

October 12, 2012

The Corporation of the City of London  
300 Dufferin Avenue  
London, ON N6A 4L9

**Attention: Councillor Bud Polhill, Chair, Planning and Environment Committee**

Dear Sir/Madam:

**RE: City of London Southwest Area Secondary Plan - 1640209 Ontario Limited (York Developments Inc.) - 1959 Wharncliffe Road South; Foxwood Crossing Phase 3  
OUR FILE 1094'C'**

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MHBC has been retained by 1640209 Ontario Limited (York Developments Inc.), owner of the above-referenced lands, to evaluate the policies of the draft Southwest Area Plan (SWAP), dated October 2012. Their lands are located to the northwest of the Wharncliffe/Bostwick intersection and represent the final phase of lands which consist of registered and draft approved plans of subdivision.

**Summary of Identified Concerns:**

Based upon our review, to date, of the draft SWAP we have identified four components of the Secondary Plan which require further consideration by the Committee:

- 1. Medium Density Residential Designation.** A Draft Plan of Subdivision has been designed for this site which integrates low, medium and high density residential units, commercial uses and institutional activities. This draft plan represents an orderly and logical extension of previously approved residential development. The draft SWAP proposes to designate the majority of the site for low and medium density residential activities. Accordingly, the land use pattern proposed by the SWAP would not support the development plan designed for this site and fails to provide for a wide range of residential and complementary land uses as set out in the vision for the SWAP.
- 2. Realignment of Bostwick Road.** The conceptual road network proposed under the SWAP illustrates that Bostwick Road would be realigned in the vicinity of the Wonderland Road/Wharncliffe Road intersection. It is apparent that the proposed

route for Bostwick Road would encroach significantly onto the subject lands. This proposed realignment does not take into account existing road patterns on our clients lands and would fragment the western portion site thereby severely limit its development potential. We have repeatedly identified this concern to staff yet have yet to see any acceptable alternative. Staff have acknowledged the implications and have suggested that we are getting into 'details' that are beyond the scope of the Secondary Plan. In our opinion, if they are not addressed now, then this proposed alignment will become entrenched and it will not be possible to consider alternatives in the future.

3. **Open Space Designation.** Schedule 'A' of the Official Plan applies 'Environmental Review' designations to a buffer area near an off-site woodlot and a drainage route which traverses the site. Under the terms of the draft SWAP, both features are to be designated 'Open Space'. These features were evaluated (1) at a high level in the Natural Heritage Study (NHS) conducted for the SWAP and (2) comprehensively through an Environmental Impact Study (EIS) conducted for our client. The NHS did not demonstrate that either feature had ecological significance. The EIS concluded that the buffer area could be removed without compromising the woodlot and that the drainage route, which is mostly conveyed via field tile, should not be identified as a natural feature on Schedule 'B-1' of the Official Plan. The more detailed analysis undertaken by qualified professionals has not been considered despite previous submissions made on our client's behalf.
  
4. **Development Buffers.** The SWAP requires a 30 m development buffer from natural features identified on Schedule 'B-1' (excluding Dingman Creek). Given that this buffer width is not derived from scientific analysis, the Plan proposes to acquire the first 10 m of the buffer as environmentally significant lands with the balance obtained in exchange for development credit. We have fundamental concerns with the intent of the SWAP to 'create' a natural heritage system by imposing arbitrary buffers. Further, we are concerned that:
  - The land dedication policies set out for development buffers may not provide fair and equitable compensation for affected landowners; and
  - The significant buffer width will fragment the subject site and limit its development potential. Landowners should be afforded the flexibility to demonstrate that the features and functions of 'Open Space' lands can be provided elsewhere on-site.

### **Recommendations:**

To address our noted concerns, we offer the following recommendations:

1. **Schedule 'A' Designation.** Portions of the subject site should be redesignated to permit high density residential activities and auto-oriented commercial uses along



Wharnccliffe Road to represent a more diverse range of land uses. Planning rationale for this recommendation has been provided through the SWAP consultation process.

2. **Bostwick Road Realignment.** It would be preferable if the current arterial road allowance was maintained and/or widened. However, should Bostwick Road need to be reconfigured, then planning consideration should be given to the development potential of the subject lands.
3. **Open Space Designation.** Given the findings of the detailed EIS, the woodlot buffer and drainage route should not be identified on Schedule 'B-1' or designated as 'Open Space' on Schedule 'A'. Alternatively, the 'Environmental Review' designation applying to these lands should be maintained until City staff review the EIS.
4. **Development Buffers.** In accordance with the Official Plan, the SWAP should include a provision to permit buffer widths to be determined through an approved EIS. Notwithstanding, City staff should demonstrate that the development credit policy offers fair compensation for landowners.
  - **Provision of Open Space Features.** A policy should be included within the Plan which permits 'Open Space' features to be provided at alternate on-site locations, where it is can demonstrated that these features and functions can be effectively replicated.

We trust that the information presented will assist with the Committee with its review of the Southwest Area Plan.

Respectfully Submitted,

**MHBC Planning**



Carol M. Wiebe, BES  
Partner

C      Ali Soufan, York Developments  
         Jeff Paul, Stantec Consulting

**Schedule 1**  
**PROPOSED AMENDMENTS**  
**to the**  
**DRAFT SOUTHWEST AREA PLAN FOR THE CITY OF LONDON**

**A. THE AMENDMENT**

**1. Draft Policy 20.5.1.3 - 'Vision'**

As a result of this amendment, the proposed Vision policies are modified by amending the paragraph six (6) of the draft policy:

Enhancements are proposed to the Natural Heritage System and open space features in the southwest designing them as neighbourhood features interwoven in the urban landscape. Specifically, enhanced corridors of generally 30 metres on each side of identified natural areas, and generally 50 metres on each side of Dingman Creek also serve to protect, maintain, enhance and rehabilitate the corridors.

**2. Draft Policy 20.5.3.6 i) - 'Components of the Natural Heritage System'**

As a result of this amendment, the proposed policies for the natural heritage system are modified by amending the following draft policy:

**b) Width of the Dingman Creek Corridor**

The protection, maintenance, enhancement and rehabilitation of the corridor are integral to the sustainability of this unique natural heritage feature and its ecological functions. To further protect the corridor and provide opportunities for enhancement the minimum width of the Dingman Creek Corridor will generally be comprised of a ~~minimum~~ 50 metres on each side of the watercourse measured from the ordinary high water mark, as determined by a qualified hydrogeomorphologist or hydrogeologist. The ultimate width of a corridor will be established on a case-by-case basis through application of the Guidelines for Determining Setback and Ecological Buffers, as part of an Environmental Impact Study and/or Subject Lands Status Report approved by the City.

**c) Other Natural Heritage Features**

To increase the natural cover within the Southwest Secondary Planning Area, and to protect the features and ecological functions for which the natural area has been identified, a ~~minimum~~ 30 metre corridor will generally be established on each side of the feature, measured from the edge of any other Natural Heritage Feature other than the Dingman Creek, identified on Schedule B-1 of the Official Plan. The ultimate width of a corridor will be established on a case-by-case basis through application of the Guidelines for Determining Setback and Ecological Buffers, as part of an Environmental Impact Study and/or Subject Lands Status Report approved by the City.



**d) Development Limit**

Where development is proposed adjacent to the generic 50 metre ~~minimum~~ width of the Dingman Creek corridor, and the existing land use in the adjacent lands is not otherwise constrained by the presence of other natural heritage features or natural hazards, the requirement for an EIS will be waived.

Where development is proposed adjacent to the generic 30 metre ~~minimum~~ corridor for other natural heritage features, and the distance for the preparation of an EIS as set out in Table 15-1 of the Official Plan is less than 30 metres, the requirement for an EIS is waived. Where the distance for the preparation of an EIS for the natural heritage feature exceeds 30 metres, an EIS shall be prepared to confirm and delineate the limit of the buffer.

**e) Implementation/Acquisition**

For lands adjacent to Dingman Creek, 20 metres of the corridor adjacent to the Creek shall be dedicated to the City in accordance with the City's policies regarding the dedication of environmentally significant lands, at the reduced rates as defined in the Parkland Conveyance and Levy By-Law CP-9. For the remaining ~~30 metres~~ corridor to be dedicated, development credit equal to the land area will be assigned to the adjacent land for the purposes of density, coverage and lot area calculations. As full development credit for these lands to be dedicated is to be provided, no parkland credit will be provided for the remaining corridor ~~30 metres~~. The City will undertake a study to evaluate the benefit provided by the development credit system to confirm that the system provides adequate compensation for dedicated lands.

For lands adjacent to any Natural Heritage Feature identified on Schedule "B-1"-Natural Heritage Features, 10 meters of the corridor adjacent to the natural heritage feature shall be dedicated to the City in accordance with the City's policies regarding the dedication of environmentally significant lands, at the reduced rates as defined in the Parkland Dedication and Conveyance By-Law CP-9. For the remaining ~~20 metres~~ corridor to be dedicated, development credit equal to the land area will be assigned to the adjacent land for the purposes of density, coverage and lot area calculations. As full development credit for these lands to be dedicated is to be provided, no parkland credit will be provided for the remaining corridor ~~20 metres~~.

**3. Draft Policy 20.5.3.5 - 'Parkland Dedication'**

As a result of this amendment, the proposed policies for parkland dedication are modified by amending the following draft policy:

**i) Conveyance of Parkland**

The public components of the Community Parkland identified in Section 20.5.3.4, and/or shown as Open Space on Schedules 5 through 17 of this Secondary Plan, shall be dedicated to the City for public park purposes. Some components of the natural heritage/environmental features, pedestrian pathways/trails, and stormwater management systems may serve other public uses, in which case the land may be conveyed to the City for public use by other authorized means. The City may permit departures from the Open Space boundaries delineated on Schedules 5 through 17 of this Secondary Plan if the

general intent of the Secondary Plan is maintained and that the departure is advisable and reasonable.

B. PROVISO

The amendments to the draft policies of the Southwest Area Plan apply to any other modifications necessary to give the full effect to the amendments described herein.