

11TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on April 24, 2012, commencing at 7:05 PM, in Committee Rooms No. 1 & 2 and then moved to the Council Chambers, Second Floor, London City Hall.

PRESENT: Councillor B. Polhill (Chair), Councillors J.P. Bryant, D.G. Henderson, J.B. Swan and S. White and H. Lysynski (Secretary).

ALSO PRESENT: Acting Mayor S. Orser, Councillors J.L. Baechler, M. Brown, P. Hubert and P. Van Meerbergen, J. P. Barber, J. Braam, J. Buchanan, B. Henry, G. Kotsifas, B. Krichker, L. McDougall, J. Ramsay and M. Ribera.

I. DISCLOSURES OF PECUNIARY INTEREST

1. No pecuniary interests are disclosed.

II. CONSENT ITEMS

None.

III. SCHEDULED ITEMS

None.

IV. ITEMS FOR DIRECTION

2. Property located at 940 Springbank Drive

Recommendation: That, on the recommendation of the Acting Executive Director of Planning, Environmental & Engineering Services, the following actions be taken with respect to the site plan approval application of Ayerswood Development Corp. relating to the property located at 940 Springbank Drive:

- a) the attached development agreement and schedules for a twelve-storey apartment building with 165 units **BE RECEIVED** for final approval;
- b) the Civic Administration **BE REQUESTED** to meet with the applicant to discuss the potential for the purchase of the land or the potential for a land swap, prior to the Municipal Council meeting to be held on May 1, 2012; and,
- c) the applicant **BE REQUIRED** to accept the risks and costs of the risk management aspects of the project, such as slope stability;

it being noted that the Planning and Environment Committee reviewed and received the following communications:

- an information report from the Acting Executive Director of Planning, Environmental & Engineering Services;
- A. Papehl, dated April 23, 2012; and,
- W. Dickinson, The Woodfield Community Association, dated March 19, 2012;
(Secretary's Note: A petition signed by approximately 11 people is on file and available for viewing in the City Clerk's Office.);
- S. Shillington, dated April 22, 2012; and,
(Secretary's Note: A petition signed by approximately 382 people is on file and available for viewing in the City Clerk's Office.);

it being pointed out that at the public participation meeting associated with this matter, the following individuals made an oral submission in connection therewith:

- Alan R. Patton, Solicitor for Ayerswood Development Corporation – introducing John Camara, Manager, Ayerswood Construction and

Richard Zelinka, Zelinka Priamo Ltd.; reading page 5, paragraph three of the Conclusion section of the staff report; noting that it is a concise and accurate summary; reading lines from the top of page 5 of the staff report; advising that the map (that was placed on the screen during the meeting) shows the height limit of the building at 40 metres; noting that the building can only contain 165 units; advising that the proposed building has more underground and surface parking than is required; indicating that there has been more public consultation on this file than any he has heard of in 30 years of practice; indicating that the Civic Administration has repeatedly met with the neighbours; indicating that Zelinka Priamo Ltd. has also met with the neighbours and kept them informed every step of the process; advising of the public dialogue that the building must be the same size as one of the two originally proposed buildings in the application that was before the Ontario Municipal Board in 2000; advising that in March, 2010, an appeal to the site plan was taken to the Ontario Municipal Board; indicating that Mr. J.P. Barber advocated for one building, the same size as one of the original buildings; noting that the Ontario Municipal Board decided that one apartment building does not align with the facts of the Rosenberg decision; noting that the decision does not use the words “revise” or “amend”, but uses the word “new”; indicating that the Ayerswood proposal has merit; reading from a “Save Reservoir Hill” flyer; advising that the “Save Reservoir Hill” group hoped to make the building uneconomical to build; advising that the applicant has followed the *Planning Act* process, a basic fundamental proposition, which meets the rule of the law; noting that the site plan by-law is a matter of law; advising that staff has followed through; advising that staff has been more rigorous on this application than any other application; requesting that the site plan application be approved; advising that Rosenberg had every opportunity to reduce the footprint of the building; advising that the setbacks from the Hopkins and Howells property is in excess of the R7-9 Zone; advising that the building could be larger and that they are saving a lot of the trees; advising that there is no confusion on the Rosenberg decision; advising that the differences between the Snezak decision and this site plan are that the first site plan had a different slope, with a proposal for terraced areas for the residents to use and that the cut line was different; advising that the application is geotechnically sound; advising that Rosenberg did not set out parameters; advising that the building has not moved and that the footprint is still the same; and noting that the Urban Design Panel concurs with this application

- Paul Wilton, 84 Summerside Crescent – see attached presentation. (*Secretary’s Note: A petition signed by approximately 630 individuals is on file in the City Clerk’s Office*).
- Anna Hopkins, 928 Springbank Drive – providing the attached communication to Members of the Planning and Environment Committee; indicating that she has been involved in the process since 1999; advising that she requested that the February 1, 2001 Ontario Municipal Board decision be provided to the Members of the Planning and Environment Committee; advising that she was told that the City needs to abide by the Ontario Municipal Board decision; advising that one building, in the middle of the five acre site, is what was approved; indicating that every effort should be made to reduce the impact on the two neighbours; advising that the City fought for no building to be built on that site; noting that the City took the fight all the way to the Supreme Court of Canada; advising that the developer submitted a site plan application in 2004 and when the City refused it, he went to the Ontario Municipal Board; advising that the Ontario Municipal Board ruled that the developer needed to review the site plan; advising that the proposed building in the 2009 site plan was 40% larger; noting that the City went to the Ontario Municipal Board and the Ontario Municipal Board ruled that the application did not meet the requirements of the Rosenberg decision; advising that the current proposed building is 47% larger and that the building is now closer to their property; advising that this would have a similar impact to the two buildings that the Ontario Municipal Board turned down; advising that if the developer is not satisfied with the City’s decision, he can appeal to the Ontario Municipal Board; noting that the residents can not; advising that their concerns are many and their fears are great; and encouraging the Council Members to refuse the site plan application.

- Sandy Levin, 59 Longbow Road – indicating that in one decision, reference was made to the building being 65 x 125; advising that if he understood Mr. Patton's comments, the proposed building is larger; enquiring as to whether or not the Ontario Municipal Board decision entails a 1.8 metre privacy fence for the adjacent neighbours; indicating that the staff report makes reference to the hydrogeological and geotechnical reports prepared by Golder; however, it does not make it clear whether or not the reports were peer reviewed by TerraProbe; indicating that, with the current site plan, it will take the trees 20 to 25 years until they are fully grown and become part of the canopy; enquiring as to whether or not the other trees are within the tree preservation zone; and advising that job creation is not the only screen; noting that 10 years ago, the City decided not to take Toronto's garbage and the City's landfill now has twelve years of capacity left.
- Rosemary Dickinson, 1118 St. Anthony Road – expressing appreciation to the Council Members who are not on the Planning and Environment Committee for being at the meeting tonight; advising that there have been a lot of good comments made to reject the site plan; advising that the Councillors can vote to reject the site plan even though they made a motion to accept it last year; advising that an argument against the supersizing of the building was made to the Ontario Municipal Board; advising that the applicant was requested to submit a site plan that is smaller than the original application; and advising that the Ontario Municipal Board got us into this situation, but that Council could get us out of it.
- Gavin Moore, 58 Blackburn Street – enquiring as to whether or not ecological studies have been done as there are endangered species living in the area; and enquiring as to how the endangered species will be affected.
- Kristina White, 828 Commissioners Road West – enquiring as to where the springwater is located; enquiring as to how this development will affect the well water in the area; and enquiring as to which property it is on.
- Beverley McCall, 106 Chalet Crescent – advising that she is new to this process; advising that she is here on an emotional appeal; indicating that she has taken her daughter to the park every year to watch the changes of the seasons; enquiring as to why London can not keep its parks; advising that there used to be cows on the property behind them and now they have houses; advising that it is 2012 and all anyone talks about is development; and requesting that parks be kept.
- Gwen Doddy, 18 Wyndhurst Place – expressing appreciation to everyone who attended the meeting tonight; advising that they pay the Councillors salaries; advising that Mr. Graat had vacant land on Windsor Avenue and he wanted to build a high-rise; advising that the community had to come out to these meetings; advising that in the end, Mr. Graat did not get his way and did not get to build his awful high rises with people looking down at you; and advising that in the United States, they are refurbishing old buildings for people to move into instead of building new high rises.
- Anne Pappmehl, 3 Southfield Crescent – advising that Mr. Patton seemed irked that this application has taken so long; advising that the public has never supported this application; indicating that the neighbours would prefer not to see a building at this site; advising that there are many negative impacts such as privacy, aesthetics, noise, dust from construction and water run-off; advising that there is the potential for flooding or for the hill to collapse; and advising that she has no objection if the builder chooses to build somewhere else.
- Richard Licastro, 369 Griffith Street – advising that the hydrogeological and geotechnical reports have been discussed, but the issue of whether or not this is proper planning has not been discussed; advising that environmental, aesthetics and slope issues have not been discussed; and enquiring as to whether or not this is good land use planning.
- Dr. Helen Polatajko-Howell, 929 Commissioners Road West – advising that she has never gone by the name Mrs. Howell; indicating that this is an emotional time as her husband suddenly passed away last November; advising that this issue was dear to her husband, who was a smart man, who spent many hours looking at slopes and plans; advising that a peer review of the issues of water and slope by TerraProbe was asked for;

indicating that she was advised that the issues are not real; advising that it was recommended that the City conduct a one-year investigation with three bore holes; advising that she is nervous that she may one day be living at the bottom of the hill instead of the top of the hill; and advising that the Municipal Council has changed its position in the last ten years.

- Bill Hopkins, 928 Springbank Drive – indicating that he has learned so much over the last 12 years; indicating that he has met some great people; advising that City staff are doing their jobs; advising that he is appalled that the approval authority was ripped out of staff's hands; advising that with enough money, you can build whatever you want at the top of the hill, including the CN Tower; advising that the form and fit are not suitable for the location; indicating that most of the previous speakers have spoken to points he wanted to voice; acknowledging that being a Councillor is a difficult and frustrating job; expressing that this is obviously a strong issue, making front page news and receiving CTV news coverage; advising that he has been here from square one; advising that he assumed they would win the first Ontario Municipal Board hearing hands down as they had a leading London historian, environmental representatives and Wayne Gretzky's uncle, who found shells from a re-enactment of the War of 1812; advising that he loves the area, which is why he moved there; indicating that he has worked hard to be able to afford to live where he does; advising that the shade study was ignored; advising that there is public misconception and a statement by the Mayor, that if they don't like the decision, they can go to the Ontario Municipal Board; however, he can not appeal to the Ontario Municipal Board, only the developer can; indicating that he can only speculate as to why they lost the first Ontario Municipal Board hearing; indicating that, with all due respect to the fluoride issue, which has received a lot of debate, this is a different issue; noting that he gathered petitions for one building in the middle, not for no building; advising that he did not receive any objections from people to sign the petition; indicating that this is a strong consensus for not wanting this to happen; stating that another misconception is that the developer is going to appeal the decision to the Ontario Municipal Board if the City turns down the application; advising that the last proposal was larger and closer to his property; wondering if the developer is going to purchase the little garage and build another apartment building; advising that people from all over the City have signed the petition; advising that their Ward Councillor has voted for this application in previous decisions so the area residents are on their own, without the support of their Ward Councillor; and indicating that he was advised by a Toronto professor that red flags would go up if Councillors received two to five e-mails or calls on an issue.
- Steve Shellington, 504 Griffith Street – advising that most of his points have been covered; advising that there is some misunderstanding as many people don't realize the history; advising that Mr. Graat purchased the property knowing it was zoned Open Space; expressing no sympathy for the developer; advising that the 2010 Ontario Municipal Board decision is clear; advising that the Rosenberg decision was not specific enough; advising that he is hard pressed by the horrible idea to put the building there; enquiring as to why the developer should get more consideration; expressing curiosity as to why the Municipal Council reversed its last vote; advising that they have every reason to stick to what they believe is right; advising that their online petition has over 400 signatures on it; enquiring as to why this application has to keep coming back with a proposal for a larger building to be built on it; advising that TerraProbe was hired by the Civic Administration to review the Golder report; expressing confusion over what was ultimately approved; advising that the issues have not been addressed and encouraging the Council to refuse this application.
- Jan Shellington, 504 Griffith Street – advising that the traffic is constantly backed up at the corner of North Street and Base Line Road; indicating that when they were out on the street with their signs about tonight's meeting, they received a lot of thumbs up and horns honking in support; requesting the Council Members to please listen to them; advising that she realizes that a building has been approved on this site but they are doing what they can to not make it happen; advising that Facebook is their recourse; and advising that if you travel to the top of Reservoir Hill in the evening, it is the most beautiful sight in London.

- Ray Callestine – advising that valid points have been raised; indicating that the geotechnical reports are not final; advising that the outstanding environmental and traffic issues are serious and complex; indicating that the stretch of Commissioners Road from Springbank Drive to Boler Road, with the exception of one high rise, are all four or five storey apartment buildings; and indicating that this development should fit in with the lower apartment building heights.
- Gerry Lynch, 32 Four Winds Road – advising that John Carroll was killed on the slopes of Reservoir Hill; indicating that he was fighting for Canada, even if he did not know it at the time; and asking the audience to raise their arms if they are opposed to the proposed development.
- Tim Quinlan, 128 Raywood Avenue – advising that he grew up in the area; enquiring as to whether or not the possibility of a land swap has been discussed; if so, when and to what extent; advising that it is apparent why the developer would want the land and indicating there is significant opposition to the development.
- Elsa Lobos, 38 Tobin Court – advising that her house is on approximately the same level as the proposed apartment building; indicating that she is pro-development; and advising that the developer had to go down 30 feet to find stable ground to build her house.
- Betsy Odegaard, 462 Jarvis Street – expressing curiosity as to what is happening with the enquiries that have been raised tonight; advising that Springbank is the jewel in London's crown; advising that the Hopkins' and Howells' have accepted that a building is to be built on the property but have fought the developer to get the development to the right size; advising that traffic is horrendous, with the most traffic in the morning and evening rush hours; enquiring as to the effect of people trying to get onto Springbank Drive; requesting that a new solution be contemplated; asking if negotiations could happen; and indicating that a land swap is a great idea.
- Jason DeShane – enquiring as to why the open space parcel is not donated to the City if it is not to be used for future building.
- Margaret Lynch, 32 Four Winds Road – advising that Reservoir Hill is the only place in London where a historic battle was fought; indicating that the Americans were lying in wait; advising that this is a historical site; indicating that she has completed a lot of research on this site; and advising that Mr. John Carroll's widow received a pension from his death on Reservoir Hill. (2012-D25-00)

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. ADJOURNMENT

The meeting adjourned at 11:02 PM