

From: Michael J Crawford

Sent: Thursday, May 16, 2019 10:05 PM

To: Lysynski, Heather <hlysynsk@London.ca>

Subject: [EXTERNAL] Re: last minute "amendments" to PEC rezoning process 307 Fanshawe Z-9006

Dear Ms. Lysynski,

Can I possibly have the following forwarded to PEC members and entered into the record for the 27 May meeting regarding Z-9006?

Many thanks,

Michael Crawford
21 Camden Place

Dear PEC Members,

I am a resident and one of the representatives of the Old Stoneybrook Community Association. We have recently been dealing with the application for re-zoning Z-9006 that has the potential to drastically affect both the community at large, as well as immediate neighbors.

I am writing to register my displeasure and concern regarding a Planning process that has been irregular. [REDACTED]

[REDACTED] For example, although the deadline for submission of community comments was March 1, and the proposal was to rezone from R1 to R5, on April 24 City Planning, in a notice to Community of an impending PEC meeting 27 May, indicated that the rezoning application was being "amended" to R8. Since this notice was sent by mail, few recognized the change until early May. According to the correspondence on file at City Planning, the impetus for the "amendment" from an R5 rezoning to an R8 rezoning came as a recommendation made by Craig Smith to Zelinka Priamo in early April.

The reasons explained to us for the "amendment" were that:

1. Following consultation with other city departments, and having received the input of community, an R5 designation would not have yielded the density desired by the developer.
2. There were no major changes to the proposed plan.
3. Other re-zoning applications have been "commonly" altered mid-stream in such a way: the site of 945 Bluegrass was cited by Mr Tomazincic as one such example.

In response to this I offer the following observations.

1. The zoning application should have been developed, consolidated and finalized following pre-consultation with City Planning, and thereby have afforded Community a fulsome opportunity to organize input in a timely manner. The fact that the proposal was believed to be heading to failure is not sufficient to amend the rezoning request in such a profound way mid-stream (and after opportunity for community input has formally closed).
2. The changes proposed are not trivial, and will have adverse effects upon adjacent lots:
3. A) Although the original density request was for 75 uph, the previous iteration of the application could, at maximum, have succeeded to at best achieve 60 uph (by Mr Tomazincic's own admission). This is actually debatable for reasons I will not elaborate here, but our contention was going to be that 40 uph was more faithful to bylaws and the City Plan. Therefore the implications of the "amended" zoning request and the possibility of hyper-intensification is huge. Where is due process and transparency?
4. B) The location of the parking lots and buildings have been altered. This has ramifications for the tree preservation plan, set back, and especially for grading, hydrology, storm surge, and water management generally. The site plan provides NO details regarding storm water management.
5. C) According to Mr. Tomazincic:

"The Planning Act, in subsection 34(12), requires two things of Council in advance of enacting a zoning by-law or any amendment thereto: 1) That a public meeting be held, with the ability of the public to make representations [34(12)(a)(ii)]; and, 2) That "sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by council" [34(12)(a)(i)] (emphasis added by Mr. Tomazincic)."

In the absence of an updated proposal, an elevation report, some semblance of a storm water management plan, and a revised tree plan, Community members are not situated to "understand generally" the zoning proposal. It is critical to emphasize here, that at every step in the process so far, Mr. Smith has reiterated that the proposal is just conceptual, and that issues will sort out at site planning. How can we engage with a plan that is merely conceptual? In practical terms, what does conceptual really mean?

[REDACTED] In addition, we have already engaged, received, and paid for professional technical help to form and deliver our points to PEC. Now that time and expense also appears to have been wasted.

I have asked for specific guidelines that City Planning uses to vet AND PROCESS applications, and received only the above quotation from the Provincial Planning Act. We received last week's advice from Mr. Smith and Tomanzincic: that we obtain legal and planning advice, and found it to be to be useless - PEC meets on May 27th. As they must know, this leaves no time to FIND a professional let alone address anything of substance. [REDACTED]
[REDACTED]

Mr Tomazincic's citation of the 945 Bluegrass re-zoning change, as a good example of how mid-stream rezoning "amendments" are common, is telling. In this instance no changes were made to the plan whatsoever as far as I can see, nevertheless, community was consulted a second time before PEC met (Consultation opportunity deadlines - first Feb 27, then April 23).

[REDACTED] I attach notes taken from a recent meeting with Messrs. Kotsifas and Yeoman that illustrate the detail of material covered, and the answers given by city staff.

13 May, 2019, 9:00 am , London City Hall, 11th floor, Victoria Rm,

Present: Claudia Clausius, Michael Crawford, Ron Mcdougall, Fred Cull, Councillor Anna Hopkins, George Kotsifas, Paul Yeoman
Regrets: Deb Beverley

Community Association Points:

1. The Ontario Planning Act requires that the process of a rezoning application ensures that all stakeholders are provided with an opportunity to acquire "a general understanding of what is proposed".
2. the initial application for R1 to R5 submitted by Zelinka Priamo on behalf of the builder internally lists references to R6 designations
3. in his communication to me in early May, City Planner Craig Smith referred to the application as a rezoning to R6 , not R5 as formally submitted, nor did he mention R8 was forthcoming as an amended proposal.
4. the amended designation was referred to only in passing in the Letter of Notice to neighbours (dated 24 April received early May) concerning the PEC meeting slated for 27 May.
5. the site plan in support of R8 was revised substantially
 - the buildings appear similar, but have been moved - along with the parking lots. In addition the servicing 2 lane entrance is now much closer to adjacent properties.
6. no revised tree plan or elevations were attached to the low resolution site plan.
7. all queries of substance have been met with a response to the effect "this plan is only conceptual, and details will be worked out at the post-rezoning site plan stage."
8. the right in, right out traffic entrance/exit is going to be managed, in part, by U-turns on Fanshawe at rush hour?

Our point is that it seems that neither the applicant, nor the City Planners have had a consistent understanding of precisely what zoning the application was requesting, and the amended R8 application was not accompanied by critical documentation (elevations, tree plan). These latter two are critical to any understanding of how storm water/snow melt will be handled, how land water retention absorption will alter, how the water table will be affected, how buffering and privacy will be maintained. A conceptual plan offers no possibility for analysis or commentary based upon a "reasonable understanding of what is proposed" for neighbors.

Significant Change of Land Use on Site:

2. The plan marks a fundamental change of land use that adversely impacts neighboring properties.
3. the buildings and parking lots are to be situated on a raised elevation of grading (a wedge that thickens southward from Fanshawe).
4. this change of grade, and the huge increase of impermeable surface, will alter water retention and buffering characteristics, as well as storm

surge/snow melt distribution - water will inevitably flow downhill into neighboring properties and potentially basements.

5. there is no storm water management plan included
6. estimates for water volumes appear to be calculated upon 100 year storm averages, but the City's own consultant report (Simonovic et al, 2011) indicates 100 year storms will occur every 30-35 years. As we now know, only 8 years later, there are jurisdictions in Canada that have recently seen 3 so-called 100 year events inside of one decade.
7. removal of all trees will exacerbate water retention/buffering issues
8. water discharge and pooling will adversely impact the trees left remaining in neighboring properties
9. the entrance/exit to parking will see high volumes of traffic routed less than 1 m away from the properties of two residents
10. the rezoning appears to have been amended to ensure a density of 75 units per hectare (R5 likely to achieve 60), and to circumvent set back issues associated with an R5 designation - if the density is so high that this adjustment is necessary, and in the absence of required supporting documents, why is the R8 even being considered, let alone recommended by City Planners?
11. any increase in units per hectare requires additional mandatory parking, further increasing the land use alteration to paved surface and exacerbating rain/snow melt/storm run-off

3. Process and Communication

4. why is an R8 amendment being contemplated, let alone recommended at this late stage of the game? Isn't this sort of negotiation/advisement supposed to occur during the pre-consultation phase and before an application is submitted by a developer?
5. how is such an amendment "minor"?
6. how does such a process benefit the developer, the City, or the residents? The last iteration of 307 Fanshawe in 2011 saw the developer lose money when the very same issues articulated by residents (and the City's own Engineer) before zoning approval caused the development to die at the site planning stage. Similarly, community faith in process and transparency was eroded. We fear that the current process risks repeating this previous experience.
7. we are concerned that Craig Smith accidentally sent a draft of a recommendation to PEC to accept R5. We appreciate this was a draft, but now it seems that on 24 April, he was thanked by Zelinka Priamo for

suggesting an amendment to R8. Where is the due process, fairness, and transparency that is required by the City Plan and by Ontario Law?

8. responses from City Planning to queries by community are not informative, not direct, or could be construed to be obfuscating in character. For example, Bluegrass Rd. is offered as a similar "minor" mid-stream amendment, but when we requested a similar second consultation process, our request is denied. Rather than address requests for an outline of the City Planning rezoning approval process, we instead received quotes from the Ontario Planning Act. Lindsay Bradshaw has three times asked the City to provide elevations to accompany the R8 "amendment"; to my knowledge she has not yet received these.

During our meeting, we requested the following:

1. **why the City has not extended a second consultation to us, as they did in the Bluegrass case?**
2. why wasn't the application process re-set by the change to R8?
3. why is the community not afforded the same access to information that the developer appears to have been enjoying?

In return, our understanding is that City Planning:

- 1) cannot/will not undertake a second community consultation,
- 2) cannot/will not reset the application clock
- 3) will provide access to the communications files on a special basis (same day, but no copies provided as for other groups in the past)
- 4) will look to improve the process for other applications going forward but not to ours (although it too is still in the future)
- 5) will support a meeting with City Planners, where many of the above lists points can be articulated and heard in a fair and equitable manner

Respectfully
Michael Crawford
Member at Large