

Good evening. I would like to again express my gratitude to the City for allowing me to speak today and provide feedback and commentary on the proposal for the development of 400 Westwood Drive. My name is Alen Sahinovic and I will be speaking on behalf of myself and my father, the residents of the [REDACTED], [REDACTED], [REDACTED].

I am here today to urge the City not to approve or endorse this proposal. This proposal would still unlawfully cause damage to our property, put at risk our safety and our home, and would enact several other severely harmful and unacceptable infringements and impacts against our property. All of the issues can likewise still be easily resolved with only minimal adjustments and mitigations that do not impact the ability to develop on the subject property.

Very simply, the proposal cannot be carried out without necessarily damaging our stone retaining wall & without putting at risk our safety, the safety of our home and our right-of-way access to our property. The massive mature Maple trees on the elevated land along our boundary are held up by and structurally connected to our stone retaining wall. It is impossible to remove these trees and excavate all of the earth around them which together support the wall without damaging and destabilizing the wall or collapsing it altogether.

Our two properties were designed and constructed with this clear fact in mind and share this jointly-built continuous wrap-around stone retaining wall for this very reason. This entire elevated section of our land exists solely to uphold these trees, vegetation and elevated earth and has remained in place for this reason since it was created, without issue for more than 45 years.

Beyond the immediate damage to our property that would be caused by their removal, these healthy mature trees serve a valuable function in maintaining the health of all of the other trees on our property and provide a number of important ecological and environmental benefits that would also be lost if they were removed.

The trees and vegetation along the boundary currently provide a 100% tree/vegetative sightline screening between the two houses and amenity spaces. This feature is essential in maintaining the intrinsic natural character and privacy that defines and has always been a part of our property.

They provide valuable shade and cooling, blocking our home from the afternoon sun, making it possible for us to avoid using air-conditioning for all but the hottest few of days each summer. They provide a necessary baffle against strong prevailing winds from the Northwest that our very large and more spread-out mature trees have grown to depend on and that have previously damaged and knocked over trees on both properties.

They help to support stormwater drainage management by diverting heavy rainfall away from the impervious surfaces and structures across to permeable lands that help to absorb them. Importantly, they have also perennially served as nests and roosting spots for birds and bats which help control mosquitoes and contribute to the overall ecology of the mature urban forest.

A minimal Tree Protection Buffer Area to prevent removal of **at least these two trees is all that is needed to completely eliminate all risk of property damage, risk to our safety and resolve all of the other critical conflicts and concerns with our property.**

These serious risks have been clearly outlined and substantiated by ourselves and our legal, planning, arborist and landscaping representatives countless times, since the beginning but have simply been ignored and never addressed or even acknowledged at any point.

These risks were definitively proven credible in the spring of 2024 when, as I previously indicated, the developer unlawfully trespassed on our property without notice or permission and collapsed a very large maple tree dangerously onto our property, directly impacting and causing major damage to our wall. They don't deny having trespassed or causing the damage but have never made any attempt to resolve the damage they caused despite our best attempts to reach a reasonable solution with them and our wall still remains severely damaged and deteriorating today.

It is not an exaggeration that if that tree had collapsed on a slightly different angle, it would have impacted our house and these remaining trees they seek to remove are directly lined up for precisely such a direct impact to our house.

The only way to prevent the inevitable damage to our property and intolerable risk to our safety and our home is to establish a modest tree protection buffer area similar in function to what has already been incorporated along every other boundary with the subject property.

Protecting our property from this damage and these serious risks at this stage is imperative. There is no way to effectively safeguard against these risks at a later stage if this proposal is approved – and this same fact was cautioned by our own planner representative, Mark L. Dorfman.

The demolition and removal of the stone retaining wall which is solely our property **still remains in writing in the submitted proposal**. We will not under any circumstances allow this destruction of our property and the proposal should be rejected even on this basis alone.

Preserving nearly half the total property area in the East (ie. Lot 1), and preserving more than a full lot width to the North (ie. Lot 2) effectively protecting those adjacent properties from any impacts – while making no attempt to preserve anything along the most complex and sensitive boundary with our property does not represent a reasonable balance of priorities or an approach of gentle intensification or thoughtful development within the community. Preservation in one area cannot be a justification for devastation and property damage in another.

The notion that it is necessary to put us at risk or that it is somehow impossible to accommodate for this minimal protection measure on this sprawling, nearly 1-acre lot is simply baseless and implausible.

Following the deferral from the previous Council meeting two weeks ago, the developer made no attempt to discuss or better understand any of the issues from the concerned parties before redrafting the proposal.

The redrafted proposal still makes no attempt to address or mitigate any of the clear risks or infringements we've outlined, or to preserve anything along our shared boundary.

During the requested meeting the redrafted proposal was simply presented to us as final with no room for further consideration. The date on the drawing shows that it was finalized just one day after the previous Council meeting, a full week before they even met with the concerned delegations.

They failed to acknowledge or address any of the concerns related to our property during the brief meeting and when a simplified list of the critical conflicts and concerns was provided to them for comment and clarification after the meeting – they never even bothered to respond to the email. They have never even bothered to *dispute* the clear and imminent risk of damage because they have instead simply chosen to ignore it entirely.

This developer has demonstrated a clear pattern of disregard towards us at every step in the process; ignoring our concerns, ignoring the warnings issued by our lawyer, trespassing on our property and already having caused major damage to our property which remains unresolved – even before obtaining any approval for their proposal. Given their conduct towards us and the damage they have already caused to our property, there is no basis to trust that they would make any effort to avoid further damage if they were granted an endorsement by the City.

The protection of our safety and our property must be assured before this proposal can be approved. The current proposal unreasonably and unjustifiably puts our family and our property in harm's way and would needlessly throw the entire project into legal jeopardy.

As lifelong residents of this City and this neighborhood, **we implore City Council to reject these planned infringements of our property rights and to insist that the necessary minimum safeguards for our property must be included to prevent further, more-severe damage to our property.**

[IMAGES FOR CONTEXT ARE ON THE NEXT TWO PAGES]



