

## PUBLIC PARTICIPATION MEETING COMMENTS

### 28. Properties located at 704 and 706 Boler Road (39T-15503/Z-8505)

- Richard Zelinka, Zelinka Priamo Limited, on behalf of the applicant – indicating that these lands are, in their entirety, are designated Residential in the City's approved Official Plan; advising that the appeal to the Ontario Municipal Board is as a result of inaction on the part of the City; pointing out that the roadblock that they came into as was referred to by Mr. C. Smith, Senior Planner, Development Services, in his presentation, that Parks Planning refused to accept the Environmental Impact Statement (EIS) that had been prepared by a qualified consultant and submitted, including updated information on behalf of the applicant; identifying that because of the refusal to accept the EIS, Development Services could no longer process the application so it was not just an applicant saying 'ok, the time has expired, I am going to appeal'; indicating that there was no prospect for collaboration, cooperation or coming to a resolution on this matter; expressing concern that the approach that was taken, that was not to approve an EIS which does not match the desired outcome of Parks Planning is a dangerous approach for planning in the city; outlining that the Committee is being told in this report that the proposed rezoning is premature without an approved EIS and yet without an approved EIS, this Committee and Council are being asked to approve an Official Plan Amendment to change these lands to Open Space, lands designated Residential, change them to Open Space and to change the zoning on the zoning on them to Environmental Review; expressing concern that, again, there has been a predetermined result that is not based on the science that has been submitted to the municipality with this application; advising that, in addition, you are being told in the reasons for the recommendation that the application does not meet the City's natural heritage Official Plan policies, does not meet the Provincial Policy Statement natural heritage polices or the *Planning Act* for that matter; reiterating all of those things and yet there is not an approved EIS; wondering where that information is coming from, the Committee is being told that it is coming from the information that has been provided to date; advising that the information that has been provided to date does not support the recommendation of staff; expressing concern that, and we ask this Committee and Council not to condone an approach that goes back on the approved Official Plan; reiterating that the approved Official Plan is Residential in this area and not only are you being asked to reject this application but to use this opportunity to change the designation and zoning on this applicant's lands to something, perhaps, that would be more satisfactory to the Administration but these are lands that have designation under the Official Plan and the applicant has come in to implement the Official Plan, not to have the Official Plan undermined by a recommendation for change; expressing concern that the Committee is being given only part of the information that it should have in addressing this matter; commenting that, in your package, staff have provided the Committee, in full, with their detailed, sixteen page critique of the EIS that was submitted on behalf of the applicant, but they do not provide the equally detailed point by point response by the applicant to every one of those points made by staff, the response which addresses, refutes and counters the points that you are being given as part of your package, as if this is now the gospel truth; believing that this Committee has not been given the full information by which you may make a reasoned decision on this; addressing some of the public responses because this is another part of the full information and one of the main concerns that has been raised within the area is the concern that the condo block in the southeast part of the site, the proposed condo block would be used for multiple dwellings, either townhouses or other multi-dwellings; pointing out that Mr. M. Frijia, on behalf of the owners, did contact members of the public to show what he was actually proposing because, with a plan of subdivision, it does not show the details and what is being proposed by Southside is a vacant lot condo with single detached dwellings;

affirming tonight that the zoning that will be sought on this property is one that would allow cluster single detached dwellings only so it would be single detached dwellings in a vacant land condo, there is no intent for any more intense use within this area; advising that the vacant land condo is necessary simply to ensure that a proper road system and lotting could be achieved within that area; outlining that, based on that, you will hear from the public but it is their understanding that many of the concerns that had been with the public were addressed and that there would be general support among those people for the proposal that is before the Committee; indicating that one other point that was raised and Mr. C. Smith, Senior Planner, Development Services, did point this out and that is the potential connection to the north, to Longview Court, advising that, Urban Design, in its comments, and this is one of things that the application is being criticized on as not implementing the urban design comments; noting that one of the Urban Design comments was that that road should go through to Longview Court; at the outset of this, during the pre-consultation stage, they were advised, quite rightly, by Development Services, that there could be a lot of concern by people in Longview Court if they were proposing the road to go through and they felt that that was reasonable information for them to provide us with and as a result, the application was drawn up without a connection to Longview Court notwithstanding the Urban Design comments, they felt that it was not necessary for either this subdivision or the Longview Court subdivision and they did not include that; indicating that it is important for this Committee to know that going the other route, the route that was recommended or suggested by Urban Design staff would perhaps bring a different group of residents out to address concerns on this; concluding by saying that the Committee has been provided an incomplete staff report, the Committee has been provided something that does not adequately address the issues in front of the Committee; asking that the Committee take no action on these recommendations; *(Councillor Helmer indicates that, through the staff report, they certainly have the staff's opinion on the completeness of the EIS but asking Mr. Zelinka, in his opinion, does he think that the EIS is complete on the basis for making a good planning decision.);* Mr. R. Zelinka responds that yes, it is; advising that in the EIS, with its appendices and addendums, which include, from the staff comments, there were a few things that they said yes, that is correct, that was an error and they will change it, based on those yes, the research, the work that was done adequately supports the development being proposed on these lands.

- Erik Schmidt, 22 Longview Court – indicating that he has a question for Mr. R. Zelinka; apologizing that many of the acronyms that he used most of the public in the gallery does not understand; commenting on one of the things that Mr. Zelinka spoke to was with regards to the evaluation of the green space and also their work alongside, or the input that came from the Ministry of Natural Resources, curious about what input they gave to them regarding that green space and also what the timeline was for the cutting of that green space and whether or not it was done in collaboration with the feedback from the Ministry of Natural Resources or whether it was done prior to, and now some of these changes are in an effort to rebound from their suggestions; Mr. Zelinka responds that he was not the person who raised the matter, it was either Mr. C. Smith, Planner II, Development Services, or Mr. A. Macpherson, Manager, Environmental and Parks Planning; however, they did have contact with the Ministry of Natural Resources on a number of points that they checked with the Ministry of Natural Resources on, they were supportive of their findings, the science that they had in their report; pointing out that, with respect to the cutting of trees, they had already done a lot of the field work in that time frame and the cutting of trees was necessitated by the uncompromising approach being taken by Parks Planning where they would not allow trees to be kept in the rear yards of lots and were basically asking that the sides of streets be taken out and there would have been a tremendous loss of lots and that was inconsistent both the designation of the work that had been done to date and the prospects of finding a mutually agreeable solution with Parks Planning was very low and so that was the timing for the taking down of the trees before the new application was put in; *(Councillor Squire indicates that the*

*gentleman also asked if Mr. Zelinka had any consultation with the Ministry of Natural Resources about the removal of the trees.); Mr. Zelinka responds that he did not have any direct consultation with the Ministry of Natural Resources; however, he does not believe that the trees were an issue with the Ministry of Natural Resources; pointing out that the removal of the trees was done fully within City policy, fully with the City permitting, the normal City permitting authority and was done with the acknowledgement that it did meet all of the City's policies; Mr. J.M. Fleming, Managing Director, Planning and City Planner, points out that comments that are being about Parks Planning and really the references to Environmental and Parks Planning should be referred to as Planning, it is the Planning Services area that is making those comments and it certainly has been with significant collaboration with our Development Services group so he would not want to isolate that one area; reiterating that this is going to the Ontario Municipal Board so he would like to be clear that they would have a different perspective on some of the things that are being said and he does not want their silence to suggest that they agree with some of the points that are being made; indicating that there were some interesting comments made prior to his question with regard to, essentially what he was trying to say was setting some kind of precedence and it being a dangerous avenue to tread on especially with some of the decisions that are going to have to be made; advising that some of them from the public, he would like to share the idea of being able to forgo certain provisions or certain interim regulations and essentially go ahead with a matter such as cutting trees without express consent or without actual written consent from places such as the Ministry of Natural Resources is something that the City of London itself, globally, needs to consider in terms of how it is going to deal with matters such as this in terms of setting a precedent going forward, not only to this current situation but also to the developers as we try to expand and grow the city; (Councillor Squire responds that they are developing a by-law to deal with these particular issues.)*

- Erin Casey, 995 Apricot Place – indicating that she submitted her questions to the City Clerk this morning and wondering if someone could read them and answer them rather than her reading them off; wondering what it means that, in the proposed sites behind Apricot Place, Lots 10 and 13 have big boxes around them; Mr. R. Zelinka, Zelinka Priamo Limited, responds that he does not have the drawing in front of him but typically when there is a big box on there, that shows the building envelope so that any house that would be built would have to respect all of the setback requirements for that box; noting that often those are shown where there is an irregular shaped lot or something like that to demonstrate that within that box a house could be placed but it does not represent the walls of a house or anything along that line.
- Alison Harvey, 2-727 Apricot Drive – indicating that she is on the south side of the development lot; advising that she does not think that there is a large agreement with the people who live around the lot that we support this development; noting that is obvious by the number of people at the meeting; pointing out that the north side of Apricot Drive is here as well as beyond onto Apricot Drive on the main road and a lot of people from Longview Court; reiterating that there is no support from the people; identifying that her neighbour sent in a question regarding the seven foot wall that drops to the lower development land and how they plan on building up that area; hearing that they are going to backfill the entire wall; advising that the people on the north side of Apricot Drive have concerns because they own four feet beyond that wall; reiterating that from the base of the retaining wall and four feet into the field, four feet of that by sixty feet is her property; and, wondering if they have any idea what the plans are for building up that area to become level with the top of their retaining wall; Mr. R. Zelinka responds that he is unable to assist with that at this time, that is a detail of the design that would be worked out in the final approval stage.
- Tammy Sanders, 728 Apricot Drive – discussing the point that it was communicated to them that it would be single dwellings; indicating that she lives on the corner lot right on the fence line and it has never been communicated to

them that it would be single dwelling; pointing out that, up until this point it has just been up in the air, they have never known if it was going to be a four storey apartment building or a condo corporation and she has already experienced this; noting that the property across the street from them, when they first moved in, they were told that it was green space and that it was going to be a condo corporation that was going to come in there, develop and it was the complete opposite, they told them that there would be eight that went in there and she believes that there are fourteen; advising that she does not trust the fact and when someone is telling her that it has been communicated and it is not in writing, she does not trust the developer in this situation and she wanted it to be on record; Mr. R. Zelinka responds that the reason that he stated it publicly so that this could be on the record, in the minutes of this meeting that the developer is committing to single detached dwellings and it is on the record now.

- Tim Bordeaux, 142 Longview Court - advising that they have talked through different neighbours; noting that he is representing a few of them and the fact that nothing has been told to them again; advising that this is the first that they have heard of it being single dwelling which has probably eased some concerns; expressing that when it was first sold as a property everything was cut down right away, before any approvals as they understand; indicating that there was probably some concern or some mistake on his part on this statement but it was torn down right away and he understands, through this developer, that it is easier to ask for forgiveness than ask for approval; wondering how they are going to address this; wishing that it had been more transparent in this; and, expressing concern about the environmental aspects as well; Mr. A.R. Patton, Patton Cormier & Associates, responds that the reason this matter is at the Ontario Municipal Board is the applications were accepted as complete, they were not circulated to the neighbours or anyone else; indicating that it did not go to anybody because the department did not do it; advising that his client made the application complete, he paid the money and it sat there and it went beyond 180 days; reiterating that that is why the public has not received anything; that was their duty, his client paid good money to get that circulation done and that is why they are at the Ontario Municipal Board, they have sat around and done nothing and he would like the public to understand that; and, sitting here listening to the meeting and he understands that things have to be explained properly and realizing that there was a misunderstanding at the beginning; indicating that he is appalled at the arrogance of the developer and the lawyer just throwing it at them and there is no explanation, it is back to that forgiveness thing because there has been a history with that developer on this throughout the City.
- Blair Patton, 78 Longview Court – echoing the sentiments by the previous speakers that they are appalled as to the attitude of this applicant, the company involved there; agreeing with everything that they have said as do their neighbours that they are asking for forgiveness after the fact; advising that the lands were cut down immediately, there was no assessment; noting that the gentleman who just spoke did not address the previous speakers question; pointing out that it has nothing to do with Council right now, it has to do with someone blatantly and arrogantly going out and chopping down woodlands without regard for the life of the animals out there or any potential artifacts; advising that there are ponds out there that need to be respected; advising that, this spring alone, there are huge ponds that have come from the rainfall and snow melt; advising that he is not sure how you are going to build in there because the basements are going to be flooded; indicating that he would like to know what the developer plans on doing about that as well as what the other speaker spoke on about her lands and how they are going to address the four feet of her property, taking her at her word, is going to be left to her or worked around to their satisfaction; expressing that it seems like they are always the last ones to find out and they are not prepared to take this from this developer or anyone else, they want their lands protected and they want to be informed; Mr. R. Zelinka clarifies that the applicant is not seeking forgiveness, the applicant has done nothing wrong; indicating that the applicant has abided by the City's policies and procedures, the Tree Cutting by-law does not apply; noting that

they investigated that; reiterating that it does not apply to this site and it should not be implied that there is anything wrong; pointing out that the applicant did something that the applicant did not want to do but felt that it was necessary given the approach being taken by staff and other than that there is no wrong to be forgiven for; (*Councillor Squire clarifies, because there seems to be some anger about this, the public is speaking, when the public speaks it is not always perfect, it is not always what you would like, it is not always entirely civil but they are speaking and you have not been spoken to badly by anyone on this Committee or by any staff tonight; appreciating that this is a public participation meeting so you can correct it but he does not think that anyone should be mad about it because the public is speaking in a way that you may not like.*); Mr. R. Zelinka indicates that he is not mad at all, he would just like to make sure that the public knew that they were not coming from this point of seeking forgiveness on it, it really was something that happened and in some respects it was regrettable but not improper, not illegal; indicating that on the north lot, on the north east portion, across from the Open Space, there was an arrow on one of the diagrams on a triangle that he did not understand what that meant; noting that they cannot see it from the gallery; Mr. R. Zelinka indicates that the north arrow is show in that corner of the drawing and is for orientation of the drawing.

- Barry Card, 568 Ridgewood Crescent - indicating that, with respect to notice, his clients received a notice dated July 13, 2015, which is the reason that he was engaged last summer; advising that he was immediately in communication with staff and subsequently Mr. C. Pigeon, Planner, GSP Group, was also engaged and he was also in communication with staff; advising that their concern throughout has been that the applicant is proposing an R6-5 zone roughly in the southeast quadrant of the subject property and that permits apartments and other inappropriate forms of development; advising that the neighbourhood received a response from Mr. M. Frijia some time ago indicating that low density dwellings or detached dwellings could be put there but it was not until this evening when he spoke to Mr. R. Zelinka that he received a commitment that the zoning would be for single detached dwellings in an R6-1 Zone as opposed to R6-5; thanking Mr. Zelinka for putting that on the record because that alleviates one of their concerns; noting that they were very concerned that there would be apartments on the site; indicating that their second concern had to do with suitability of the land which is in the south east quadrant of the site and staff have spoken to the Committee about that; sharing the concern that the land is too rugged, that there are natural heritage features that need to be evaluated; advising that they do not believe that that area is suitable for development; realizing that what you do as a result of receiving advice from your staff is up to you but they do have concerns about zoning that land for any type of development until it has been properly investigated; having said those two introductory things, Mr. C. Pigeon, GSP Group, has done work on the suitability of the subject site for development.
- Chris Pigeon, GSP Group, on behalf of the neighbouring residents – indicating that the area is characterized as predominately large lots, single detached neighbourhood to the north, to the south, with the exception of a small townhouse project which is off of Boler Road that one of the residents spoke to; showing photographs of a couple of the homes on Cherrygrove Drive; noting that they are large lots, single detached dwellings and Longview Court and Apricot Drive are similar types of housing; showing an air photo from September, 2013, with a great deal of tree cover, there were two houses that have since been demolished and we know that in September, 2015, there were very significant removals that have taken place, two ponds that have been identified as locally significant wetlands that the Upper Thames River Conservation Authority and the City have been concerned about; the Southside plan of subdivision proposes forty-four single-detached lots, an Open Space block and something that has been labelled a low density block and that is the south east corner, the triangular shaped parcel, the zoning that is proposed is the R1-9 which permits minimum sixteen metre single detached lots and as this Committee knows, the R6-5 zone permits a full range of residential forms of housing, from singles through to apartments; noting that it

permits a four storey apartment with a maximum building height of twelve metres and could allow up to forty-two units at thirty units per hectare and the minimum setback requirement could be six metres; showing a photograph showing setbacks to the Cherrygrove Drive and to Apricot Place to the south; reiterating that an apartment building would be permitted under the R6-5 zoning with a six metre setback. (See attached presentation.)

- T. Grawey, Manager, Development Services and Planning Liaison, responds to the e-mail concerns received by area residents; with respect to the multi-family block that was identified earlier and discussed, the zoning that was requested by the applicant, the R6-5 zone does permit, as was mentioned, a range of permitted uses from cluster single detached right up to apartment buildings; when the application was received and liaised, it did permit cluster townhouses and apartments so it was liaised on that basis; having said that, he believes that the intent of the applicant or the developer was cluster single detached in the plan itself; indicating that has been addressed tonight and the applicant has confirmed that;

With respect to the issue from the resident of Apricot Drive, the question about the grade separation between the dwellings on Apricot Drive and the subject development, typically those types of issues would be addressed through conditions of draft approval for the plan of subdivision, there would be requirements dealing with site grading and drainage and requirements to either match grades of adjacent properties or to address any grading issues that there might be between adjacent properties; having said that, they have not reached the stage of draft approval at this point because the application is being referred to the Ontario Municipal Board so it is possible that those matters could be addressed through the Ontario Municipal Board hearing but typically they would be addressed through conditions of draft approval, grading plans and other requirements as part of the subdivision process;

The extension from Optimist Park Drive was mentioned as an issue and there were discussions with Development Services staff early on about where the most appropriate access points would be; one being east from Optimist Park Drive, an extension east, another one being to the north through Longview Court and another potential access being to the south; there were initial plans that showed an access to Longview Court and there were a number of discussions with Development Services, Transportation, Urban Design and the applicant and it was felt generally that two accesses to this plan of subdivision would be adequate in terms of transportation needs and that was conveyed back to the applicant and the plan was confirmed to show the access to the west opposite Optimist Park Drive and one to the south and the access to Longview Court was not proposed as there were some concerns about grades to that access point and it was not proposed in the plan that was submitted;

The issue about the cutting of trees, it has been mentioned that it is not in contravention of any City by-law or policy, it is true that the Tree Conservation by-law does not cover that area, it is designated Low-Density Residential; however, there is a longstanding Council policy that indicates that, where there is a proposal for a plan of subdivision, that it is the expectation of Council that no tree cutting will occur until the application has been dealt with by Council; that had been conveyed to the proponents early on in the process and that was prior to the tree cutting activity that occurred;

The issue of notice has been raised and it has been mentioned that the notice of application was sent out in July, 2015 and that went to area residents; there is some indication of the responses on the bottom of page 498 of the Planning and Environment Committee Agenda; there were approximately 15 responses to the original notice of application and then as a result of this notice of public participation meeting there have been some additional e-mails and members of the public out; reiterating that there has been notice of the application at the point that it was received by the City;

One other issue that was mentioned by the applicant about the designation of the lands Low Density Residential, that is true, the lands have been designated, they

were in the pre-annexation City and the Low Density designation applied to the lands; when the Vision 96 process was undertaken the lands were identified, a portion of the lands where the woodland area and the wetland is, were identified on Schedule 'B' of the plan which is the natural heritage system indicated that they were unevaluated wetlands and woodland and the Official Plan policies do deal with those types of situations, Section 15.4.13 talks about unevaluated vegetation patches and it does contemplate that that is an interim type of delineation and the intent is that those natural heritage features would be evaluated and that there would be designations applied, it could be Open Space or a development designation if it is not considered significant; the intent of the Schedule 'B' natural heritage features is an interim one and intended that ultimately there will be a long-term land use designation applied to the site.

- Muntazir Pardhan, 1031 Apricot Place – enquiring that, if this is going to the Ontario Municipal Board, what is the usual timing; indicating that, in the application, he noticed that it was an application for a Zoning amendment and a draft plan of subdivision and wondering if you can deal with those in one single application, can you make a partial decision that you can agree to a part of it and not to another part; Mr. C. Smith, Senior Planner, Development Services, responds that they are at the mercy of the Ontario Municipal Board for the timing of their next hearing; indicating that Mr. A.R. Patton, Patton, Cormier & Associates, would have a better understanding of their docket where they are scheduling these newer appeals; responding that there is both a zoning by-law amendment application and a draft plan of subdivision approvals application that were submitted as a concurrent application which would have been presented to the Committee as a whole and then advice would have been given to the Approval Authority on the final decision of the draft plan of approval of the subdivision; pointing out that at the Ontario Municipal Board they are also going to be dealt with at the same time and hopefully a decision will be made at that time; Mr. R. Zelinka, Zelinka Priamo Limited, responds that Mr. C. Smith, Senior Planner, Development Services, is quite correct that they are at the mercy of the Ontario Municipal Board in terms of its timetable; and, believing that this will not be heard before mid to late fall at the earliest.
- Daryl Colafranceschi, 15-727 Apricot Drive – expressing concern that when all of the vegetation was cut down and lost and the gentleman representing the developers says that all of the permits were obtained through the City, wondering why, when he phoned into the City, they had no idea what was going on and the Ward Councillor was out there the next morning; wondering if it does not happen where the application is passed and they are not allowed to develop there, what is going to happen with the vegetation that has been removed and what is going to be replaced from what the residents lost; Mr. A.R. Patton, Patton, Cormier & Associates, responds that, under the City's Tree Conservation by-law, no application was required; reiterating that it was not covered by the Tree Conservation by-law; expressing confusion as it was stated earlier that they received all the permits through the City to dismantle the vegetation that was there and now they are hearing that there was nothing required.
- Brent Landers, 989 Apricot Place – enquiring about the upkeep of the property until the development happens; enquiring as to the requirement for cutting down the existing weeds and how close to their property lines does that have to be maintained; advising that the weeds behind his house are typically three to four feet high throughout the summer; Mr. G. Kotsifas, Managing Director, Development and Compliance Services and Chief Building Official, responds that typically their By-law Enforcement team would receive a complaint, they would log the complaint and if there is a concern that is where he would address it and any weeds over a foot long they would take care of it by paying the property owner a visit and taking care of the tall grass.