

AIRD & BERLIS LLP

Barristers and Solicitors

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October 15, 2012

BY EMAIL

Bud Polhill
Chair, Planning and Environment Committee
City of London
P.O. Box 5035
City Hall, 300 Dufferin Avenue
London, ON N6A 4L9

Dear Mr. Polhill:

**Re: Sifton Properties Limited (“Sifton”)
Southwest Area Plan (“SWAP”) Submissions
October 2012 Version
Planning and Environment Committee meeting – October 15, 2012**

We are the solicitors for Sifton with respect to the above-referenced matter. Sifton owns a 10.08 hectare (24.91 acre) parcel of property known municipally as 1311 and 1451 Wharncliffe Road South within the area encompassed by the Southwest Area Plan (“SWAP”). Our client recently filed Official Plan and Zoning By-law Amendment applications in order to modify existing land use permissions for their property and to provide a detailed proposal concerning their vision for the future development of their property. The Sifton property is within the existing urban boundary, is presently designated for urban uses, enjoys full municipal services and is within a draft approved plan of subdivision that will introduce an important transportation link through the construction of Bradley Avenue through our client’s site.

Sifton has participated in a City initiated SWAP study which has been ongoing since 2009 and has generated four versions of SWAP for public review. The planning for this area has most recently resulted in the release in June, 2012 of a draft secondary plan document which was presented at a public open house on June 27, 2012. Sifton supports the thrust of the earlier versions of SWAP as generated by staff.

On June 26, 2012 council adopted a resolution with respect to the SWAP study directing civic administration to “...include an enterprise designation along the Wonderland Road corridor, from Bradley Road to Exeter Road, that would allow for, and encourage, a broad range in mix of commercial, residential, office and institutional uses with an emphasis on ensuring quality urban design; ...”. Civic administration was also directed to consider implementation policies through SWAP “...through the use of flexible or performance zoning that emphasizes urban design and is more flexible with respect to land use regulations”.

Sifton has provided written correspondence to the City dated August 31, September 14 and 20, 2012, expressing its concern with this approach and the potential risks to proceeding in the manner suggested by the council resolution.

We have recently received the SWAP (October 2012) which was only released to the public on Tuesday, October 9, 2012. Nevertheless, we have reviewed the document on a preliminary basis and believe that it raises fundamental planning issues that are of concern to Sifton. Some of these concerns cause us to ask the following questions. What are the changed circumstances that justify this latest approach? What is the basis for the area selected? Why is this area given preferential planning treatment? What are the costs and revenues to implement this proposed plan and why is their review being deferred? These fundamental questions remain unanswered. This approach has failed to consider broader planning implications and has not benefitted from the necessary study in order to properly assess the feasibility of implementing this vision.

Some of these concerns include the following:

1. While we understand the initial intent of the Enterprise corridor would allow for more flexible zoning and land use designations, the Wonderland Road Enterprise Corridor with its “flexible” approach to land use regulation creates a fundamental departure from the approach adopted in the City of London official plan. The implications of adopting such an approach for the rest of the City has not been carefully considered or thought out. The area encompassed by the Wonderland Road Enterprise Corridor would exceed the area encompassed by the downtown. The “flexible” policy approach could lead to short term development that could preclude the establishment of a long term planning vision on this important transportation corridor. In fact, short term development could very well result in the loss of long term opportunities that could otherwise be achieved through established and existing nodes as identified in the cities Official Plan.
2. The SWAP process up until June, 2012, incorporated the phasing of development into the secondary plan in order to provide for orderly development of this significant area of the City. This orderly development would include the proper planning and financing of infrastructure through the implementation of a development charge bylaw for the area. It would also service the lands in a logical and sequential manner to make maximum use of infrastructure over the 50 year planning horizon.
3. The Wonderland Road enterprise designation would permit one million square feet of retail commercial development on Wonderland Road immediately and without any phasing provisions. This is contrary to the recommendations of Kircher Research Associates who were retained on behalf of the City of London to provide their market advice with respect to the SWAP. Such an approach would undermine existing retail commercial designations in SWAP and the City

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as a whole, and may exert pressure for additional retail commercial permissions on other lands within SWAP not already planned for such purposes. It could also preclude the mixed use development sought by the City, as landowners are likely to hold out for expected future retail commercial development;

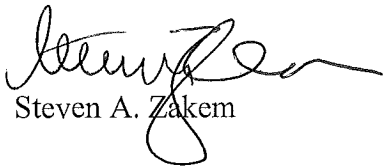
4. It is well documented that much of the SWAP area, and specifically the Enterprise corridor lacks an ultimate sanitary outlet and other key municipal services, making it the most expensive location to develop in London. We fail to understand how the City can budget for and plan for the necessary services for this area in the absence of a more clearly defined planning regime and a phased approach to development. This may aggravate the already negative Development Charge deficit in this area. Furthermore, the cost of infrastructure and servicing for this area is, according to the staff report, expected to be approximately 120 million dollars (up from 90 million dollars in June 2012). How will such infrastructure be paid for? How will such infrastructure be built in a manner that will adequately support other developments within the area? These questions are not answered and have been deferred to a later date.

The foregoing expresses fundamental concerns with respect to the proposed secondary plan. In our view the June 2012 plan was an appropriate culmination of an extensive and lengthy public consultation process and was a plan that could be supported by your staff. The October, 2012 plan is a plan that resulted in large part from the resolution of council on June 26, 2012 and is not based on the best planning advice collected over the course of several years through the SWAP process.

We urge committee to recommend to council that the report be received and referred back to staff with a request that staff bring forward a full costing, both revenues and proposed costs, sources of funding for these proposed works and a proposed phasing plan based on their preferred SWAP based on the June, 2012 recommendation.

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem

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Encl.

cc. Sifton Properties Limited
Cathy Saunders, Clerk, City of London

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