29 August 2017 Councilor Anna Hopkins, Ward 9 By e-mail, cc to London City Council

## Re File Z-8789, Application for Rezoning at 32, 36, 40 York Street and part of 330 Thames.

## Dear Councilor Hopkins:

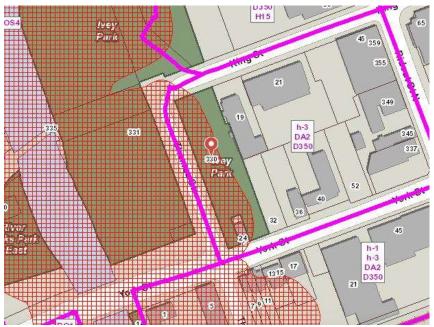
I was one of the London residents who made a statement opposing this application at the Monday evening of the Planning and Environment Committee. While the 4-1 vote in favour of this application was a disappointment, I take some comfort from the position you took. It reflected careful listening and understanding of our own commitment to sustainable and neighbourhood-friendly residential intensification with preservation of the city core's public green space. The **green space is irreplaceable**, so any steps that would shrink it are of critical importance and warrant an extra high level of due diligence by our planners and elected officials. **Our parks are used by all Londoners and become ever more valuable as downtown populations increase**. So I would like *to thank you sincerely for the position that you took*, and I am sure the other residents who intervened on this issue would echo this.

I would like to make some additional comments. After the public participation meeting was closed, the City planner, Mr. John Fleming, chose to provide the committee with entirely new information to which the residents present had no opportunity to respond, and which likely had a direct influence on the committee's vote. Three items are particularly troubling.

First, the parking garage that occupies part of the northern half of 330 Thames Street. When the condo at 19 King Street was built in 1988, the developer negotiated a long term lease with the city permitting the construction of an underground parking garage. The lease conferred no rights whatsoever to the surface land, which would continue as landscaped parkland for use by the public. To this day the Condo corporation pays an annual rent to the city. The land is maintained by the Department of Parks and Recreation. There are two small visible signs of the structure that were the only aspects of the garage that were stressed in the photograph produced by Mr. Fleming. One is an emergency exit door, the other is a ventilation shaft; both required by law. Parks and Recreation maintains shrubbery around them to mitigate the minor intrusion. The overall landscaping was never shown. The argument made, that "The northern half of 300 Thames Street is developed, so the southern half might as well also be developed" is biased, and is contradicted by the facts on the ground!

Second, as noted, the Condo corporation pays annual rent according to the lease for the underground garage to the city. There is a <u>mystery here if</u>, as Mr. Fleming maintains, <u>the land is owned by the UTRCA</u>. Throughout the life of the lease, 19 King Street has had no dealings with UTRCA, pays rent to the City, and deals exclusively with the Department of Parks and Recreation.

**Third**, there is **confusion about the status of 330 Thames Street**. Mr. Fleming maintains that it is not part of Ivey Park. Well, either it is or is not, part of Ivey Park! Here is the **City Map. It shows Thames Street running THROUGH Ivey Park, not along the edge of it.** 



Now both the City Map and Mr. Fleming cannot be correct. One of them needs to be corrected!

Note also that the <a href="hatched">hatched</a>
area, marking the flood
plain, takes up more than half
of the total area of 330
Thames Street. <a href="According to City regulations">According to City regulations</a>, that
should be zoned OS4, like
the rest of the hatched area on the map.

Note also, on the rather

different map provided by planning staff on page 44 of the application document for Z-8789, that the proposed flood plain area to be zoned OS4, has mysteriously shrunk by about 50%. No explanation is given for the shifting boundary of an apparently shrinking floodplain. If the proposed option 1 were implemented, according to the City Map, there would be construction on floodplain! These anomalies suggest that greater clarity and a much higher level of due diligence is required before a positive vote on the amendment could be contemplated by council.

Fortunately there is a much simpler <u>remedy</u>. Council could <u>simply amend the application to</u> <u>remove the B(\*) Bonus Zone</u>. That would remove the quite unusual situation of having council simultaneously approve two different zoning options for the same property which I understand is almost unprecedented. <u>It would allow the developer to proceed at once to implement his option</u> <u>2 under the B(\*\*) bonusing which would allow the full number of residential units</u> in the plan submitted without the threat of further appeals or taxpayer protests. It would remove all the concerns about protecting public greenspace – whether or not it is "formally" Ivey Park as the City Map indicates. It would <u>allay taxpayer concerns about turning public lands over to developers for private use.</u>

Assuming that the developer's revised design addresses the concerns raised by LACH and the Urban Peer Review Design Panel (which recommended against bonusing for the design as submitted), the project could proceed with minimal opposition. The end result would be a worthy enhancement of the downtown environment, desired residential intensification, and a welcome addition to the neighbourhood with NO loss of public land or greenspace.

I hope that these remarks may be duly noted and indeed that they may be helpful to Council in arriving at a decision. In this regard, I am copying this letter to other Councilors so that it may be entered into the record. *Again, Many thanks for your involvement in this important issue!* 

Sincerely,

Dr. Dean B. Berry, 19 King Street unit 901, London N6A 5N8