

Barry R. Card

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June 9, 2016

Via Email

Mayor and Members of Council
Corporation of the City of London
c/o Heather Lysynski
300 Dufferin Avenue
London, Ontario
N6A 4L9

Dear Sirs/Madams:

**Re: Decade Group, R. Siskind, in Trust and Westbury International
The London Plan**

I am the solicitor for Decade Group, Robert Siskind, in trust, and Westbury International (1991) Corp.

My clients own or have an interest in the following properties: 2040 Oxford Street East, 568 Second Street and the northeast corner of Exeter Road and Wonderland Road South.

The first two properties are presently in industrial designations. The proposed policies of the London Plan do not offer the type of vision and flexibility required for these lands to provide their intended employment function.

2040 Oxford Street East

The land at 2040 Oxford Street East was the subject of earlier correspondence, a copy of which is attached.

The City has recently determined, on the basis of a study originally conducted by Robin Panzer, that most of its industrial land supply is in the wrong location. This was the justification for a recent expansion of the settlement area boundary along the 401 corridor in the vicinity of Veterans Memorial Parkway. The plight of the unwanted industrial land supply has not been considered. Some of it was removed through the Southwest Area Plan process. Some of it has

been removed through Official Plan Amendments 606 and 607 (pending review by the Ontario Municipal Board). The balance of the land (including the subject site), which is nearly 4 times the provincially mandated maximum, has no immediate purpose. The proposed London Plan fails to address this serious issue, notwithstanding our earlier comments.

568 Second Street

The land at 568 Second Street is adjacent to Fanshawe College and is worthy of policies that encourage development for innovative employment, vocational and related uses. The London Plan does not provide such a vision and tends to carry over previous policies, which have been seriously undermined by the findings of the Industrial Lands Study and the more recent "Strategy".

Northeast Wonderland Road South and Exeter Road

This land is within the Wonderland Enterprise Corridor under the Southwest Area Plan. It has been the subject of a recent Ontario Municipal Board decision approving a By-law which permits retail development. It is also the subject of a proposed Official Plan amendment to the policies applicable to the Wonderland Enterprise Corridor, which limit commercial development. The proposed London Plan intends to carry forward policies that are in the process of receiving further consideration. It is our respectful request that the land be permitted to develop for retail purposes in the same manner as other lands in the corridor have been permitted to develop.

We respectfully request that the plan not be adopted until our concerns are addressed.

Yours very truly,

Handwritten signature of Barry R. Card in cursive script.

Barry R. Card

BRC:jmh

Encl.

cc: **Decade Group**

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October 30, 2015

C. Saunders, City Clerk
The Corporation of the City of London
City Hall, 3rd Floor
300 Dufferin Avenue
London, Ontario
N6A 4L9

Dear Ms. Saunders:

Re: London Plan - Written Submissions

I am the solicitor for Robert Siskind, in trust, the owner of the land at 2040 Oxford Street East, and offer these comments on behalf of the owner, for the Council's consideration.

The Subject Site

The property at 2040 Oxford Street comprises approximately 8 hectares, on the north side of Oxford Street East. It is adjacent to the Jetstream Industrial Subdivision and opposite the (closed) Electro-Motive Diesel plant.

The Current Official Plan

Under the present Official Plan, the Subject Site is designated "General Industrial". The range of uses established by Section 7.2. is as follows:

Main permitted uses in the General Industrial category include: any industrial use that included assembling, fabricating, manufacturing, processing, and repairing activities; service trades; public and private utilities and related facilities; large storage facilities, such as wholesale and warehouse establishments, contractors yards, transportation terminals, and heavy equipment sales and service; and residential and other source recycling facilities, subject to policy 7.5.3. which are ancillary to the above uses are also allowed.

In addition to the uses permitted above, the following uses may be permitted by site specific zoning, subject to the criteria in Section 7.6. Planning Impact Analysis.

i) automotive body shops, provided that their location and operation does not detract from the industrial operations of the surrounding area;

ii) salvage yards;

iii) waste disposal sites and transfer stations, subject to meeting the requirements of the Ministry of the Environment and other Ministries in accordance with the Environmental Assessment Act, the Environmental Protection Act, and other guidelines and policies that apply;

iv) private clubs and commercial recreation establishments (deleted by OPA 578); (Clause iv) amended by OPA No. 95 - approved by MMAH 98/06/25)

v) automobile service stations or gas bars that are located on arterial or primary collector roads, preferably at intersections with other major roads;

vi) convenience stores, personal services, restaurants, medical/dental offices and clinics, and financial institutions which are designed to serve the industrial area and which have access to an arterial or primary collector road...

The current designation is supported by my client.

The London Plan

The London Plan proposes to apply a "Heavy Industrial" designation to the Subject Site. The range of uses permitted by Section 1039 is as follows:

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Place Types

Place Type Policies

4.0 Permitted Uses

4.1 Permitted Uses in Heavy Industrial Place Type

1039_ The following uses may be permitted in the Heavy Industrial Place Type:

1. A broad range of industrial uses that may impose impacts on surrounding land uses due to their emissions such as noise, odour, particulates, and vibration, may be permitted.

2. Uses that have large amounts of outdoor storage.

3. Industrial uses may be permitted only if they have a low level of sensitivity to noise, odour, particulates, vibration, and other impacts that may be generated by surrounding industrial land uses and if they do not have the potential to detract from the operation of the intended heavy industrial uses in this place type.

4. Service trades, public and private utilities and related facilities, large storage facilities, contractors yards, transportation terminals and heavy equipment sales and services, and residential and other source recycling facilities may be

permitted provided they will not detract from the industrial operations of the heavy industrial area.

5. For the purposes of this Plan, accessory office uses will be defined as office space that is ancillary, incidental, subordinate and exclusively devoted to the main permitted use on the same site. Accessory office uses will be permitted.


6. Small-scale service offices may be permitted.

7. General offices and medical offices and clinics will not be permitted...

Comments

1. The "Heavy Industrial" designation should be renamed "Industrial" and should be broadened to permit all industrial-type uses, other than light industrial uses.
2. These are important "employment" lands and merit further attention. The policies applicable to the designation should provide "vision".
3. Sub-policy 3, "***Industrial uses may be permitted only if they have a low level of sensitivity to noise, odour, particulates, vibration, and other impacts that may be generated by surrounding industrial land uses and if they do not have the potential to detract from the operation of the intended heavy industrial uses in this place type***" should be deleted for several reasons.
4. The language is negative, vague and contradictory (permitted uses having the potential to "detract"). The policy should be inclusive and positive in its orientation.
5. The objective should be to accommodate all types of industrial uses within the limited area that has been identified on the land use map.
6. There may be some industrial uses that cannot be accommodated on particular sites, but these are performance issues that should be addressed through compatibility policies and zoning regulations.
7. Existing "dark" facilities within the designation should be provided with supportive and flexible policies aimed at restoring productive use of these sites.
8. As a minimum, the uses currently permitted within the General Industrial designation should be carried forward, however, if London hopes to be in a position to reclaim its manufacturing sector, it should rework the Industrial place type policies with the objective of creating policies that are forward-looking and conducive to that result.

Yours very truly,



Barry R. Card

BRC:jmh

cc: **Robert Siskind**
John Fleming