

PUBLIC PARTICIPATION MEETING COMMENTS

3.4 PUBLIC PARTICIPATION MEETING – 1146-1156 Byron Baseline Road (Z-9172)

- Councillor Cassidy: Thank you Ms. Lowery. Is the applicant here and would the applicant like to address the Committee?
- Ali Briani: I'm joined today by Karla and Ahmed Briani and we're here, obviously for the proposal of the development at 1145-1156 Byron Baseline Road. First off I would just like to thank everyone for coming and I'd like to thank the City of London for being able to make such a safe and easy environment for us to be able to meet and discuss, and it's such a fast way as well. I'd also like to thank, most notably, Jerzy and Catherine for helping us, maybe for, it's been about a year now, especially with Jerzy, with urban design, and Catherine for the last five or six months, in really guiding us to where we've gotten now. We wouldn't have been able to do any of this without you guys. Catherine basically hit the nail on everything so I'll keep it nice and short. I'll just tell you about most of our objectives for this project. We just really want to improve the aesthetics of Byron Baseline Road and to create a better and more positive streetscape image. We also want to eliminate the vacant aspect of land, not only for us, but also for the city and also for the neighbourhood. We have a strong desire to keep the natural cedar hedge on the perimeter of the property and we've actually just discussed over the last year, with your engineers and surveyors, of how we could do this, and mainly it would be through the use of a retaining wall to make sure that, during the construction and after the development would be built, that the vegetation would stay intact and you could see that in our planning report. Most importantly, we want to ensure the privacy of all the abutting properties as well because we are keen on, you know, creating privacy. At the end of the day these will be town homes that will be sold and we would want privacy for that development as well as all the neighbours. We have done our best to ensure, in terms of design that it matches and it fits with the neighbourhood. We understand that obviously new construction won't necessarily conform to mid-century style homes but we've done our best to make sure that it seems like a best fit for the neighbourhood. Lastly, we understand the sensitivity around infill residential construction and intensification and we've tried to make this as timid intensification as we could and we've worked really hard alongside Catherine and Jerzy to make sure that we followed whatever they recommended, as for the London Plan. That's it from us, we'll try to keep it short, so I'll now pass the baton to whoever's next. Thank you.
- Councillor Cassidy: Thank you. So, I see we have a number of people in the gallery. There's somebody in committee room four. Are you here to speak to this issue as well? Okay, can you state your name and then you have five minutes.
- Greg Thurston, 18 September Lane: 18 September Lane is immediately behind the site of the proposed buildings. As we've heard in 2017, the same developer brought a proposal forward that the city did not feel was a good fit for our neighborhood. The developer took the proposal to LPAT where it was also seen as a bad fit. Now developers brought forth a new proposal, which in my mind, is very similar to the original one with one glaring exception. They essentially took a floor off the four-storey apartment building and put it on the ground. When the developer presented the original proposals to the Peer Panel Review on December 20, 2017, these comments were made: need to look at reducing the height or townhouse model, needs to better relate to the street, consider different built-form reflective patterning in the neighbourhood, too big, too tall, footprint too large. Although they call the building in the front of the lot a three-storey cluster townhouse, it is, in fact, very similar in shape and size to the original four storey apartment building. The new proposal does not address these recommendations. In fact, the one that drew my attention was the one that stated that the footprint was too large. A footprint

takes up space on the ground, by definition. This new proposal has a bigger footprint than the original proposal. Looking at the ruling from the LPAT hearing issued on January 23, 2019, the following are quotes: "The city witnesses indicated that staff may be willing to consider and potentially recommend a more modest intensification proposal for the subject property, such as a townhouse development." The core issue is one of compatibility with the character of the neighborhood. The proposed development 1) should employ innovative and creative urban design techniques to ensure maintenance of the neighborhood's character and compatibility; 2) overpowers its neighbouring uses; 3) represents over-development of the subject property, as reflected by the substantially reduced front yard setback, parking layout and driveway proposed to be located within a municipal servicing easement; 4) which is not located at an intersection and is located among single detached dwellings would appear drastically out of character with the surrounding area; 5) in no way reflects the character of the surrounding primarily single detached residential neighborhoods." The report went on to say that both the height and front yard setback are out of character for this neighborhood and are not compatible. The front yard setback represents a dramatic shift from the existing setbacks on Byron Baseline Road and is not a good fit for this neighborhood. The unique height and form of the corner heritage listed property, next to the subject property, creates an identifiable landmark in the community and that the reduced side yard setback and location of the proposed building blocks views to this landmark building. The proposal makes no attempt to protect the privacy of adjacent properties, and in particular, those to the rear of the subject property on September Lane. Although all these comments relate to the original proposal from 2017, in my opinion they still ring true. The original proposal and what was discussed today has talked about and put a lot of stock in the cedar shed that separates the subject land with the homes immediately behind it. I commissioned a certified arborist to take a look at this hedge. First and foremost, it's not a hedge, it is a row of individual trees, as reflected in this statement: "the definition of a tree is defined as an erect woody plant reaching over four metres in height with a distinct crown and with the trunk measuring at least 7.5 centimetres in diameter, measured 1.4 metres from the natural ground level." The white cedar trees meet all the requirements of a tree. The white cedar trees have never had any maintenance, pruning or shaping during the entire time of their life-cycle. For cedar trees to be classified as a hedge, they would have to have been trimmed and pruned early in their life-cycle and had continuous pruning to encourage growth and creating a thickness to them which would create privacy. By allowing these trees to grow wild, they are now classified as trees and not a hedge. They provide less than 30% privacy to the backyards and houses located on September Lane. The report goes on to state: "any excavation, digging or destruction to the soil within 3.6 metres of the tree will cause significant damage to the roots and will result and die-back and potentially the death of the cedar trees, which will then have to be removed." As the recommendation therefore states, I recommended no digging or disturbances, such as compaction from equipment, driving on the roots be done within 3.6 metres of the cedar trees as this will cause significant damage to the roots, which will result in significant decline or death to the cedar trees. *(Councillor Cassidy: You have about fifteen seconds Mr. Thurston.);* The 3.6 metre distance is taken from the London Street Protection By-law. I spoke at length about a lot of things, what does it mean? I believe, and many of my neighbors believe the same way, that this proposal is not significantly different than the original proposal and that the city should not be granting the zoning by-law. Thank you.

- Councillor Cassidy: Thank you. Are there any members of the public in a committee room or in the gallery who would like to speak to this? I'll go to committee room one first. If they would just make their way to the microphone, state your name and then you'll have five minutes.

- Patty Landry, 1147 Byron Baseline Road: Right across the street from the proposed amendment. My husband Doug and I live across the street. We had already provided our comments and concerns in an email to the city, including our Council representative, Anna Hopkins, back in early March. I'm here speaking today to encourage each and every committee member to seriously consider the impact that this proposed application will have on our neighborhood. In a CBC radio interview yesterday, our Council representative Anna Hopkins said it is all about finding the right balance. We couldn't agree more, however, I'm here today to say this is not the right balance. It may be our community, but this is also our neighborhood, it's our front yards and our backyards. We understand a great number of people have come forward to oppose this proposed infill. This, in itself, should not go unnoticed by this Committee, especially our Council representative Anna Hopkins. We have reviewed the application as well as the applicant's reports and drawings, both original and revised, and are not confident that at the end of the day that what has been applied for will actually be built. Given that, in the conceptual rendering notes and the notice of the planning application, it says that the above images represent the applicant's proposal as submitted and may change. This raises red flags for us. In their prior zoning by-law request a couple years ago, we found the applicant to be non-compliant with requests and were not being honest in their fact full documents presented. We felt many inconsistencies and inaccuracies were presented. The reports did not accurately reflect or represent the community and our neighborhood. The R5-7 zoning that is being requested now, and has noted, allows for maximum density of sixty units per hectare, it says the proposed development will be fifty-two, again, we are not confident that this applicant will keep this build to a twenty unit townhouse units. They are also trying to cheat more units by stacking the townhouses. This land, with its slopes, and neighbouring properties, is more suited for one or two storey units, not their proposed three storey units. In addition, the allocated parking spots in the proposal just meet the minimum allowance. Come winter time they will have far less parking spaces available. Where will they park? Where will their visitors park? There is no parking allowed on our street. I can almost guarantee, I see it now, regardless of any enforcement, they will stop on the street and park on the street. This will create further headaches and block the bike lanes. We are not opposed to development or intensification in our neighbourhood, however, we do not believe the proposed application suits our vibrant community, or more importantly, our neighbourhood. In conclusion, once again we're urging this Committee to recommend to Council that this zoning application be denied. We are encouraging the Committee to review the comments and feedback received to date from our concerned neighbours. A tremendous amount of people have written in and there should not be ignored. Before I conclude I just want to add a couple things. I noticed that Catherine, in her initial intro, said that there's two garages on the property not in use. They are absolutely in use, they are used every day. These are storage units they use for their business, so they're in and out of there constantly throughout the day and on the weekend. I just can't believe that planning is trying to recommend going through with this amendment given even Greg's comments that it's not much different than the original one. I don't feel their objectives are sincere. It just comes down to the almighty desires. *(Councillor Cassidy: Can I just interrupt you there? You made a couple of comments that accuse the developer of being dishonest and now insincere I just want to caution you, please, that we don't ascribe nefarious or dishonest motives, we'll be respectful, please just be respectful.)*; I'm just going back on some of the notes that even city hall and made with respect to some of the things that happened in the last one, so yeah, those are probably not chosen words. That's basically it. I just want to thank you for your time and consideration.

- Councillor Cassidy: Thanks very much. I'm just going let Mr. Schulthess speak.

- Michael Schulthess: Thank you and sorry for the interruption. Through the chair, the transcriptionist services are no longer required. Thank you very much for your time today.

- Councillor Cassidy: I just want to say, I apologize, I keep going to the members of that are here in the gallery. We don't have microphones here in the gallery, so obviously people that have chosen to sit in the gallery are people that don't wish to address the Committee and if I'm wrong about that and you want to speak to the Committee, somebody will take you back to one of the committee rooms where you can speak into a microphone so it will be heard on the record. So now go to committee room one, if you want to state your name and you have five minutes.

- John McLay, 14 September Lane: My backyard bordered on the proposed building site. My first thought of the proposal is my disappointment in the lack of community involvement in building that Briani Group has demonstrated in building the proposal. This leaves the community no choice but to voice our concerns in this public forum. On page four of their planning justification report Briani Group states a neighbourhood meeting is anticipated to occur in the latter part of 2019 or in the early part of 2020. This has not happened. We all understand that actions speak louder than words. This is equally true for non-actions. Non-actions in any community involvement demonstrate the statement as shallow words that do not stand the test of time. This is the second time we have dealt with Briani on the proposal for the same site. For the first proposal we hosted community meetings and invited Briani to speak at those meetings. No dialogue has occurred on this new proposal. When I attended the Planning and Environment Committee meeting in August 2018, when the City reviewed the previous Briani proposal, we sat through many other builder proposals, including a sensitive SOHO development plan. In all other cases that evening, the builder not only involved the community in their proposals, but the community was at the meeting to share their support for the proposal. It seems all right that this lack of discussion with Briani Group leads us to a lack of transparency and, therefore, the distrust. I have asked Ms. Lowery about twelve questions about the site. Many of the answers just finally came back that that is something that would be determined at the site planning level and I worry that we will continue to not have a voice at that table, if it gets processed. On page ten of the urban design brief there's a statement: "the natural site vegetation/cedar hedge provides as a screen and buffer for the two storey townhomes at the back of the site." As Greg pointed out, this is a row of cedar trees, not a hedge. As such, it does not meet the privacy statements claimed the urban design brief as cedar trees do not provide privacy at the desired eye level, let's call that zero to ten feet. If the trees survived the construction the privacy benefits of the trees do not come down, they only go up. If the proposal proceeds, there is planting required on the north side of the cedar trees to obtain the privacy screen buffer the proposal describes. I would now like to talk about the footprint. I find it impossible to believe this proposal is not too big for the property. Why else would three zoning provisions be required, one for the height of the first row of townhomes, one for the height of the second row townhomes, and the third for the parking area setback. So, in other words, we want to build the first building taller than the rules allow, we want to build our second building taller than the rules allow and, subsequently, we have so many people on the site that we can't park there without stretching the parking boundaries. It is clearly too big. I request of you that you do not approve this rezoning, decline this request, and Briani Group to develop a new proposal in conjunction with the community that allows intensification without building code allowances. Thank you.

- Councillor Cassidy: Thank you Mr. McLay. Are there other members of the public who would like to speak to this? In committee room five. Come to the microphone state your name and you have five minutes.

- Julie Lee: Good afternoon Madam Chair, your Worship, Council Members and Committee Members. I live in the heritage designated home directly abutting on the west side of the proposed development. I want to make it clear that I adopt all of the submissions that have been made by my neighbours with respect to concerns regarding this proposal. I'm not going to repeat the concerns but I do want to emphasize a couple of things. One, I'm glad to hear some discussion with respect to the geological integrity of our well. That well is well over a hundred years old and is many feet down into the ground. We depend on that for our day to day water. We do not want to be in a situation where we're forced to redress some harm to that well and we will hold all of the city and the developer accountable if that does happen. The difficulty here is, and we've heard this theme, the difficulty here is that we're not sure that our concerns are being heard or being responded to, which puts us in a very, I would say, opposing kind of relationship with the developer which is very unfortunate. Our neighbourhood supports infill, it supports the expansion of the availability of housing to Londoners and welcoming new Londoners, but the relationship with this developer has been extraordinarily poor. What I see that is different today is that it appears that the young Biranis, and it was nice to hear from them today, have developed a good relationship with the City. That's an improvement over the first go at the development but they have failed to similarly develop relationships with the neighbours. So we have to fight about things, as to what the definition of a tree is as compared to a hedge, because there's not truth telling about the fact that the privacy that they're relying on in the existing cedar trees will be enough to respond to the community. What is not happening here is an open, frank discussion with the neighbours about what's a tree and what's not a tree, what's a hedge, how do you propose to keep our privacy? So what I'm asking for is to recognize that there is, procedurally, a difference between the input at site planning and at this point. I think that the flaw, at this point, is, as set out by my friends and my neighbours, and in particular what we have to be mindful of, is much more open in the consultation process. For those reasons, I'm requesting that the Committee at least adjourn this decision until that that kind of consultation has occurred. Alternatively, to deny the request. Those are my respectful submissions. Thank you for hearing me.

- Councillor Cassidy: Thank you Ms. Lee. Are there any other members of the public who would like to address the Committee? In any of the committee rooms, anyone wish to speak? So nobody in number five? No members of the public who would still like to speak to this application? I'm seeing none. I see no movement. I will look to the Committee, then, to close the public participation meeting.