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London
CANADA

September 29, 2020

Mayor and Members of Council

Dear colleagues:

Proposed Motions – Clause 3.11 – 14th Report of the Planning and Environment Committee

I am moving reconsideration on the Silverleaf sidewalk issue because:

1. New challenges have been identified
2. Minister Yurek has kindly requested our "careful consideration" on the matter
3. Independent reviews of two professional engineers offer an alternate approach
4. The issue could not be resolved by the developer as was suggested at the initial vote
5. The residents have requested reconsideration
6. It will demonstrate our willingness to work with the community in a collaborative way

I respectfully request that you support the motion so that all of council can give careful consideration to the new information before us.

Sincerely,

Michael van Holst,
Councillor, Ward 1

Reconsideration Motion

Pursuant to section 13.2 of the Council Procedure By-law, the following decision of Municipal Council from the meeting held on July 21, 2020 with respect to clause 4.1 of the 11th Report of the Planning and Environment Committee, having to do with proposed sidewalks in the Silverleaf subdivision BE RECONSIDERED;

“That the communication from R. Galizia, with respect the proposed sidewalks in the Silverleaf subdivision BE RECEIVED and no further action be taken; it being noted that a petition signed by approximately 41 individuals is on file in the City Clerk’s Office, with respect to this matter.”

Proposed Motion

Should the Reconsideration Motion pass, the following motion be brought forward for consideration:

“The Civic Administration BE DIRECTED to take the necessary actions to remove the necessity for the installation of sidewalks in the Silverleaf subdivision on those streets as outlined in the attached (Appendix “A”) communication submitted to the July 15, 2020 Planning and Environment Committee.”

APPENDIX "A"

We, the undersigned residents of and property-owners in the Silverleaf sub-division were informed on July 7, 2020 by the developer, York Developments that it will be installing sidewalk on the inner side of Silver Creek Crescent and the east side of Silverleaf Chase before the end of the month July 2020.

We, the undersigned residents and property-owners were completely surprised to learn about this development, for which we have not been consulted by either the City of London, the developer or the multiple builders who are building new homes in the sub-division.

We, the undersigned resident and property-owners have approached the City's and developer's staff and builders to voice our concerns and enforce our rights, and we have been rudely shocked to note their complete disregard of our position and concerns.

Therefore, through this petition, we the undersigned residents of Silverleaf are requesting:

1. THAT the proposed new sidewalks NOT be installed at all;
2. That the developer cease and desist from installing the proposed new sidewalks until the resolution of the issue outlined in this petition and until the LPAT's decision of the London Plan appeal currently pending with the LPAT; and
3. THAT the City ensure that the interests, including pecuniary interests, and rights of the property-owners in Silverleaf (including the undersigned) are recognized, respected and enforced by the City and the developer and builders and their associates.

We, the undersigned residents, are making this petition, including the above-mentioned requests on the following grounds.

Safety Concerns:

- Both Silver Creek Crescent and Silverleaf Chase streets are less than 8 meters (i.e., about 6.1 meters to be exact). Because of the narrow width of streets on Silver Creek Crescent and Silverleaf Chase, mobility of traffic is already a significant challenge. It is almost impossible for large vehicles including emergency vehicles to get through. Adding the proposed new sidewalks will further aggravate this challenge as residents / property-owners will be forced to park their vehicles on curbside due to reduced driveway space. Who will be responsible if an emergency vehicle is unable to access a residence in the event of a health and safety emergency?
- Silverleaf is a family neighbourhood and a number of resident / property-owner families have young children. The combination of narrow streets, increased curbside / street parking and resulting traffic congestion – in the event the proposed new sidewalks are installed – would present a serious health and safety risk to the young children in particular and families in general. Who will be responsible if there is a serious accident as a result?
- There are no streetlight standards to go along the proposed new sidewalks, which will present a serious health and safety for children and seniors in particular and residents / property owners / visitors in general. Who will be responsible if a serious accident happens in such a situation? How many times would the City and the developer damage the private-owned properties for these retrofits and afterthoughts which reflect a complete lack of planning and regard for property-owners interests and rights?
- At least more than 12 residents / property owners already have installed paved driveways based on the assertions of the developer and builders. There is a strong likelihood that the proposed new sidewalks will not be at the same level as the gradient of the driveways and front yards of those properties, presenting additional serious health and safety risks. Who will be liable for those risks?

Impact on Civic Services:

- The combination of narrow streets, increased parking due to proposed new sidewalks and resulting traffic congestion has already resulted in garbage collection, recycling curbside and snow cleaning services not being able to access residences. Why should the residents / property-owners suffer on account of lack of these services for no fault of theirs, while we continue to pay material amounts in property taxes?
- Similarly, transit, paratransit and school bus services are already severely challenged to access residence on the narrow streets. This situation will be further aggravated if the proposed new sidewalks are installed, which will force residents, property-owners and visitors to park on curbside. We can confidently say that paratransit and school buses will have great difficulty maneuvering the streets of Silverleaf to pick children up daily for special services and school.

Legal Considerations:

- The London Official Plan (OP) policy 349, as well as policies 347 and 348, that govern active mobility, including installation of sidewalks on residential streets, are currently pending decision by the LPAT in an appeal. We believe that pending a LPAT decision regarding these policies, there is no reason for the City, the developer or the builders to proceed with the proposed new sidewalks. In fact, it would be prudent for the City, developer and builders to wait on installing the proposed new sidewalks otherwise who would be liable for removing them in the event the LPAT decides against the London OP policies mentioned above?
- Both Silver Creek Crescent and Silverleaf Chase streets are less than 8 meters. According to the City's Design Specifications and Requirements Manual (Transportation), sidewalk on either side of these street is not required.

Moral and Community Considerations:

- There are at least 12 residential properties (single detached homes) on both the inside of Silver Creek Crescent and east side of Silverleaf Chase that have finished driveways and graded, sodded and landscaped front yards. In each of these cases, the owners and residents of those properties were told by the developer and/or their builder that there was NOT going to be a driveway on their property. In fact, these properties included a model home each belonging to Marquis Developments and Bridlewood Homes on Silver Creek Crescent that did not have sidewalks installed, indicating that they also understood that these sides of both streets would not have sidewalks installed. Couple this with the absence of streetlight standards and it becomes evident that the developer and builders have all along been of the view that these streets would only have sidewalks on one side. There was clearly a communication issue between the City and the developer. In this situation, why are the residents / property-owners on these sides of the two streets being penalized and all the residents being made to suffer as explained elsewhere above.
- The developer, York Developments, has been aware of the completed driveways installed on all of the above-mentioned 12 properties for the last year or more. Why did it not notify the residents / owners of those properties about the proposed sidewalks during this entire period? What is the developer's urgency to install the proposed new sidewalks now with only a few weeks notice? It is evident that the developer has no regard or respect for the residents' / property owners' interest, rights and inconvenience.
- Additionally, why did the City never make an effort to notify the Silverleaf residents / property-owners, especially those of the 12 properties mentioned above about the proposed sidewalks when the City's Building Inspection staff have been visiting those and other properties in the sub-division on almost a daily basis to inspect properties and have even issued notices under the Building Code and other laws to the residents / property owners to rectify deficiencies and comply with legal requirements. Why were the residents / property-owners, particularly of those 12 properties, not notified that their completed driveways and finished front yards were subject to sidewalk provisions, particularly when both

those elements (i.e., driveways and front yards) are governed by the Building Code and therefore also covered under the Tarion Warranty?

- In the current land use and building control system, the builders work with the developer, who in turn is responsible to the City for ensuring compliance of all the legal requirements in a new sub-division. A number of residents / owners have been in touch with the City's Neighbourhood Ambassador, the developer's staff and builders about various issues over the last few years that this sub-division has been occupied. Why did all of them fail to notify the residents / owners about the sidewalk requirement? With the above-mentioned multiple failures of planning, coordination and clear guidance at all of those levels, why is the buck now being passed to the residents / property owners? Why are the residents / owners being penalized for no fault of theirs? Why are we being made to suffer for inaccurate information provided to us and misinformation between the developer and the City? Who will protect our rights and interests, including pecuniary interests? Who will pay the thousands of dollars that will be needed to repave our driveways and re-do the front yards if those proposed sidewalks are allowed to be installed?
- We live in a system which is based on responsibility and accountability – where and how will that responsibility and accountability be fixed in the face of this gross failure of coordination and negligence on part of the City, the developer and builders and that too in a neighbour that all these parties have prided to be a model and prestigious community?
- We, the undersigned residents / property owners chose Silverleaf as our dream home. We do not want our dream to be turned into a never-ending crisis. We do not want one so-called “corrective action” to result in multiple health and safety risks for all of us that will be there forever and that too for absolutely not fault of ours. It is a moral responsibility, in fact obligation of the City, the developer and the builders to recognize our position and respect our interest.
- This should not require wholesale changes to the City's policies and plans. We want a common-sense solution based on the unanimous opinion of the community. We live in a democracy where those who are empowered to make decisions are obligated to respect the opinion of the community. The community of Silverleaf, which is comprised of all the signatories below, DO NOT want the proposed sidewalks installed.

We, the signatories, hope you will pay due consideration to the submissions above and protect the rights and interests of the residents / property owners in Silverleaf, as well as consumers, and agree to NOT install the proposed sidewalks.

We, the signatories, are available to discussing this matter with you and develop a path forward.

We are requesting delegation status to speak to this matter.

Sincerely,

Robert Galizia