



October 14, 2012

City of London
300 Dufferin Avenue
PO Box 5035
London ON N6A 4L9

Attn: Your Worship Mayor Fontana and Members of Council

Re: Southwest Secondary Plan/OPA- File No O-7609

Further to the review of the final SWAP Secondary Plan and associated OPA that were made available Wednesday October 9, 2012 and the staff report that was available on the City web site on Friday, we submit the following additional comments for your consideration.

It seems unlikely that after over four years of 'consultation' that we would receive this significant document for review and comments only 4 days prior to the schedule Public Meeting. The SWAP document itself has made significant omissions regarding servicing and phasing which was the rationale for many delays throughout the process and which is completely contrary to the original Terms of Reference. It is in this reviewed that questions arise to the value received in the preparation of this document given the significant expense and the lack of clarity that remains.

I have attached our submissions as it relates to the final SWAP document and although many of our previous comments and concerns have yet to receive a response, it would be our hope that our issues as it relates to SWAP and the associated OPA's (land uses, policies, transportation and servicing deliverables) could be worked through as part of our existing Plan of Subdivision application 39T-12503.

It would be our desire that the current SWAP document, given it's significant deficiencies specifically as it relates to a servicing solution, will not be used as a tool to delay approvals and stall development applications in this area and that Council will direct staff as part of the recommendation to advance those applications that are currently in the process so that we can have some assessment growth in this area.

We continue to be available to work through these outstanding matters and look forward to being able to resolve them at a local level.

Sincerely,
Auburn Developments Inc.

Per: 
Mr. Stephen Stapleton, Vice President

cc: Mayor Fontana and Members of Council

SWAP-Vision Realized?

Discussion Items:

SWAP Land Uses

Concepts/Secondary Plan/Official Plan

Our lands as depicted in Figure 1 attached are within very limited group-lands that are currently designated “Low Density Residential” in the current City of London Official Plan. Although the original terms of reference highlighted that the purpose of the study was not to change Land Uses currently within planned areas, the proposed SWAP has mutated to go beyond this objective, while not satisfying critical aspects of the Terms of Reference including servicing solutions.

We have made application for Draft Plan approval for those lands that are currently designated as depicted on Figure 1 and that there are changes proposed by SWAP that would we consider ‘down designations’ that have not be suitably justified.

“Open Space” (OS) vs. “Environmental Review” (ER) Land Uses

Currently the existing City Official Plan identified numerous Natural Heritage Patches within SWAP area as ‘ER’. SWAP proposes to re-designate most patches as well as additional lands that have vegetation visible as determined through the viewing of an air photo, as ‘Open Space’. This has been done without the benefit of professional site assessment. This reclassification/re-designation would not occur without justification in a contrary situation (Open Space to Residential) so why permits it now? This in itself is problematic; however, it becomes completely offensive when you add the policy requirement to dedicate all Open Space lands to the City.

The Natural Heritage System is overstated and does not represent good land use planning nor does it represent good science when it is weighed against alternatives uses and policy needs. The premise of maintaining all things ‘green’ is not responsible planning. There is a professional obligation to review competing needs and to complete an assessment. I don’t believe that appropriate weighting has occurred and this bias feeds a plan that is not sustainable. SWAP has extended protection to all natural heritage features as well as prescribing their dedication to the City. This is not acceptable. The proposed OPA does highlight a difference in some of these areas (ER vs. OS); however, the policy and secondary plan anticipates an outcome to preservation which is not supportable. We would request that all secondary plans/concepts also designate these lands as Environmental Review.

Environment vs. Cultural Needs (Parkland) vs. Assessment Growth

The approach to utilize environmental arguments as the means to 'capture' lands for parkland purposes has always been prevalent. In this document the approach has been taken to greater heights and now prescribes the dedication of all open space to the City. The overstating of these environmental areas combined with the unrealistic anticipation of densities in and around Lambeth contribute to the issue, as Parks obtain additional land through the 1ha/300units weather this is realized or not while also obtaining ownership of open space lands with little or no credit.

It has always been the desire of the City to utilize the Planning Act parkland dedication provisions for active areas. The ability to require dedication of open space lands is not, and should not be, supported. These policies support the sterilization of otherwise developable lands (assessment growth) in favour of open space linkages and are in essence expropriation without compensation. This is not a supportable policy.

Open Space/Parkland

Currently the proposed policies include all 'Natural Heritage' lands (all lands with vegetation) within the "Open Space" designation which have been included not because of their significance but in support of cultural benefits i.e. public parkland. Although this may be suitable in some instances, it should not be disguised as an important environmental asset when it is for cultural connections. This form of analysis is determined through the parkland dedication requirements and not at the lesser rate which is the objective of these policies.

SWAP Objectives

Study Purpose-Servicing

The SWAP document was to identify the servicing solution and staging for the area—final draft does not. We currently have a draft plan of subdivision application (39T-12503) awaiting confirmation of this to proceed.

The servicing of existing designated lands as a primary phase should be articulated within the SWAP document. The purpose of the secondary plan should be to assist in the delivery of this infrastructure and provide guidance; however, it is completely silent which a complete deviation from the last document. This omission needs to be rectified as there are clear limitations to the capacity and this could be utilized as a reason to stall legitimate development expectations and applications which are contrary to the original purpose of SWAP.

SWAP defers servicing to the GMIS-the GMIS defers to SWAP...where do we stand. This needs to be completed so that the current EA, GMIS and DC By-law can move forward. Please confirm our Draft Plan application can proceed.

Transportation

Urban Grid vs. Alternative Street Patterns

We support connectivity however; we do not support such a prescriptive approach to development patterns within a policy context. The policies impose an ‘integrated grid’ street network. This form of street pattern also contributes to neighbourhood traffic issues such as cut-thru traffic, speeding etc. These impacts will be similar to those we have recently experienced in northeast London in our Cedar Hollow subdivision and which Council continues to hear concerns from new residents. We should avoid these situations at this stage, not after developments are initiated.

Historically inner Cities have this form of street pattern and it was replaced with more a curvilinear network in suburban areas for numerous reasons: safety, privacy, nuisances and costs. The development layout should not be prescribed at a policy level as the attributes and characteristics of the development, the character of adjacent neighbourhoods, potential market, and physical characteristics of the lands and features will likely dictate the street layout—not policy, especially given the size of the area this study incorporates and the vast differences in potential market places this study serves. It is important that new street networks relate to the community needs. It would seem that the proposed hierarchy and magnitude of streets proposed are not appropriate or desirable. Figure 2 depicts the proposed street pattern as proposed by SWAP as well as the current OP which does not anticipate any primary collector. This network needs to be further reviewed in order to ensure connectivity without impact future resident’s enjoyment but also be done cost effectively.

Road Classification/Extension

Kilborne Road Extension-Primary Collector

Cut-Through Traffic/Financing Construction of non frontage Roads

One of the first questions to ask when developing a transportation plan is who is going to use the road and where do they want to go? This plan does not represent the most logical or cost effective plan approach to transportation needs and desires of the community.

The Kilborne Road extension is depicted as a “Primary Collector” that extends from Colonel Talbot Road all the way to Wonderland Road. This connection and extension does not support neighbourhood quality living—it leads to community traffic issues. There is no requirement for this scale of road or the connection so far east. The proposal has many practical implementation issues (such as land assembly and Natural Heritage issues) and is something that should not be supported as it travels for much of its length adjacent to non-development lands which means it has no revenue to support its construction, it travels through a Church property so its extension and ROW is in question and given that its function: to by-pass Lambeth, it should not be something that we support. In addition, the development of communities and the issues that will arise from such a high level road, issues such as cut through traffic, speeding, access points for local roads, no saleable frontage (Lots with frontage on the street) all contribute to the unfeasible nature of this proposal that is not based on need. The reconfiguration of this road should be considered and I have attached a plan that articulates a road network that supports a local community, is at a scale that is cost effective and can be implemented without expropriation.

It should also be noted that the Campbell Street extension is proposed to extend into our development area and beyond. It would seem to me that proposing this road to extend all the way to Pack Road is undesirable given the impacts on future and existing residents. Connectivity should occur but consideration of adverse impacts seems to be absent from consideration—this is what occurs with grid street systems. This issue, combined with existing road connections (South Rutledge) will need to be confirmed through the draft plan process to ensure a balanced approach.

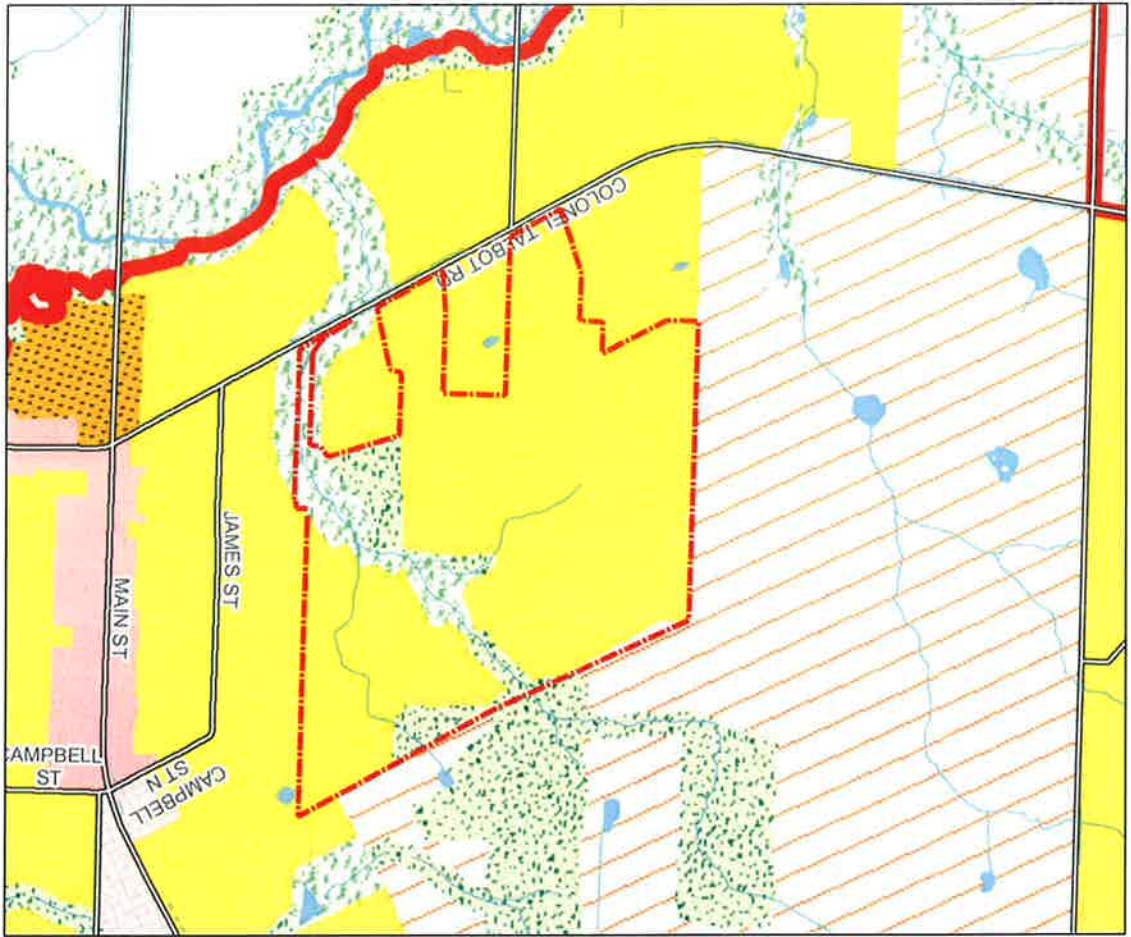
Sustainability—Cost efficient growth

The SWAP speaks to sustainability; however, there is no mention of the economic factors that support this plan. The costs of inefficient transportation networks or duplication of collector routes, non-developable frontages, open space vistas, urban design components and development/OS frontages all impact the ability to implement this plan. The main contributor to any sustainable equation stems from the development community’s ability to deliver a product that satisfies a market at a price the market is willing to pay. There is no ability to deliver the SWAP product as it relates to the above points and therefore it is not even ‘startable’ let alone ‘sustainable’. It is, however, with some key amendments that we can provide a system that works, meets most of the objectives of the plan but also provides assessment growth and meets the needs of today’s marketplace as it is the private sector that provides this service to the public, within the framework that recognizes its limitations.

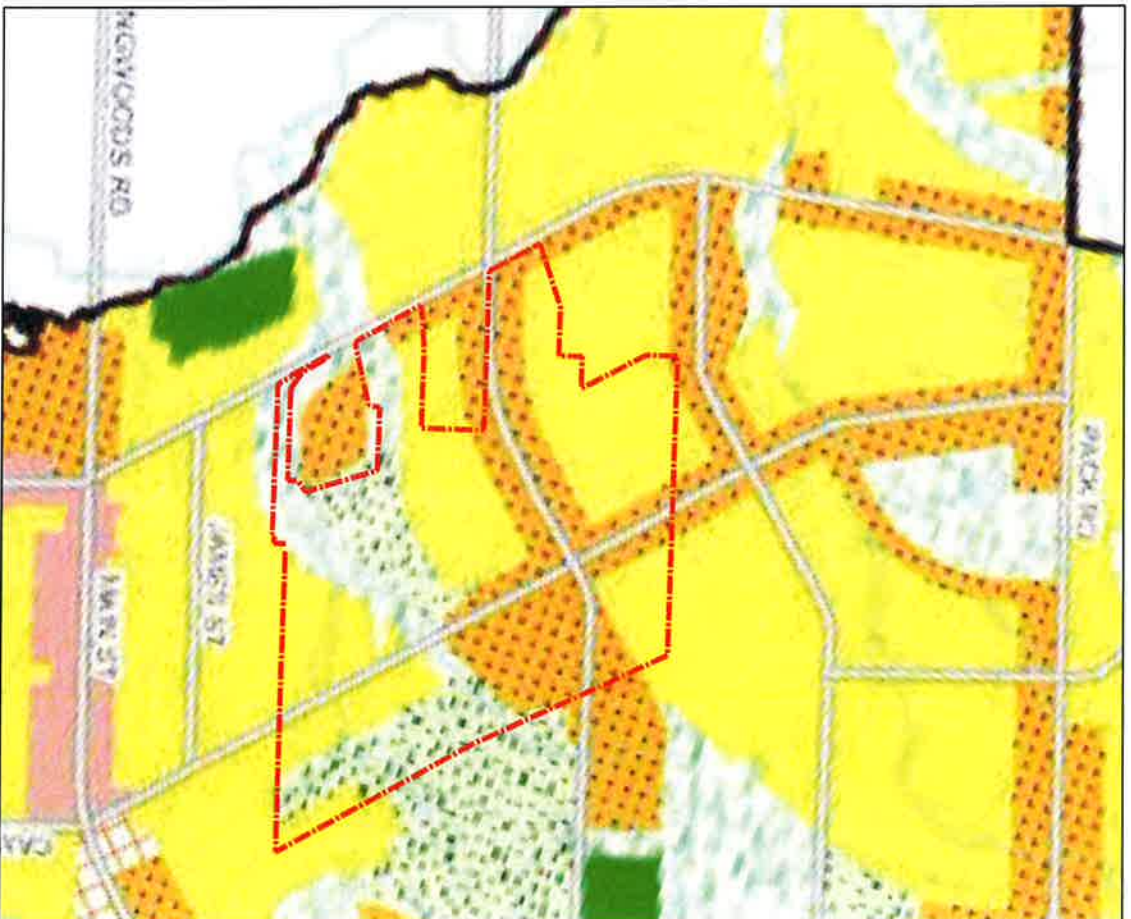
Summary

- Prioritize Servicing (sanitary, SWM etc) to begin with lands that currently enjoy development land uses (existing Official Plan designations) and incorporate the solution and benefiting areas within the GMIS; this is required to finalize currently ongoing studies-DC, EA and GMIS-this is a requirement to finalize EA's, GMIS and DC By-law.
- Recognize existing Land Use Designations-Schedule A and Schedule B, and existing policy structure for these lands--do not 'down designate' properties prior to analysis of specific studies and science. These depictions of land uses should be consistent with the Secondary Plan Land Use as well as the OPA Schedules. Figure 3, shows the inconsistencies as the Secondary Plan shows Open Space and the OPA has lands as ER. These should remain as the current Official Plan designates until otherwise documented through appropriate studies.
- Designated unevaluated Patches and vegetation lands as Environmental Review. Justification should be a prerequisite to changes.
- Re-classify/designate Kilborne Road to a Secondary Collector and terminate the extension prior to Bostwick-connect to collector to the north. This change will enable implementation while preserving function as well as satisfying future residents desires for an enjoyable community.
- Remove prescriptive wording such as 'shall' throughout the document. The document should promote and encourage and should not be so heavy handed to make things an absolute requirement when they are not supported through statute. This includes the requirement to dedicate all Open Space lands to the City.
- Obtain consensus on implementation issues. This would include densities/bonusing, conflicting objectives (affordability/LEED standards) and the main goal to obtain assessment growth for London and the Southwest Area. Clarification regarding the implementation is required ie Open Space/Parkland, connectivity (roads/open space), urban design components and cost allocations-DC implications etc. The ability to deliver developments that don't support actual developing land is an issue.
- Highlight what EA's are required and instruct their advancement ie. Southland Treatment Plant, Campbell Street extension, SWM (if required). We need to remove barriers to growth and development and this could have been accomplished through a joint advertisement under the Planning and Environmental Assessments Act, unfortunately the process did not secure this advantage.

Figure 1

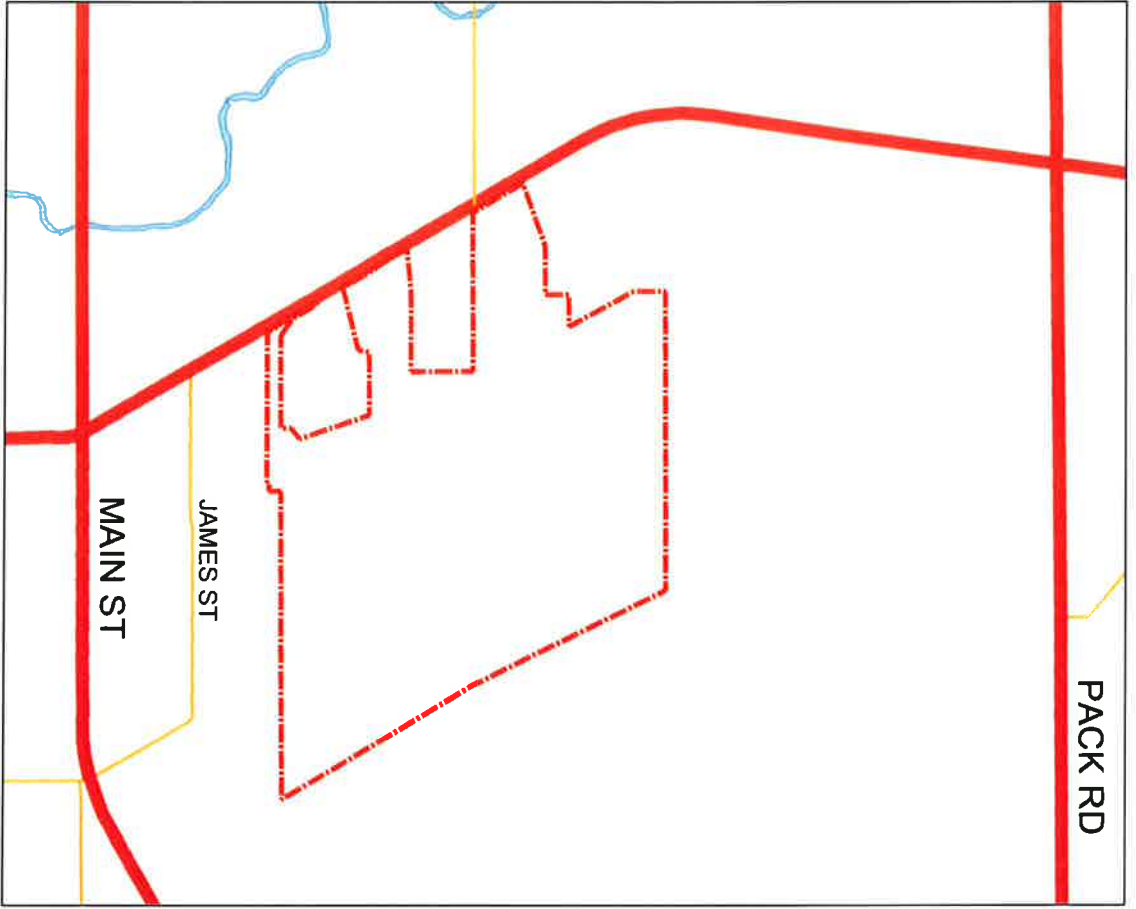


EXISTING OFFICIAL PLAN LAND USE DESIGNATIONS - SCHEDULE A

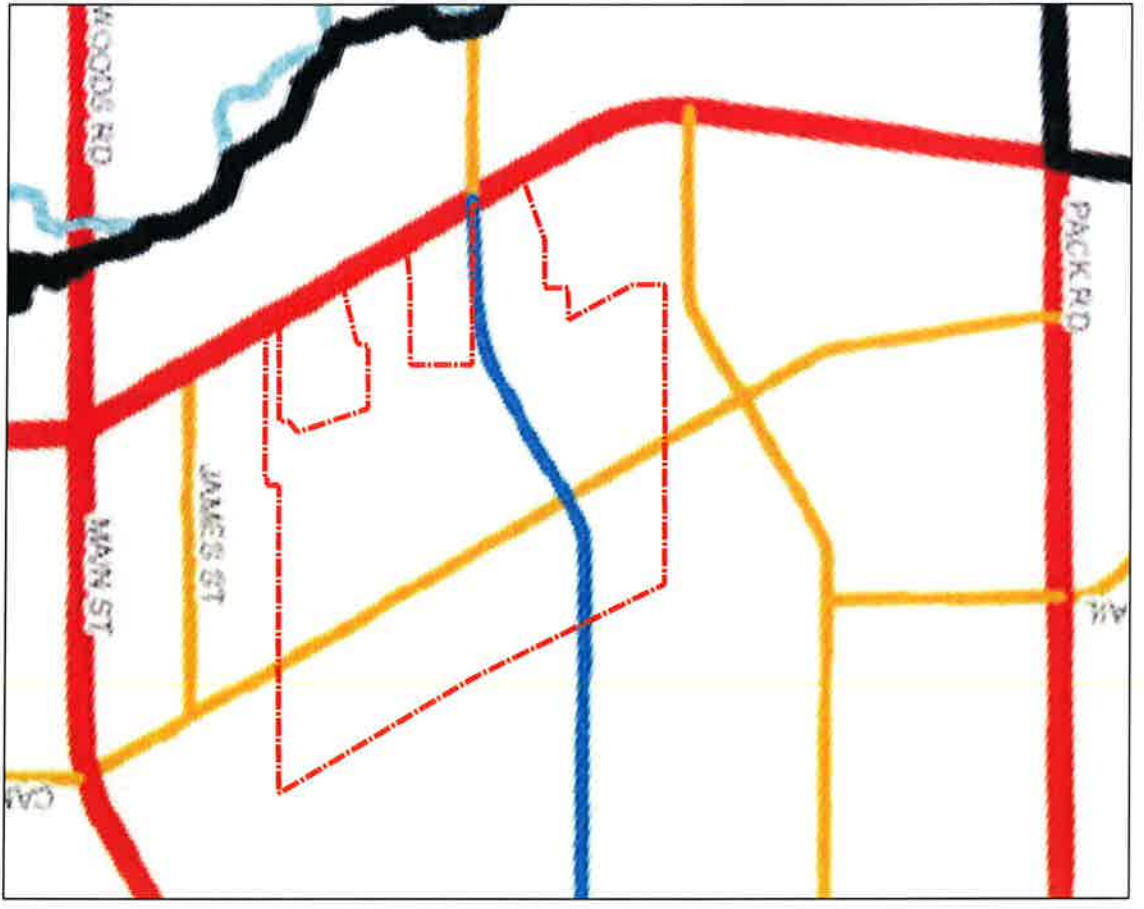


PROPOSED SOUTHWEST AREA PLAN LAND USE DESIGNATIONS

FIGURE 2



EXISTING OFFICIAL PLAN TRANSPORTATION CORRIDORS - SCHEDULE C



PROPOSED SOUTHWEST AREA PLAN TRANSPORTATION CORRIDORS

