

Submission to Council regarding Sidewalk Exemptions

Council Authority to Grant Exemptions

Thank you, in advance, for your consideration of the below. Your time is very appreciated by all London residents who are deeply concerned about the considerable loss of mature trees we are about to incur in neighbourhoods throughout the Forest City.

I participated in the recent CWC meeting as a delegate and observed the entire meeting. It was made evident by Councillors Helmer, Turner and Cassidy that they are against all exemptions in any circumstances going forward. Infact, Councillors Turner and Cassidy expressed regret regarding exemptions they had previously supported in their own neighbourhoods.

I wanted to write on behalf of the masses of Londoners who are devastated by their “no exemptions ever” position, to provide Council with feedback as to why I think it is imperative that sidewalk exemptions at least be considered, and not dismissed in a “one size fits all” manner.

I also wish to thank Councillors Van Meerbergen and Pelozza for their willingness to at least consider, and in some cases recommend, exemptions. Unfortunately, they are outnumbered on this Committee and the others have stated their unwavering position now is to deny every exemption request.

I think it is important that Council know not to expect this Committee to supply individualized street recommendations going forward, given the philosophy of the three. To be fair, they are not disguising the fact that they take this hard line stance, but it does make the job of Council more difficult because these exemptions will not at Committee level be evaluated or balanced against any consistent criteria, when every answer is “No Exemption Ever” going forward.

The reasons which applied in the past to exempt streets are suddenly no longer to be applied. This inconsistency seems largely due to the fact that they do not want other streets to ask for similar treatment. With respect, I think that is rewriting the legislation which authorizes the exemption option, and I think Londoners deserve to have the individual requests considered rather than being automatically dismissed.

Delegates and those submitting comments to the March 15th CWC meeting were thoroughly prepared, respectful and compelling. Petitions representing over 500 people regarding Sherwood Forest alone had been filed (and more from the other subject streets as well). It is disheartening to say the least that none of this was relevant to the philosophy of Councillors Helmer, Turner and Cassidy. I would implore Council to review the submissions made to CWC in full. One of Sherwood

Forest Submissions (representing a large constituency of the neighborhood in number) was from Ron Standish, a retired London City Engineer. It is a comprehensive, thoughtful, credentialled, review supporting the exemption requests in Sherwood Forest. It is a balanced appeal.

Concerning to all those requesting current exemptions, is the fact that even tiny dead-end streets which the staff report to CWC states: "would NOT normally be considered for a sidewalk" are now also faced with the CWC blanket no exemption rule. It has the effect of pre-determining every motion on the matter brought before CWC. The staff report to CWC did not even list the associated tree loss numbers - which would be significant - for those streets as they did not contemplate sidewalks on these tiny courts. The exact wording from the staff report to CWC reads: "Doncaster Place, Culver Place and East Afton Place are short neighbourhood streets that have no existing sidewalks and are dead end court-style streets that have no connecting links to other destinations. These types of locations are normally not considered for a new sidewalk."

Please give the CWC automatic denial of exemptions the appropriate weight. Please consider the arguments of Councillor Van Meerbergen and the applicable Ward Councillors for the involved streets. They have specific knowledge of these streets, and information on each of these requests which Council should have in order to reach a considered opinion in balancing the objectives of all London residents.

With respect, I think Council can, and should, choose to exempt streets from sidewalks when they feel the facts warrant such an exemption. You have every legal right and responsibility to determine such cases individually.

As someone who acted as legal counsel to London Transit and to the London Convention Center on matters over many years prior to my retirement, I have no hesitation in stating Council has the legal right to make these assessments and to grant exemptions, as you have in the past. I would, however, also submit that you should be consistent in the criteria you will consider. A new blanket denial policy is not supported by existing legislation, the London Plan, or the historical treatment of these matters.

The recent delegations respectfully presented thorough and compelling information to CWC for each street under consideration. I don't know whether all members chose to read the extremely fulsome materials, but the 5 minutes given to present is of course just an opportunity to scratch the surface. I would implore Council to read the materials presented as they were compiled by people with intimate knowledge of the streets, and applicable credentials, to offer this resource to Council. The cases were supported by the submissions of hours and hours worth of heartfelt residential testimonials and petitions from hundreds and hundreds of concerned local residents.

For those who query whether Council can grant an exemption in any circumstance, I would point to the following:

1. The London Plan sidewalk provision (349) itself begins: “To support walkability..” The whole intent of adding new sidewalks is premised on the notion that a street is currently not safely walkable in its present state. The volume of submissions to CWC provided ample evidence that they were quiet, often dead-end, low traffic, non-thoroughfares, wide, curvy, pedestrian friendly, accessible and safe streets where users of every sort respectfully co-existed. I highly commend the full review of the written submissions to you as you will find them compelling in number and substance.

2. The London Plan makes clear that tree preservation is also an essential goal in the plans for London’s future. Key Direction #4 strives to have London become “one of the Greenest Cities in Canada ... by strengthening our urban forests, planting more, protecting more, and better maintaining the trees and woodlands”. Many more sections of the London Plan are dedicated, in a meaningful way, to the protection and development of our mature trees. Read as a whole, the London Plan contains far more aspirational intentions to preserve the Forest City by protecting mature trees, than are dedicated to forcing sidewalks.

3. And, the sidewalk provision itself permits Council the flexibility to determine whether a sidewalk is warranted at all, pointing to considerations such as flanking natural heritage areas (as with several streets before you), and specifically referencing that you consider in the event of road reconstruction “where the existing conditions such as mature trees would impede sidewalks”. The London Plan permits you to consider the impact on the mature trees in neighbourhoods which have never had sidewalks. The London Plan contemplates a balancing of interests. It is not supportive of a “one size fits all” default sidewalk position at all cost.

4. Several of the streets before you flank the Medway Valley ESA. They are shaped around the contours and elevations of this heritage landmark, and naturally quiet all traffic by their meandering formation. Drivers in the area know to expect pedestrians, strollers, bikers, mobility assisted travellers, those with visual and other impairments, and ALL have co-existed without any known incidents for 50 plus years. The streets are very “walkable”, which is the criterion the London Plan seeks to support.

5. The Sherwood Forest streets, and others before you, have extensive boulevard tree canopies. The count presented at the CWC meeting for one street alone (Friar’s Way) was 51 trees to be sacrificed in the building of an unnecessary sidewalk. The number of trees to be damaged/destroyed increased by the final count taken for the meeting. Every single boulevard tree on one side of the street

will be lost. And these are not young trees - they are healthy, and some rare species, 50 plus year old, trees.

6. The Treescapes to be lost are exactly the mature canopies that the Urban Forest Strategy seeks to protect. It states: "large, rare, culturally significant or heritage trees that are deemed healthy should be retained and supported". Sherwood Forest is literally noted as an example of the ideal urban forest mature tree canopy that London is seeking to support and develop. The Urban Forest Strategy adopted a goal of 34% tree canopy. You are far, far, short of that now, and you are going backwards quickly if you endorse the wholesale destruction of the mature boulevard trees in the neighbourhoods before you, and other old neighbourhoods yet to come.

7. These streets are what LEDC boasts in its promotional materials as the classic "tree-lined streets that London offers to newcomers". But, if you continue with the wholesale destruction of the mature tree canopies of London that follow from giving no priority to mature boulevard treescapes, you cannot continue to make such claims.

8. The submissions to CWC also addressed the ecological downsides to sidewalks being introduced so close to the Medway Creek and other water systems, and the potential for contamination from the seasonal maintenance materials. And, in contrast, they also spoke to the benefits of retaining these treescapes regarding climate change mitigation for all of London.

9. London has been called the "Forest City" since 1855. We cherish this brand and we have many City Policies and initiatives aimed at earning and retaining it. We have to reconcile our goal of being a City that cherishes this reputation with the destruction of entire streetscapes. We are now receiving provincial press and media attention as the City willing to bulldoze the Sherwood Forest and other densely treed boulevards. Global news had a segment on March 15 following CWC's majority vote to deny all requests for exemptions (potentially killing around 100 trees on these 8 streets alone) and it did not place London in a favourable light for all the Province to see. Please have a look at the stunning pictures supplied to the CWC with the extensive submissions - and imagine the "after shots" that will be featuring London's complete destruction of these magnificent tree-lined boulevards. You are literally talking about wiping out the entire one side of Friar's Way - 51 mature, rare, trees on a short, meandering, low traffic, pedestrian friendly streetscape. How can we claim to be the Forest City if we are prepared to wipe out so many of our precious tree canopies every time we do a road repair ?

10. It takes 50 years to develop such trees. You cannot replace them with samplings. One source in the CWC materials placed the monetary loss to the City at a million dollars just for the 51 Friars Way trees. So, please don't assume that the

neighbourhood can recover from these tree losses within this generation. And this is the scene that will play out across all older neighbourhoods if you don't give some priority to "existing conditions such as mature trees" as the London Plan itself permits you to do.

11. Reforest London initiatives demonstrate London's sincere interest in maintaining "the Forest City" and the commitment to desired environmental and climate change protections for the benefit of all Londoners. Sherwood Forest literally just benefitted from new boulevard plantings to augment our existing old trees, which will now be destroyed by unwanted and unwarranted sidewalks. How is it even possible that the City Policy to replant in this area so recently is now to be undone by the leveling of the boulevards? It demonstrates that there are competing interests that must be considered by Council.

12. I understand you seek to balance the retention of London's heritage trees with providing safe access to all. Likewise, the AODA seeks to "remove barriers to accessibility". But, as the considerable number of submissions demonstrate, there is no existing barrier to accessibility to be removed, so it is fair to ask whether the catastrophic loss of mature trees to the neighbourhood, and the City of London as a whole, is justified to solve a hypothetical problem that just doesn't exist in reality.

13. You have viable alternatives to killing the trees. They include:

- (i) exempting sidewalks where they are not, on balance, warranted;
- (ii) posting signage such as found now in Corley Dr. noting for drivers that there are "No Sidewalks - Watch for Pedestrians" (if one was concerned for sight impaired walkers on these wide roads to give drivers an added alert);
- (iii) traffic slowing measures (although the current streets under consideration already by their nature slow traffic as being local only, winding, non thoroughfares);
- (iv) restricting parking to one side of street to leave ample room for travellers of all sorts on the road edges (the Sherwood Forest roads are now wider than the average street and so supply extra space for walkers on each side of the road presently);
- (v) leaving the footprint of the roads as is, and managing the reconstruction using best practices and hand cutting to save the trees, and
- (vi) other creative suggestions on offer from fanshawe students or living street models which are beyond my personal skill set but I'm sure could be explored by City designers with public input.

14. The London Plan states the City's intention to be collaborative in its approach to planning and working with neighbourhoods. Yet no notice was ever given to Doncaster Avenue residents and many neighbours have said that they only learned of the sidewalk initiative through news broadcasts. This is not the way to find thoughtful, collaborative, solutions.

15. It can't surprise you that these forced sidewalks are enormously unpopular with the longtime residents who bought their homes in neighbourhoods that did not have sidewalks. It was a choice they deliberately made for the overall community feel that they derive from this type of development. Policies that so negatively impact existing owners would typically "grandfather" older areas that were never designed for sidewalks. Short of that typical grandfathering treatment, the exemption request procedure attempts to recognize that a balance must be struck, and Council should not shy away from granting exemptions simply on the basis that another street might also request one in the future. So be it. Exemptions have their place in the balance of good community management. Council has the authority, and should exercise it consistently and whenever the overarching goals of the "Forest City" as a whole require. To develop a one size fits all approach is an abdication of duty.

Doncaster Place, Doncaster Avenue and Friars Way

With all that said, let me touch for a minute on the specifics of the Sherwood Forest neighbourhood. It was physically formed around the Medway Valley, following the contours and elevations of the ESA and the adjoining ravine. The streets were designed to meander and flow around this natural heritage landmark, which we abut. They are not direct thoroughfares, or high traffic vehicle routes. They are not streets you would take unless you were visiting the neighbourhood. There are other roads in the area, with existing sidewalks, that provide straight, direct and faster connections for vehicle transit.

Friars Way and the Doncaster streets were never imagined with sidewalks. No one bought their homes on these streets with any expectation of sidewalks. As such, extensive boulevard trees were planted some 50 years ago and our neighbourhood is the picture of what LEDC describes as the "mature tree-lined boulevards London offers to newcomers".

We have a long history on Doncaster and Friar's Way of safely sharing the road - drivers know to expect pedestrians, bikes, strollers and mobility assisted devices or even sight impaired walkers. The streets are wide enough to accommodate all users safely. All types of residents were represented among the over 500 petitioners from Sherwood who have collectively submitted petitions asking you to exempt these streets.

One such petitioner, Clare, is a fixture in Sherwood. She is in her 80's and has lived on Friar's Way for decades. With her walker, she safely navigates a route around Sherwood almost daily. We also heard from Mr. Harris who at 90 pushes his 59 year old son in a wheelchair around Sherwood and noted that sidewalks were more difficult for him to navigate, particularly in winter conditions. These are real people and they are among the hundreds who demonstrate that there is certainly no existing barrier to accessibility.

These streets are inclusive and safe as is. In the over 30 years that I have lived in Sherwood, I have never heard of anyone who has encountered any safety concerns on these streets, and with the recent closure of our Sherwood Forest Public School we have arguably even less need of sidewalks now. The neighbourhood meets London's Vision Zero Principals.

Regarding the 3 streets that immediately surround my home, you will note that Doncaster Place is a NO EXIT, circle of 11 houses, mature tree lined boulevards and a hilly terrain. The Report to CWC did not even list the potential tree losses - which would be massive - because the report itself notes that: "this is not the type of street where sidewalks are typically added." Now they are proposing a sidewalk in front of 3 of the 11 homes. So, if a visually impaired user was to walk on the sidewalk he or she would have to cross the other 8 houses and enter the roadway twice to utilize the sidewalk for the space of 3 homes. It would be unnecessary, unwarranted, and indeed unexpected to add a sidewalk on this tiny, dead end, street. And the small street would lose many mature boulevard trees.

Next, Doncaster Avenue - this sidewalk is only being considered as a connector from Doncaster Place to Friars Way, and would only apply IF the Doncaster Place sidewalk is added. It is equally unwarranted, and you are again not given the tree loss information. Also, if Council is asked in the future to continue such a sidewalk along the balance of Doncaster Ave, you will have a significant safety challenge. Doncaster Avenue follows the Medway Valley cliff elevation and creates a road so steep at the approach to Wychwood that cars often cannot use it in the winter until the plow and sander have arrived. A sidewalk on this winding, steep, road would become a treacherous bobsled run in the winter. There is just no way the City could safely and consistently maintain it. And many of the boulevards along Doncaster Ave. are very pitched, so you are likely looking at retaining walls and considerably more property damage and expense just to put in a dangerous sidewalk that will only pose a future liability risk for the City. An accident on such a sidewalk is not only foreseeable, but highly probable.

Finally, as to Friar's Way in the Sherwood Forest - As the name suggests, it is a curvy, tree lined, forest of a street. It is short, and the loss of well over 30 - 50% of the mature trees along it would render it unrecognizable. That is over one per boulevard, and these are not saplings - they are healthy, and many rare, 50 plus yr. old, trees. Levelling one side of the tree canopy on this street will literally gut the residents, and look ridiculously one sided. You are talking about the destruction of virtually every boulevard on one side of the street. How in the world can we consider ourselves to be tree-friendly in London and be willing to devastate a neighbourhood so? And that frankly stands for each of the streets now before you.

The City policies aimed at protecting our environment and our tree canopies have to be considered in the balance. You will be struck by the beautiful pictures of all the streets submitted for the CWC meeting - what a tribute to the Forest City. You will also see a moving submission from a lady who wrote a cautionary note of the painful destruction her neighbourhood suffered on Regal Dr., and how you can't possibly replace 50 year old trees with saplings. She was compelled to write in the hope that another catastrophe could be avoided in these neighbourhoods now seeking exemption.

I submit the Committee should start on the basis of: Is the sidewalk truly (not hypothetically) needed at the expense of all these trees, to support "walkability" as referenced in the London Plan - in our case the answer is clearly NO.

Is it needed to remove a barrier to accessibility ? Again submissions from residents such as 90 year old Mr. Harris pushing his son's wheelchair, or 80 year old Clare out with her walker every day, and too many more to list, tells you No.

Will these sidewalks serve the intention of the Urban Forest Strategy and the London Plan to preserve and protect its mature tree canopies for the good of all London residents - No

Do the existing mature Trees contribute to the social, mental, physical, ecological health of all London residents - Yes

Do many of the trees slated now for destruction meet the "distinctive tree status" warranting protection for these decades old rare specimens - Yes

In Closing

Council would never permit the wholesale destruction of the historically significant buildings of Woodfield, or allow the construction of an industrial complex in the middle of the Wortley Village - We are simply asking the same protection for the Sherwood Forest - Please do not let your legacy be the massive destruction of the mature treescape that defines Sherwood.

You have the authority to exempt these streets, as you did for our neighbour Runnymede. There is no law that is broken and no legal penalty attached to allowing the Sherwood Forest neighbourhood to keep its coveted trees. Infact, I would argue that you need to exempt these streets - and others like them - or you doom the Forest City to the unintended fate of the wholesale destruction of its valued tree canopies, vital to our collective future.

The overall well being of the neighbourhoods before you are not served by the proposed destruction of their boulevards. You cannot reasonably replace 50 year

old rare trees with saplings. Friars Way will be unrecognizable, as with many of the streets before you today. It is unnecessary and harmful. Exemptions exist for a very good reason. There is a balance to be struck for the good of all Londoners.

In closing, we have all struggled this last year with the pandemic. Our neighbourhoods have been our salvation. Walking these streets with neighbours has been our antidote. It really, really, matters to the mental health of London residents that we not lose our trees so drastically. You will see a significant Youth Petition filed to "Save Sherwood Forest Trees" - it's important that we listen. We are the Forest City - Until we are Not. And that is now up to you. As Joanie Mitchell would say - let's not pave paradise !

Thank you for your time and your thoughtful deliberation in this matter.

Respectfully Submitted,

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