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**CAP NATURE PIERREFONDS WEST PROJECT
MEMORANDUM OF PIERREFONDS DÉVELOPPEMENT INC.
OCPM PUBLIC CONSULTATIONS, MAY 2017**

1 BACKGROUND

My name is Irving Osher, President of PIERREFONDS DÉVELOPPEMENT INC., one of the five companies that own the land destined for the Cap Nature Pierrefonds West Project (hereinafter the "Project"), which we are also developing. The five companies involved are: PIERREFONDS DEVELOPMENT INC., GRIDEV INC., LES IMMEUBLES DE L'ÉQUERRE INC., QUARTIER DE L'OUEST DE L'ÎLE S.E.N.C.L., AND HPFCO INC.

PIERREFONDS DEVELOPMENT INC. owns approximately twenty percent (20%) of the one hundred and eighty-five (185) hectares affected by the Project, which is one of the eight (8) urban projects prioritized by the Greater Montreal Urban Development Plan that was adopted in April 2015.

Since 2005, we have been involved in planning for this conservation and development project in close cooperation with the Borough of Pierrefonds West and the City of Montreal. We wish to draw the attention of this Commission of the Office de consultation publique de Montréal (OCPM) to the fact that our company has participated in this process in good faith, despite it being an exceedingly lengthy, challenging, and costly endeavour. We also wish to express our growing impatience.

2 A LENGTHY, CHALLENGING AND INNOVATIVE PLANNING PROCESS

The detailed history of the different planning stages of the Pierrefonds-Ouest conservation and development project, which is known as the Cap Nature project, is presented on the OCPM website and is also examined in memoranda to be filed by GRIDEV Inc. and ABC Consultant Inc. As the owners of the land affected by this Project, we would like this Commission to understand how demanding this process has been and how much of our time, resources, good faith and patience it has consumed. We know that neighbouring owners share our opinion.

When the City of Montreal approached us in 2005, we were involved in the *Héritage sur le lac* project, located just north-east of the Cap Nature site. This was a successful project and is now almost fully completed. The City informed us at the time that a significant part of our land was destined for a conservation project, despite the fact that this sector had

already been zoned for residential development in exactly the same manner as the balance of our land. The area for potential development subject to being sacrificed to the conservation project was therefore 2.62 hectares or 282,000 square feet, located on the southern portion of our property. We were also informed that the planning and development of any project on our land would be time-consuming due to the stringent requirements imposed by the Ministère du Développement durable, de l'Environnement et des Parcs (hereinafter the "Ministry") and that we were required to work in concert with the City, the Ministry, and our direct neighbours who were also affected by the Pierrefonds West conservation and development project. This represented quite a challenge for us.

However, we were informed by the City that if we agreed to give up some of our land for conservation, and if we were successful in planning an innovative project in keeping with the City's and the Ministry's requirements, development could take place on the balance of our land. The City repeated the following catch-phrase on several occasions: "*No conservation, no development. No development, no conservation.*"

After carefully examining our options and consulting with our neighbours, we accepted the City's offer. In 2005, we became involved, in good faith, in a concerted planning process, in the hope that it would not be too lengthy. With hindsight, we are able to highlight some pivotal milestones of this process:

- the conclusion of an agreement with the City and the Ministry regarding compensation to be paid for the loss of certain wetlands in late 2007/early 2008 (Chan-Rivest letter dated January 2008);
- our formal offer to the City to continue planning and developing the Project in conformity with several conditions, and in particular in keeping with the conservation project of the City of Montreal and the Ministry (written offer dated October 2008);
- the culmination, in December 2015, of the lengthy joint planning process, to the satisfaction of all the involved parties, and the preparation of a detailed *Programme particulier d'urbanisme* (hereinafter "PPU"), which was to be submitted for public consultation before the OCPM.

3 GOOD FAITH ACCEPTANCE OF VARIOUS REQUESTS

We wish to stress to this Commission that we at PIERREFONDS DEVELOPMENT INC., as well as the four other companies that have been involved in planning the Project since 2005, have acted in good faith and have accepted *all* of the City's requirements regarding urban planning as well as *all* of the Ministry's requirements regarding environmental studies and permits for the Project.

With regard to urban planning, we wish to note the following demands made by the City of Montreal that we have agreed to. First, we agreed to plan a high-density urban project, in contrast to the existing urban fabric of the West Island (i.e. 35 housing units per net hectare, being the area remaining per hectare after construction of roads, bicycle paths and rainwater management infrastructure). This density is three to four times greater than that of the surrounding areas, including the commercially successful *Héritage sur le lac* project, of which we were the developer.

The City also required that the Project include construction of 23% of affordable housing (as defined by the City) and 7% social housing (such as low-rent and co-operative

housing). We were even required to identify the location of these types of construction, which we provided to the City's complete satisfaction.

Furthermore, the City insisted that we plan an active transportation network (walking and cycling) to allow for the movement of people within the Project, to be interconnected to the conservation park and the urban boulevard. The Project and network have been planned to ensure that residents are always less than one kilometer (1 km) on foot or bicycle from public transportation services. The area required to provide this network is added to the ten percent (10%) of area already required to be reserved for neighborhood parks and green spaces, and this above and beyond the existing valleys to be integrated in the rainwater management system. The result is that we are prepared to transfer 12.4% of our land to the City to satisfy these requirements. For our neighbours and ourselves this is equivalent to twenty-three (23) hectares of land which we own.

Moreover, the City also demanded that we adopt a series of measures to construct high-quality, eco-efficient housing, and minimize parking spaces, and heat islands. In short, we are required to adopt a series of measures intended to ensure that this Project is the foremost example of responsible urban development. We have agreed to all these conditions and all these measures are fully detailed in the final version of the PPU (after 22 revisions) which the City has in hand and which needs only be submitted for approval.

Still more, the City demanded that the portion of our land affected by the conservation project (which it does not yet own) be donated to the City. This represents more than forty-two (42) hectares or four and a half (4.5) million square feet of our land. Once again, on condition that both development and conservation go ahead together, we have agreed.

As regards the environmental assessments and impact studies of the Project, we have undertaken all the studies required by the City and in particular those required by the Ministry. The following list includes just a few of these studies:

- soil studies (characterization, bearing capacity, permeability, etc.);
- study of existing hydrological conditions (precipitation, watersheds, drainage, etc.);
- state-of-the-art rainwater management plan in order to minimize discharge into rivers, use existing filtration basins and valleys, supply wetlands and waterways adequately, and protect the adjacent conservation park's water regime;
- preliminary engineering of infrastructures for rainwater management, water supply, and wastewater management;
- inventory of flora and fauna in the area to be developed;
- inventory of heritage and archaeological potential of the same area;
- overall impact assessment with a view to avoiding, minimizing, and compensating for expected impacts.

The Cap Nature Pierrefonds West conservation and development project is subject to environmental approval pursuant to Article 22 of the *Environment Quality Act* (EQA). Applications for Certificates of Authorization have already been submitted to the Ministry for the area to be developed.

The request for the Certificate of Approval required for the protection and enhancement of the wetlands and waterways is to be drafted and forwarded by the Department of Large Parks and Greening of the City of Montreal.

4 HAVING DEMONSTRATED OUR GOOD FAITH, OUR IMPATIENCE IS GROWING

In view of all of the foregoing, since 2005, we have more than demonstrated our good faith throughout the entire joint planning process, having undertaken all studies requested and satisfied all demanded conditions. The same is true for our neighbours.

These studies have cost us tens of thousands of dollars. If I include the cost of studies paid by our neighbours, the figure invested exceeds the hundreds of thousands of dollars. Moreover, we pay municipal and school taxes based on residential zoning, although this residential development is continually delayed, and this despite the fact that the municipal authorities have described our Project as being exemplary.

We wish to continue to demonstrate our good faith, but also to express our growing impatience and frustration. We have participated in a joint planning process since 2005, satisfied all demands made by the City, and undertaken and provided all studies required by the City and the Ministry. Yet in 2017, while the City had told us in December 2015 that the detailed PPU was to be the subject of a public consultation and subsequently approved, we now face the possibility that the City may revise its plan for the district and a long-term development schedule. You will therefore appreciate our growing impatience and frustration.

As correctly stated by my neighbours, who are also involved in this joint planning process: *there is no reason to delay the final approval of this exceptional Project.* If further undue delay were to ensue, you can easily appreciate that we would consider ourselves to not only be aggrieved but seriously prejudiced.

Nevertheless, we are confident that the elected representatives of the City of Montreal will agree to a speedy implementation of the Cap Nature Project in Pierrefonds West, will have the political wisdom to respect the urban development plan which is already in force, and will support this outstanding Project.

Thank you for your attention.

April 27, 2017



Irving Osher, President
Pierrefonds Development Inc.