and 1639 until the proposed bylaws are enacted. And, will continue to be in effect, if the proposed bylaws are appealed after being enacted.
- 2) The 1631 and 1635 Site Plan Application Approval process can continue any time as long as the new proposed bylaws are not enacted, or if they are appealed after being enacted
- 3) And, the 1639 Richmond Street OMB-Approved Site Plan will stay valid and in full force. And, construction process can start anytime.

While I have been cooperating with the City and the Community, I want to protect my rights and my business under current and future bylaws.

I will attend the 12/12/11 meeting to address the above and any other issues that may come up.

Sincerely,

Farid Metwaly
Owner of 1631, 1635, and 1639 Richmond Street

cc. Michael Tomazincic, Planner II, City of London (and Leader of subject Application)