



ZELINKA PRIAMO LTD
A Professional Planning Practice

February 2nd, 2015

Planning and Environment Committee
c/o Heather Lysynski
City of London
300 Dufferin Avenue
London, ON
N6A 4L9

Dear Committee Members,

**Re: Our Move Forward – London’s Downtown Plan
Ayerswood Development Corporation
195 Dundas Street, Clarence Street, King Street (Formerly London
Arcade)
London, ON**

Our File: AYR/LON/14-01

We are planning consultants for Ayerswood Development Corporation (Ayerswood), which owns land (the “subject lands” – Figure 1) affected by *Our Move Forward – London’s Downtown Plan* (the “Downtown Plan”). Our client is in the final stages of a detailed planning and architectural exercise for a major and significant mixed-use development on its lands. We have attended the required preconsultation meeting with the City’s Planning Department leading to a zoning by-law amendment for this major downtown redevelopment.

Figure 1: Subject Lands

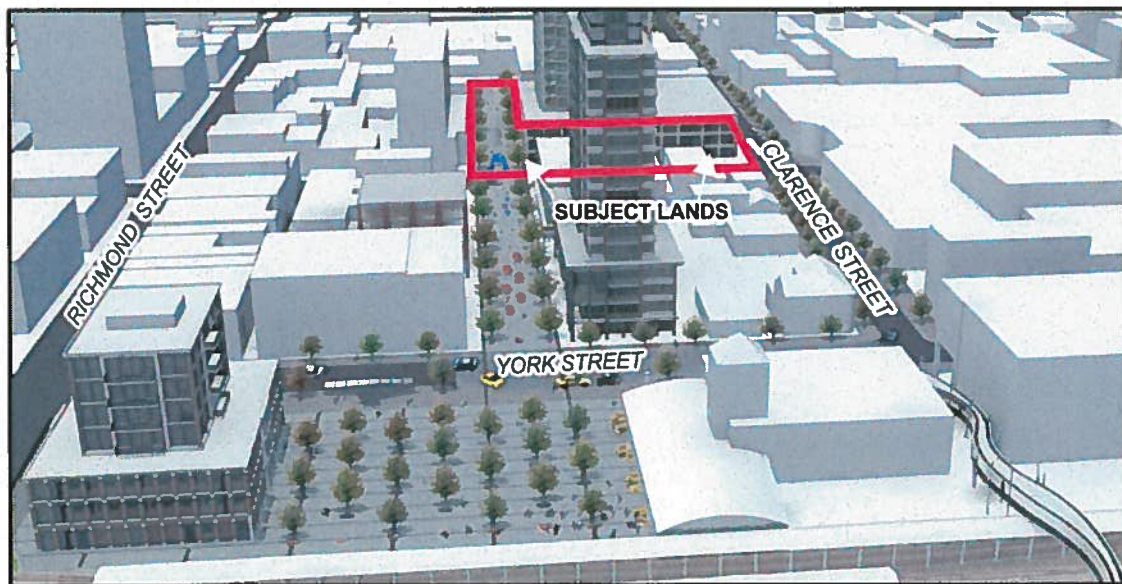


However, this development is now adversely and unnecessarily affected by a proposed strategic direction in the Downtown Plan. As such, our client and we strongly oppose a certain aspect of the Downtown Plan. We are asking the Planning and Environment Committee, and Council to amend the Downtown Plan before approval, to remove the proposed 40 foot wide pedestrian walkway affecting the subject lands.

As per figure 1, the subject lands are located at the northwest corner of King Street and Clarence Street. The parcel is irregularly shaped and has an area of approximately 0.655 hectares (1.62 acres), with frontage on King Street, Clarence Street, and Dundas Street. It was formerly the London Arcade Shopping and Entertainment Complex.

Among initiatives in the proposed Downtown Plan, is the *Transformational Project #9: City Gateway* which creates significant concerns to Ayerswood. This specific walkway proposal would create a mid-block and expansive pedestrian-only mall, running two blocks from the Via Rail Station on York Street north to Dundas Street. A significant and critical portion of our client's property, from King Street to Dundas Street, is proposed to be used for this pedestrian linkage (Figure 2).

Figure 2: *City Gateway* with the subject lands highlighted



The Downtown Plan, as proposed by staff, provides that the *City Gateway* project will “create a welcoming landmark and memorable arrival for passengers arriving in London and a positive image of the City. It will improve the accessibility to the train station from Dundas and King Streets by providing a mid-block connection linking them.”

The Downtown Plan provides no justification for requiring a pedestrian mall access, considering Clarence Street, with a signalized pedestrian crossing, is only 20m east of the entrance to the station, while Richmond Street, again with a signalized crossing, is only 115m to the west, representing walking times of 15 seconds and 60 seconds,

respectively. The *City Gateway* project also implies that pedestrian movement on Richmond Street and Clarence Street is in such a poor and undesirable state that a new pedestrian connection is required to facilitate pedestrian movement for two blocks. This is not true.

No detailed discussion of how the *City Gateway* project is to be implemented is found in either the Downtown Plan or the Staff Report (dated February 2, 2015) prepared for the Committee's review. The only references to implementation state that *Transformational Projects* will be factored into to London's budget over the coming years. This is surprising as the Downtown Plan is proposed as a secondary plan.

As the *City Gateway* project encompasses a large portion of the Ayerswood development, there are significant implications. The *City Gateway* proposes to remove privately owned developable land from the site and replace it with what has been described to us as a "private-public" pedestrian walkway. Except for either a sale by Ayerswood to the City, or an expropriation, pursuant to the Expropriations Act, there is not, an economically feasible option for making these lands available for the proposed uses. There are also a number of important legal questions and issues arising from the proposed "private-public" pedestrian walkway.

These include, as a matter of law, the Ontario Municipal Board has determined in a Decision released in 2001, that a site plan pursuant to the Planning Act may be used as a means to assure access to a property but it is not meant as a means to obtain access across or through a property and that the appropriate mechanism for acquiring access through a property would be only by means of a voluntary conveyance, an expropriated conveyance, or a grant of easement by the owner. (*588227 Ontario Limited v. Guelph (City)(2001)*), 42 O.M.B.R. 66 (O.M.B.).

The use of a public walkway is just as unacceptable given the significant adverse impact on the scope and purpose of Ayerswood's development as a key redevelopment project in the Downtown set to begin in 2015.

The Downtown Plan states that "*given the amount of under-developed property in this project area, there is potential for a mixed-use development*". The Ayerwood land is to be redeveloped for a vibrant mixed-use development consisting of multiple high-rise buildings with commercial, office, and residential components (Figure 3). The redevelopment will occupy 100% of the site. The proposed development cannot proceed if a public pedestrian walkway/corridor occupies such a significant portion of the lands.

Figure 3: Conceptual Rendering (facing southeast)



The *City Gateway* proposal creates a detrimental and adverse impact on redevelopment of the land. It does not allow for the highest and best use of the site as currently required in the Official Plan and Zoning By-Law. It also detracts from the future role of Richmond and Clarence Streets as vibrant pedestrian spaces. We urge the members of the Planning and Environment Committee to reject this component of the Downtown Plan as it affects this project and to direct staff to so amend the Plan before it is approved.

Yours very truly,

ZELINKA PRIAMO LTD.

Greg Priamo, B.E.S., MCIP, RPP
Principal Planner

cc. Ayerswood Development Corporation (via e-mail)
Patton Cormier & Associates (via e-mail)