

Madam Mayor members of Council I am here today to request the staff report pertaining to the amended zoning bylaw be send this back to staff to research relocating the building to the north side as well as commenting on the COW meeting:

First, I feel my delegation ahead of the Arcadis was out of the natural order of thing not giving me the opportunity to speak to some of applicants points

I would like to address Mr. Crough comments, delegate for the applicant

- 1) Mr. Crough noted at the COW meeting December 3rd that they work closely with City Staff to craft the amended the bylaw. The following changes in our opinion are not crafted but make it work by any means
 - Reduced lot width to 21 metres, from the minimum required 45 metres (47% reduction)
 - Reduced lot area to 0.1 hectares, from the minimum required 0.4 hectares (25% reduction)
 - Reduced southeast side yard setback to 1.6 metres, from the minimum required 4.5 metres (36% reduction)

- Reduced landscape buffer to 2.4 metres, from the minimum required 6.0 metres (40% reduction)
- Reduced landscape area abutting a street to a parking space to 3.8 metres, from the minimum required 6.0 metres (6.0 % reduction)
- Increased building height for a townhouse dwelling to four storeys and 14.5 metres, from the maximum permitted 2.5 storeys and 13 metres

Having worked in a management position for 28yrs at both city and regional government I very aware of what working closely with staff looks like. In my experience it begins with the contractor attempting to build a relationship to gain the end result, this gain the ear of staff so to speak. Residents don't get this opportunity and are often seen as the problem getting to the end result. For example, I tried to call the City Planner to ask a very simple question and didn't get a call back for 2 days I feel this is unacceptable.

2) Mr. Crough comment that our property will be or should be sold for development is not his concern or should it have been a consideration in the staff report. Mr. Crough has not contacted us nor has city staff with regards. If I had more time, I would explain

how I believe he got this information. However, neither Arcadis or the City's name is on my deed so they have no right to use information. It is only hear say as far as this report is concerned. From attended a number of discovery meeting throughout my career hear say isn't used to resolve a matter

I was questioned at the COW whether we are looking to develop the property. We would sell if the price is right but we have no interest in developing our property. To that end I am not going accept Arcadis or the City for that matter comments that our property will or should be developed. If Arcadis or the City would like to discuss buying our property, I'm open to listen but please open the check book it will be costly.

3) When asked about the possibility of locating the building on the northside Mr. Crough mentioned there were pine trees located on northern property at or near the property line and the excavation may harm or even kill these trees. It should be noted that pine trees have horizontal root system not vertical the excavation required for the roadway located at the north property line would probably harm or kill these trees. This being Maple Ave probably one most fertile land in Burlington prior to the mid 70's

and 759 being one of the older farm home the top soil is about 18" deep This top soil would have to be removed backfilled with clear stone and granular material and compacted to obtain a proper base for the laneway. Not to mention the roadway would be designed to drain to Maple and not allow for the natural nutrients required for these trees to survive. The current owner has already cut down all the tree on the southside so trees survival would not be an issue. Moving the building to the northside may in fact save these trees with 1.6m setback the nutrient required for survival and repair to damage root systems could be provided by the proposed swale

Now to my concerns with City Staff report

I'm not here today to criticize staff I know first hand that they are stretched to complete their duties. However, in this particular file I feel more could have been done to come to better results we feel that our concerns from the March meeting were not heard as there was no follow-up. Then we were provided a flyer that comments had to be submitted by a date in November even though the amended bylaw was posted on the Burlington website October 10. Our comments were submitted November

5th and on November 6th city staff responded that our comments were received advising they will be considered in the report. The response from a Staff member was more of a form letter response. I don't truly believe our concerns were addressed consider the amended by-law remained on line.

Another concerns along with a resident that was in attendance at the COW is when staff was asked the existing height for this zoning it wasn't on top of tongue and had to be looked up during the meeting. I feel this is something that very important considering the key part of this meeting was the with respect to building heights. This makes me question the detail of planning report

The word mitigate was use quite often during the meeting particularly when staff was asked about our privacy. I believe the mitigation was a 6ft fence and moving the balconies to the 4th floor. If we approach this as military strategy the best position in battle is the higher ground it gives the troops a bird's eye view of the enemy. This type of mitigation only makes the view into our master bedroom and our outside privacy more exposed.

When asked the gentleman from planning that spoke at the COW revealed that planning only looked at what was submitted, I would ask madam mayor and city council send this report back to staff to investigate the possibility of relocating the building it will answer the tree concern by eliminating an excavation 6" from the trees and moving it 6ft from the trees as well as addressing some of our concerns. We are not happy with the height but willing to concede that issue.

Prior to the COW meeting I spoke to a councilor in the lobby and explained our concerns and was told that the City's hands were tied as the applicant could take any objection to the Ontario Land Tribunal and possibly get more, that's one way of looking at but there is also the fact that they could get less considering the major zoning bylaw changes. I certainly don't wish to incur the cost associated with a hearing but what value do you place on mental health.

After the COW I spoke with my business partner who has over a million square feet of properties in the Toronto, Mississauga municipalities and he asked if the Architect did a shadow study to determine the effects on neighboring properties. Apparently, he has been requested for this type of study on some of his

developments. Has Arcadis been requested for this study and have the result been included in the staff report?

So again, I ask this report be sent back to staff to investigate these concerns and that the city request the Architect provide a shadow investigation.

I know my time is limited but I would ask that I am provided time to explain the feelings of the neighboring properties that I personally spoke with and reason they feel it not worth their time to address this issue some having past experiences other stating they have little faith in local government and did not want to waste their time. Well, I hope I'm here today to prove them wrong and have our concerns addressed by simply reviewing this application further.

Paul