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Sent: Monday, January 27, 2020 10:54 AM

To: CRM - Ward 2 <ward2@burlington.ca>; Sharman, Paul <Paul.Sharman@burlington.ca>; Meed Ward, Marianne <Marianne.MeedWard@burlington.ca>; Kearns, Lisa <Lisa.Kearns@burlington.ca>; CRM - Ward 5 <ward5@burlington.ca>

Cc: Lau, Rebecca <Rebecca.Lau@burlington.ca>

Subject: 5219 Upper Middle Rd and 2004-2005 Georgina Crt

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Good morning,

Due to client meetings that I have this evening for major projects in the region I am not able to attend the council meeting tonight and delegate, as such I wanted to send an email in advance of the meeting with some thoughts and concerns...

History

I do appreciate that much of these items have been discussed and discussions/reviews over this site have been ongoing for some time. I also appreciate that some items cannot be changed at this point due to where we are in the process and the decisions that have been made to date. That being said, I believe it is worth reiterating some of the history as it is applicable to the stage of approvals we are at now.

- Throughout the process there were a number of concerns raised by residents, some were wishful thinking (ie Upper Middle Road access) and others were more practical legitimate concerns (ie. Parking, privacy, density, park space...)
- It is worth noting that although this development has been ongoing for some time, when it was made available to the public for review and comment the allotted review period by the city for the application was nearly exhausted.
- The development underwent some changes through the process, particularly changing 4 semi-detached to 2 detached homes. The

main concern that still exists for residents is that one of the primary concerns regarding parking was completely ignored. Rather than enforcing the parking requirements from the city bylaw, staff recommended a significant reduction to the parking that which would have been otherwise required.

- The size of the development would require 200m² of parkland dedication, staff made the recommendation to take cash in lieu stating parkland was within 800m of the development which was an error that was highlighted by residents over and over and yet still remains in the staff reports. The fact that the units in the development required such substantial setback reductions, green space would have been a logical choice as shared amenity space for the units.
- Throughout the process, when providing concerns or asking questions to staff we were continually told that the comments were too detailed for that stage of approvals. Upon reaching the next stage we were told it was too late and the decisions have been made.
- At one point in the rezoning application I assembled a team of industry leading professionals (planners, transportation, civil, stormwater and architectural) that were my colleagues and friends to review the application and provide comments, some of the comments eliminated some of my concerns but the others I continually flagged to staff were ignored.
- The developer was kind enough to share various versions of the development prior to them being made available to the public. The disappointing fact is that virtually all previous versions were preferred to residents over where we are now.
- To say residents are disappointed is putting things mildly. We would have hoped to have the same engagement from the 4417 Spruce Ave development where residents concerns were heard and there was a collaborative effort to provide a mutually

beneficial development. Unfortunately we did not have the same horsepower on our end at City Hall helping to facilitate something similar for our development.

Current Concerns

- As professionals... whether planners, engineers, etc... we are all bound by our professional governance bodies that regulate the practice of related professionals in their field. Governance includes core values of accountability, respect, integrity, professionalism and teamwork. As such any professional would be governed by the ethical requirements and accountability for their work completed.
- I find it extremely disconcerting that throughout the entire process there have been significant errors or omissions in the city staff reports and recommendations despite constant reminders and public comment. In every instance they artificially make the development look compliant or better than it is. The low hanging fruit here that we can continually pick on is the staff statement on the distances and times to walk to park space from the development. Even after my Google Earth images in my delegation the statements were repeated by staff once again. There is no park space in the Orchard below Blue Spruce and Blue Spruce is 500m from my house (2007 Georgina Court). During the rezoning application staff dismissed our concerns that we have a trail directly beside the development to help justify the cash in lieu, and in the public meeting on January 13th they commented the area is not safe to be considered for parks space due to the storm water retention pond (which I flagged, including an image of the danger warning signs, during my previous delegations) Orchard Woodlot is a park south of Blue Spruce, west of the site, classified as a special resource area and greenlands. Other parks within the vicinity of the site are Trail

Head Parkette (less than 800 m at 5401 Redstone Street), Brada Woods Park (less than 800 m), and Orchard Woodlot Community Park (within 2.5 km). There is a trail to the west of the site which connects to these parks via Upper Middle, Rome Crescent, Oak Grove and Blue Spruce.

- Since the Public meeting on January 13th, I have had discussions with three separate individuals at LPAT. During the public meeting staff made the statement that with the LPAT decision to uphold the council's approval, no changes are permitted for the application. In discussing this with LPAT I received conflicting information in that the decision made by LPAT was to uphold the zoning bylaw amendment which dictates the limits permitted with development on the rezoned property. The opinion I received indicated that changes are permitted as long as they are compliant with the amended zoning bylaw. Due to the LPAT decision, the layout of the subdivision and the number of units has already been determined through the zoning regulations. There is limited to no flexibility in the design of the subdivision in order for it to conform to the LPAT approved zoning regulations.
- The amended R02 zoning bylaw clearly identifies what is permitted and what is not within the subject properties. Medium density residential allows for 50 units/Ha but the bylaw for the subject sites does not permit townhomes at a density of more than 50 units/Ha within the zoned property. The proposed development is less than the maximum density permitted by the Zoning By-law. The maximum density permitted is 50 units per hectare; the proposed density of the development is 46 units/hectare.
- The plan of subdivision submitted by the developer indicates that Block 5 is 0.2878 Ha, however when re-drawing the subject site using the developers own drawings, dimensions and azimuths the actual size (using every square inch that could possibly be considered part of Block 5) is 0.26509556 Ha which results in a

density exceeding allowable values. I can draw a 10mx10m square on a drawing and put a note indicating that it is 120m² rather than 100m² but it does not make it correct. I don't know if it is a typo on the drawing or not but it is items such as this throughout the history of these applications that have artificially made items look better than they are (or compliant) **Density is typically calculated based on the overall area of the site, minus lands to be used for public purposes (i.e. minus the proposed walkway block, Upper Middle Road widening block, and future Georgina Court bulb).**

- During the reviews/approvals for the zoning bylaw amendments, the developer offered up a compromise to extend the lengths of the garages. This would serve the purpose of creating forced storage space to help offset residents' concerns. The yards for most of the units will not accommodate a BBQ and the garages as they stand will not fit a car and a BBQ (with or without pool noodles). Now that things have progressed, what has happened to this extended garage storage space that was discussed and offered by the developer? Additional regulations exist governing the percentage of the house frontage can be garage, the reductions to the lot widths approved in the zoning amendment add additional challenges to fit a garage that can actually hold a car, I would hope that staff has reviewed this as well as the public does not have access to developer drawings that would allow us to comment. **Through the rezoning application, the developer agreed to include the room behind the garage as a flexible space that could be developed as a family room or a storage area depending on the purchaser's interest. This will be dealt with at the site plan stage when the floor plans are finalized.**

I do appreciate the comments from Councilor Sharman that it is time to move on with this application, however I do respectfully disagree. It has been lengthy and frustrating on our end as well there are still

significant items that need to be reviewed. There was significant opportunity throughout the applications to provide win/win scenarios for all stakeholders it is disappointing that we have arrived to the point we are at currently. I would hope that in the future the City looks at the 4417 Spruce Ave as an example of positive engagement and change for future development applications, in discussing with many involved parties it was a very different experience those residents had than us. I do question whether or not the City Council can legally approve the application going for vote today with the issues that exist, and I strongly urge Council/Staff to review the documents and revise.

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