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File: OZ-8003  
Planner: B. Debbert

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: BLUESTONE PROPERTIES INC. 450 OXFORD STREET WEST PUBLIC PARTICIPATION MEETING ON SEPTEMBER 10, 2013

RECOMMENDATION
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That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Bluestone Properties Inc. relating to the property located at 450 Oxford Street West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 17, 2013 to amend the Official Plan to change the designation of the subject lands **FROM** a Multi-family, High Density Residential designation and an Open Space designation, **TO** an Office Area designation, to permit office and secondary uses with a maximum office gross floor area of 5,000 square metres, it being noted that a fill permit may be required from the Upper Thames River Conservation Authority for a portion of these lands;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on September 17, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Restricted Office/Day Care (RO2/DC) Zone which permits office uses and day care facilities with a maximum office gross floor area of 2,000 square metres, and an Open Space (OS4) Zone, which permits conservation lands and works, golf courses, private parks, public parks, cultivation or use of land for agricultural/horticultural purposes, and sports fields **TO** a Holding Office Special Provision (h-\_\_\_\*OF4( )) Zone to permit clinics, medical/dental offices, medical/dental laboratories, offices, financial institutions and personal service establishments with a maximum gross floor area of 5,000 square metres, and special provisions to establish minimum and maximum yard setbacks from Oxford Street West of between 1.0 and 3.0 metres and minimum and maximum yard setbacks from Proudfoot Lane of between 4.0 metres and 6.0 metres, it being noted that the holding provision requires that no development occur on these lands until such time as the Upper Thames River Conservation Authority has provided to the City any revised floodlines arising from the completed Mud Creek Subwatershed Study Update, and has approved a fill permit, if required.
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design, transportation and environmental issues through the site plan process:
  - i) Maintain the applicant's proposed design intent of locating the building towards the streets' intersection with parking in the rear, subject to any UTRCA fill restrictions, to promote active street frontages.
  - ii) Maintain the applicant's intent to choose higher quality building materials, such as masonry, to enhance the design of the building.
  - iii) Further enhance the building's entrance at the intersection of Oxford Street West and Proudfoot Lane to better demarcate the public entrance. This could be done by extending the circular form to grade and/or using a wrap-around canopy above entry doors. The cornice can also be strengthened in this location.
  - iv) Provide a plaza at the corner to help enhance both the private and public space.

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- v) Provide additional entry points along the street to help articulate the building's design, respond to the pedestrian realm and transit users' needs, and promote retail occupancy at-grade.
  - vi) Include street trees along both Oxford Street West and Proudfoot Lane to reinforce the façade design rhythm along the street. These trees should be located as part of the right-of-way boulevard.
  - vii) Use landscape islands to break up the extent of asphalt parking lot and long drive aisles, increase sustainability and provide stormwater management opportunities. Also, consider the use of pervious materials such as pervious pavers to facilitate stormwater management.
  - viii) Locate bicycle parking opportunities near building entrances to encourage multi-modal transportation opportunities.
  - ix) Provide appropriate and safe vehicular access locations and turning movement restrictions.
  - x) Ensure the site design accommodates current and future bus bay requirements of the London Transit Commission.
  - xi) Implement the accepted Environmental Impact Statement (Dillon Consulting Ltd., July 27, 2012).
- (d) upon the completion of the Mud Creek Subwatershed Study Update and the provision of revised floodlines by the Upper Thames River Conservation Authority to the City, the Civic Administration **BE DIRECTED** to bring forward any required amendments to the Official Plan and the Z.-1 Zoning By-Law to implement the revised floodlines as approved by the Upper Thames River Conservation Authority, it being noted that an Open Space designation and an Open Space (OS4) zone variation could be applied to a portion of these lands.
- (e) No action **BE TAKEN** to pursue City acquisition of the portion of the subject lands currently designated as Open Space in the Official Plan.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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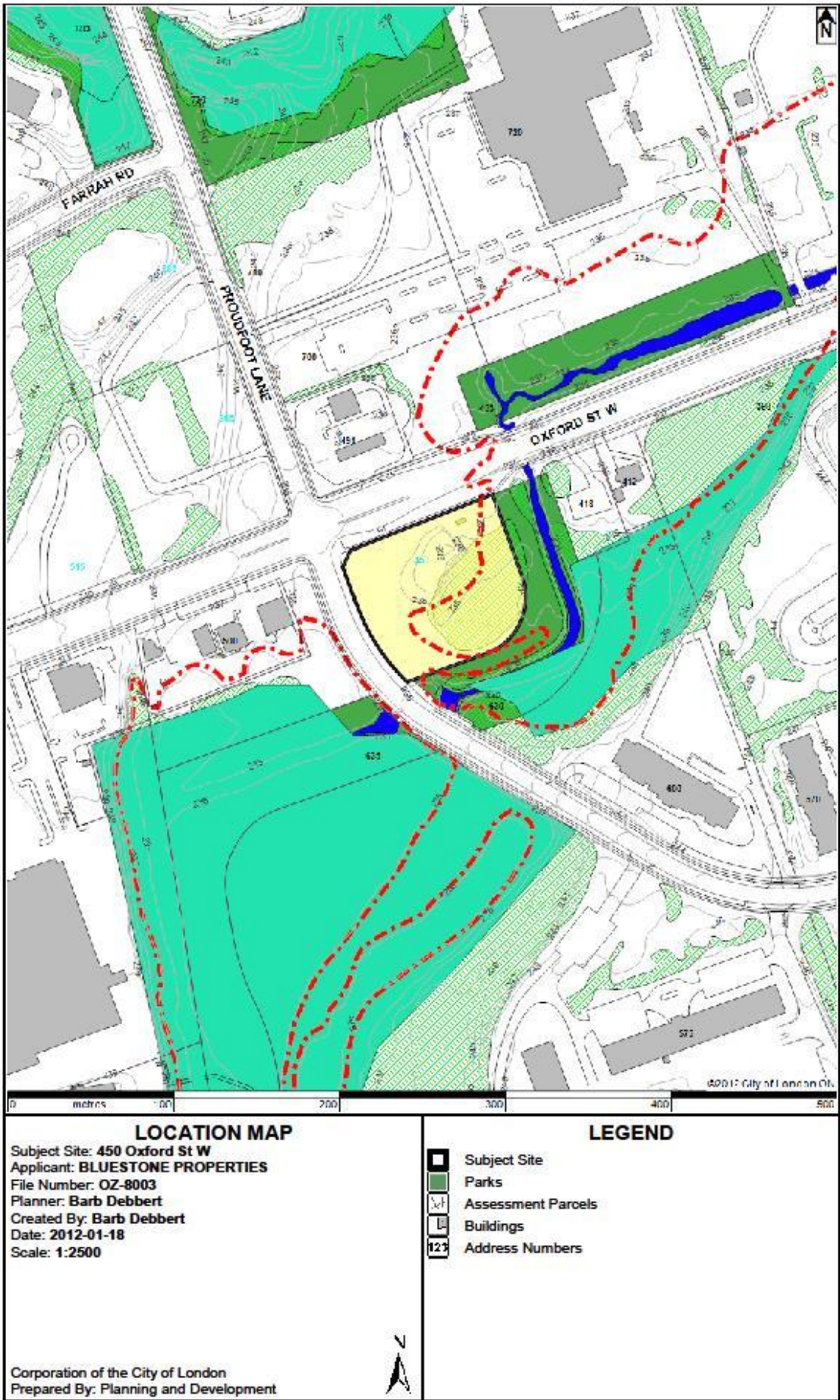
October 12, 2004 (OZ-6650) – Public meeting at Planning Committee to consider an Official Plan amendment from an Open Space designation to a Multi-family, High Density Residential designation and a Zoning By-law amendment from an Open Space (OS4) Zone to a Restricted Office/Day Care (RO2/DC) Zone to permit clinics, medical/dental offices, medical/dental laboratories, offices and day care centres.

November 26, 2012 (OZ-8003) – Public meeting at Planning and Environment Committee – Staff recommendation for refusal of the application to amend the Official Plan from a Multi-family, High Density Residential designation and an Open Space designation to an Office Area designation, and to amend the Zoning By-law from a Restricted Office/Day Care (RO2/DC) Zone and an Open Space (OS4) Zone to an Office Special Provision Zone to permit an office building with a maximum gross floor area of 5,000 square metres.

June 20, 2013 – Status report in response to request from Alan Patton representing Bluestone Properties to bring the application forward.

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PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action would potentially permit the construction of a purpose-designed office building allowing clinics, medical/dental offices, medical/dental laboratories, offices, financial institutions and personal service establishments with a total gross floor area for offices of up to 5,000 square metres. The amount of development that can be accommodated on the site, and the approval for the development of this site would be subject to the provision by the Upper Thames River Conservation Authority of revised floodlines arising from the completed Mud Creek Subwatershed Study Update, approval by the UTRCA of required fill permits, and the revised flood lines being implemented through any necessary amendments to the City’s Official Plan and Zoning By-law. The size of the building and the types of offices that could be accommodated within it, may also be affected by the number of parking spaces that can be accommodated on the site.

RATIONALE

- i) The recommendation is consistent with the Provincial Policy Statement as the subject property is within the settlement area of the City of London, is in an area where there is a potential opportunity to intensify an underutilized site, will make use of existing servicing infrastructure and public transit facilities, and would ultimately allow for development only in accordance with UTRCA regulations, guidelines and permits with respect to areas susceptible to flooding;
- ii) The recommendation is in keeping with the intent of the Official Plan to permit offices at a small to medium scale at locations that meet specified criteria. The completion of the Mud Creek Subwatershed Study Update, followed by the provision of revised floodlines and consideration of any applications for filling of the land by the UTRCA, may result in a further, City initiated, Official Plan amendment and Zoning By-law amendment to apply the Open Space designation and the Open Space (OS4) Zone to a portion of the property;
- iii) The recommended Zoning By-law amendment permits offices at a small to medium scale in accordance with the recommended Official Plan Amendment.
- iv) The recommended holding provision will ensure that development does not occur until the UTRCA has revised the floodline and approved a fill permit, if required. The actual size of building that can be approved for construction on the site will also be subject to the Zoning By-law regulations regarding type of office use and parking requirements.
- v) The recommended special provisions to provide minimum and maximum building setbacks from the street will facilitate a development that meets urban design principles.

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BACKGROUND
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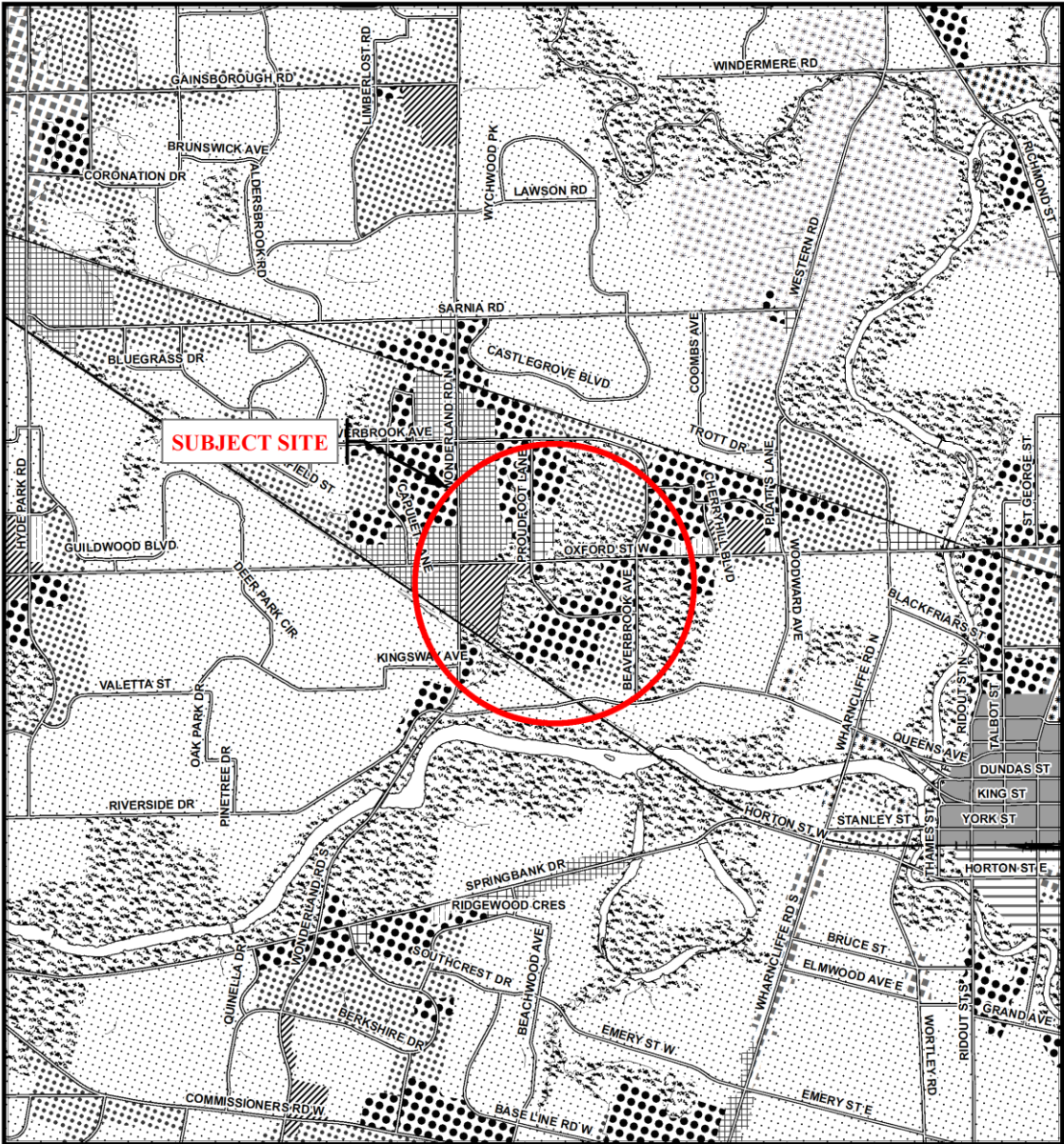
Date Application Accepted: December 16, 2011	Agent: Michael Hannay, MBTW Group
<b>REQUESTED ACTION:</b> Possible amendment to the Official Plan to change the designation from “Multi-family, High Density Residential” and “Open Space” to “Office Area”. Possible change to Zoning By-law Z.-1 <b>FROM</b> a Restricted Office/Day Care (RO2/DC) Zone, which permits clinics, medical/dental offices, medical/dental laboratories, and offices with a maximum total gross floor area of 2,000 m <sup>2</sup> , and an Open Space (OS4) Zone, which permits conservation lands and works, golf courses, private parks, public parks, cultivation or use of land for agricultural/horticultural purposes, and sports fields <b>TO</b> an Office Special Provision (OF4( )) Zone to permit clinics, medical/dental offices, medical/dental laboratories, offices, financial institutions and personal service establishments, with a minimum front yard setback of 1.0 metre and a minimum exterior side yard setback of 4.0 metres.	

<b>SITE CHARACTERISTICS:</b>
<ul style="list-style-type: none"><li>Current Land Use - vacant</li><li>Frontage – 92.175 metres (302.4 feet)</li><li>Depth – 87.54 metres (287.2 feet)</li><li>Area – 0.82 ha (2.03 acres)</li><li>Shape – roughly rectangular</li></ul>

<b>SURROUNDING LAND USES:</b>
<ul style="list-style-type: none"><li>North - Gas station, Fleetway, Shalom Cemetery</li><li>South - Mud Creek, Residential apartment buildings</li><li>East - Mud Creek, single detached dwelling, Woodland Cemetery</li><li>West - Restaurants, car rental, automobile repair garage</li></ul>

<b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Map)
<ul style="list-style-type: none"><li>Multi-family, High Density Residential and Open Space</li></ul>
<b>EXISTING ZONING:</b> (refer to Zoning Map)
<ul style="list-style-type: none"><li>Restricted Office/Day Care (RO2/DC) and Open Space (OS4)</li></ul>





Legend

Downtown

Enclosed Regional Commercial Node

New Format Regional Commercial Node

Community Commercial Node

Neighbourhood Commercial Node

Main Street Commercial Corridor

Auto-Oriented Commercial Corridor

Multi-Family, High Density Residential

Multi-Family, Medium Density Residential

Low Density Residential

Office Area

Office/Residential

Office Business Park

General Industrial

Light Industrial

Regional Facility

Community Facility

Open Space

Urban Reserve - Community Growth

Urban Reserve - Industrial Growth

Rural Settlement

Environmental Review

Agriculture

Urban Growth Boundary

CITY OF LONDON

Department of Planning and Development

OFFICIAL PLAN SCHEDULE A - LANDUSE -

PREPARED BY: Graphics and Information Services

Scale 1:30,000

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Meters

FILE NUMBER: OZ-8003

PLANNER: BD

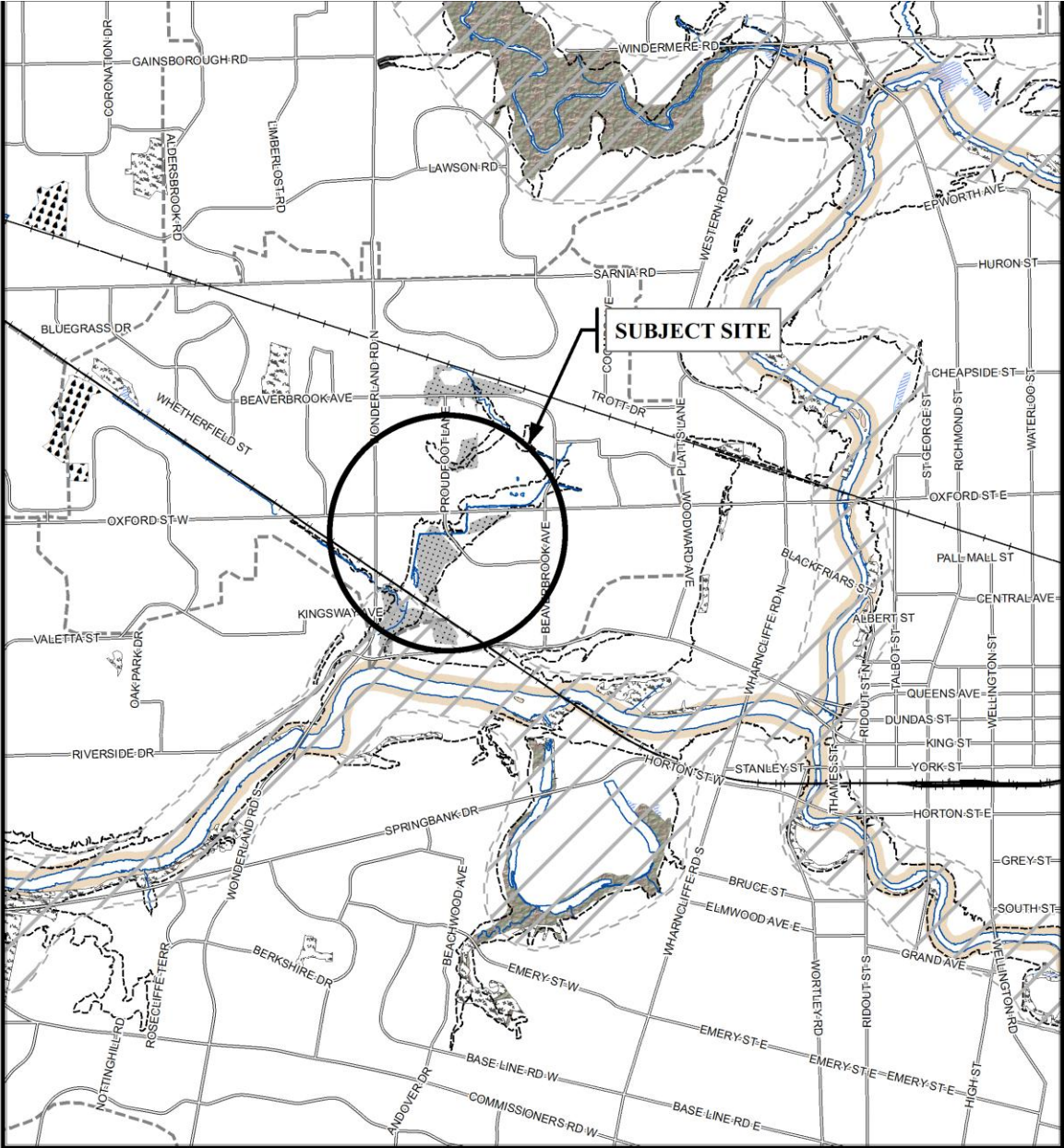
TECHNICIAN: CK

DATE: 2012/11/09

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ESAs

Potential ESAs

Significant Woodlands

Woodlands

Unevaluated Vegetation Patches

Significant River, Stream, and Ravine Corridors

Unevaluated Stream and Ravine Corridors

Provincially Significant Wetlands

Locally Significant Wetlands

Unevaluated Wetlands

Potential Naturalization Areas

Potential Upland Corridors

Ground Water Recharge Areas

NATURAL HERITAGE SYSTEM

Maximum Hazard Line

NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.

NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.

Base Map Features

Railways

Water Courses/Ponds

Streets (refer to Schedule "C")

Conservation Authority Boundary

Subwatershed Boundary

Big Picture Meta-Cores and Meta-Corridors

CITY OF LONDON

Department of Planning and Development

OFFICIAL PLAN SCHEDULE B1 - NATURAL HERITAGE FEATURES -

PREPARED BY: Graphics and Information Services

Scale 1:30,000

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FILE NUMBER: OZ-8003

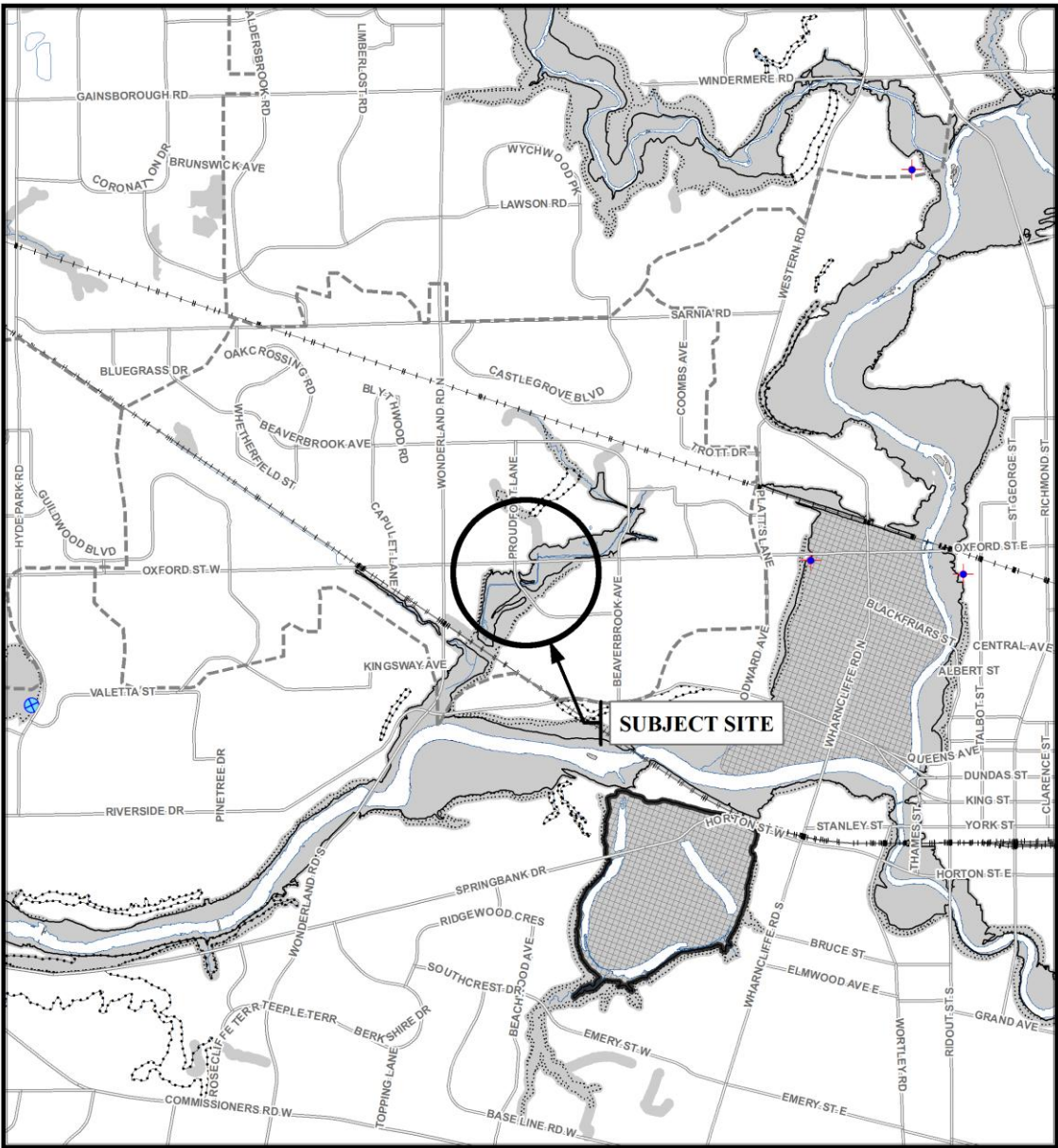
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TECHNICIAN: CK

DATE: 2012/11/09

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**NATURAL RESOURCES**

Aggregate Resource Areas

Extractive Industrial

Emergency Municipal Water Wells

**Base Map Features**

Railways

Water Courses/Ponds

Streets (refer to Schedule "C")

Conservation Authority Boundary

Subwatershed Boundary

Potential Special Policy Areas

Special Policy Area

**NATURAL HAZARDS**

Regulatory Flood Line

Riverine Erosion Hazard Limit For Confined Systems

Riverine Erosion Hazard Limit For Unconfined Systems

Steep Slopes Outside of the Riverine Erosion Hazard Limit

Abandoned Oil/Gas Wells

Conservation Authority Regulation Limit

**CITY OF LONDON**  
Department of  
Planning and Development  
OFFICIAL PLAN SCHEDULE B2  
NATURAL RESOURCES  
AND  
NATURAL HAZARDS  
PREPARED BY: Graphics and Information Services

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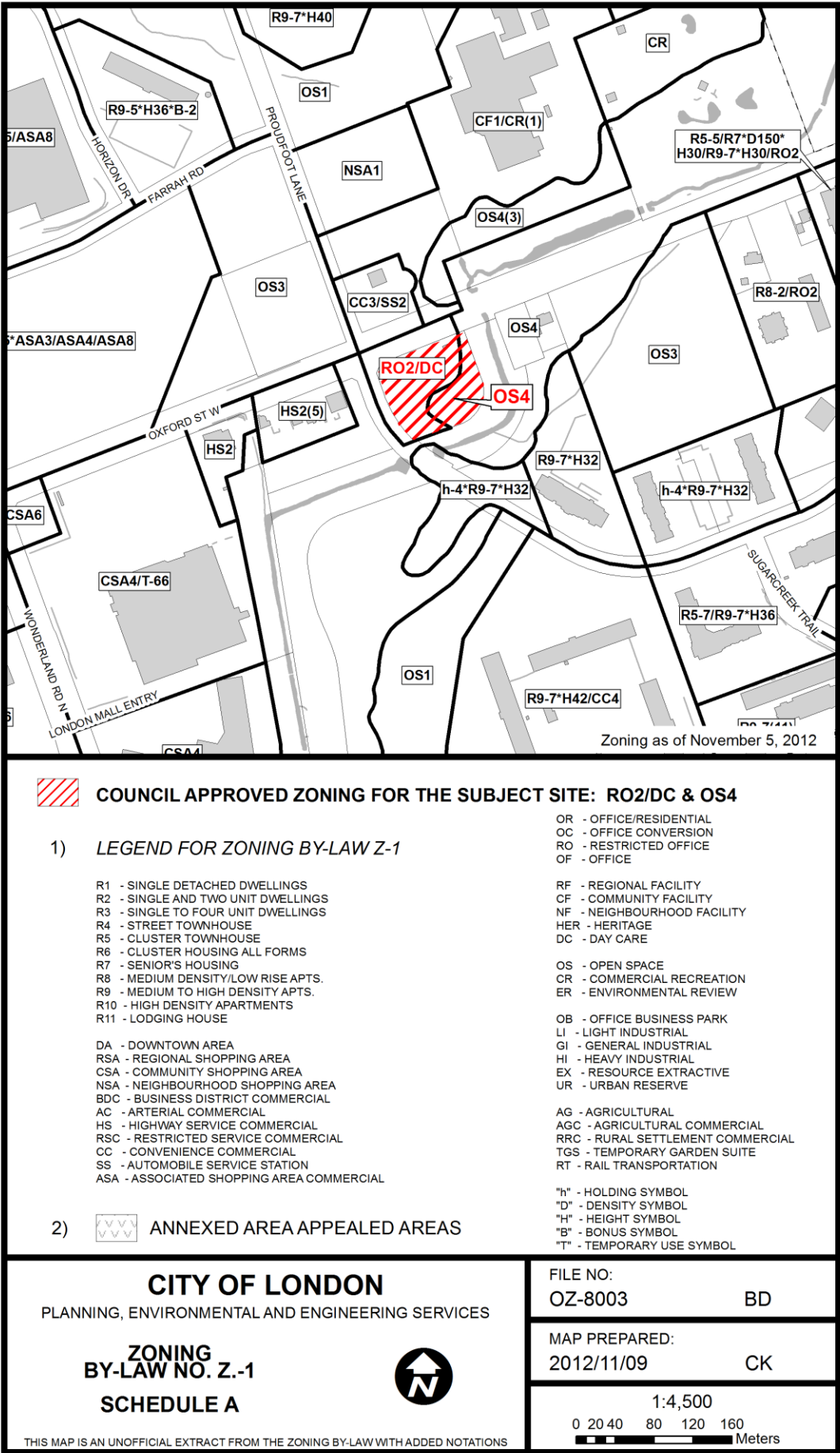
FILE NUMBER: OZ-8003

PLANNER: BD

TECHNICIAN: CK

DATE: 2012/11/09





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<b>PLANNING HISTORY</b>
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Historic Background

In 1971, the Official Plan designated the subject lands Major Open Space within the West London District Plan. This open space designation was brought forward and applied to the site in the 1989 Official Plan. The land was further identified in Schedule B – Environmental Features, as flood plain.

In 1995, the City completed the Mud Creek Subwatershed Study. This study included, but was not limited to, a water resources/SWM modeling assessment that identified a **100 year storm elevation of 235.67 m** and a **regional (250-year) storm elevation of 236.0 m** for the subject lands under existing conditions.

In 2004, Old Oak Properties applied for and received amendments to the Official Plan and Zoning By-law that redesignated a portion of the lands from Open Space to Multi-family, High Density Residential and established zoning that permitted clinics, medical/dental offices, medical/dental laboratories, offices and day care centres on the site with a maximum gross floor area for office uses of 2,000 square metres. This Zoning By-law amendment was based on re-evaluation of the flood line mapping which identified that a portion of the site was outside of the regulatory flood line, as a result of the 1995 Mud Creek Subwatershed Study.

Recent Planning Application Activity

On November 26, 2012, a statutory public meeting at Planning and Environment Committee was held regarding the current application for an Official Plan and Zoning By-law amendment. At that time, Staff recommended refusal of the application because the preliminary results of work completed on the Mud Creek Subwatershed Study (MCSS) Update indicated that the developable area of the property would potentially be substantially reduced due to revised flood elevations. Since the property is already zoned for the proposed office use, and the planning application deals primarily with an issue of scale and intensity, the application was considered premature given the uncertainty surrounding the development potential of the site.

On December 11, 2012, Council referred the subject application back to staff as follows:

*That, notwithstanding the recommendation of the Managing Director, Planning and City Planner, the application of Bluestone Properties Inc, relating to the property located at 450 Oxford Street West BE REFERRED to the Civic Administration to report back at a public participation meeting in May, 2013 regarding the following matters:*

- a) Notwithstanding the High Density Residential land use designation, an Office Area designation is supportable within the area of the property available for development; and,*
- b) The Civic Administration and the Upper Thames River Conservation Authority to identify the flood line;... ((2012-D11-01) (27/30/PEC)*

On May 29, 2013, Alan Patton, on behalf of Bluestone Properties, submitted correspondence to the City expressing concern about the delay in returning the application to another public meeting of the Planning and Environment Committee in May, and requesting that the City Planner be directed to report back to the Committee in June, 2013.

On June 20, 2013, the Planning Division tabled a status report with the Planning and Environment Committee regarding the planning application on the subject site. This report explained that the May date for reporting back to the Committee was premised on the anticipated completion in April, 2013, of the Mud Creek Subwatershed Study (MCSS) Update, which was undertaken by the City on January 31, 2012 and that will identify the existing and

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post-development estimated surface water elevations. At that time, the MCSS Update had progressed significantly, but was not complete.

On June 26, 2013, Council resolved:

*That the Civic Administration BE DIRECTED to report back at a public participation meeting of the Planning and Environment Committee to be held on September 10, 2013, relating to the application by Bluestone Properties Inc., for the property located at 450 Oxford Street West ... (2013-D14A)(13/15/PEC)*

This direction was based on representations by the City's Stormwater Management Unit that the Mud Creek Subwatershed Study Update would be brought forward to the Civic Works Committee in August, and the expectation that the Upper Thames River Conservation Authority might be able to provide a floodline for the preparation of the planning report. At the time of the writing of this report, neither of these activities had occurred.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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**Engineering**

***Sanitary***

- *The applicant is advised that the proposed commercial building is to be serviced to the existing 1050 mm diameter trunk sanitary sewer on Proudfoot Lane.*

***Transportation***

- *The Transportation Planning & Design Division has completed the review of the transportation impact analysis (TIA), submitted as part of this application, and finds the study generally acceptable with the exception of the proposed access on Proudfoot Lane. There are concerns regarding sight lines for motorists for any access along Proudfoot Lane. As part of the study, sight lines for the proposed access on Proudfoot Lane were reviewed. The study indicates that the sight lines are insufficient and are obstructed due to the curvature of Proudfoot Lane and the vegetation. Therefore, to ensure that safe access is maintained at all times, access on Proudfoot Lane should be restricted to rights in and rights out only. Also, the traffic study showed access on Oxford Street West being restricted to right in, left in and right out with no left out movement being permitted. Hence, the Transportation Planning & Design Division is requesting a holding provision regarding access to ensure that the above-noted access arrangements are implemented.*
- *The Transportation Master Plan has identified Oxford Street as a future Bus Rapid Transit route (BRT). The BRT will be implemented in stages with the first being transit priority at traffic signals. This will require the extension of the bus bay on the south side of Oxford Street through the proposed access for this site. This access will need to be designed to take this eventuality into consideration. This and other transportation issues will be discussed in more detail through site plan review.*

**Stormwater**

**November 9, 2012**

- *The subject lands are located within the Mud Creek Subwatershed Study Drainage Area. The City is presently conducting the Mud Creek Subwatershed Study Update under Climate Change conditions and this study is scheduled to be completed in the spring of 2013.*



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- *The original Mud Creek Subwatershed Study was completed and approved by Council in 1995. This study included, but was not limited to, a water resources/SWM modeling assessment that identified a **100 year storm elevation of 235.67 m** and a **regional (250-year) storm elevation of 236.0 m** for the subject lands under existing conditions. The **interim** water resources/SWM modelling assessment for the ongoing Mud Creek Subwatershed Study Update estimated a **100 year storm elevation to be at 236.0 m**; and a **regional (250-year) storm elevation of 236.4 m** under the same existing conditions.*
  
- *These estimated higher storm elevations under the 100 and 250 year storm events are contingent on the downstream surface water elevations of the Thames River at its confluence with Mud Creek and this surface water elevation that was developed in the 1990's, will be updated and may be revised through the ongoing Central Thames Subwatershed Study undertaken by the City.*
  
- *In addition to developing updated water resources/SWM assessments, the ongoing Central Thames Subwatershed Study and Mud Creek Subwatershed Study Update will develop a water resources/SWM strategy that will mitigate the impact of the post-development conditions in both Subwatershed Drainage Areas including climate change considerations. This proposed strategy may also impact the flood elevations at 450 Oxford Street. The City's Consulting Teams are working to complete these studies and we expect that by the end of March 2013, the above inputs will be clarified and a preferred water resources/SWM strategy (taking into account a revised water surface elevation at the Mud Creek confluence with the Thames River) will be finalized and presented and reported to the Public, Council and approval agencies.*
  
- *Therefore, until Council has approved the Mud Creek Subwatershed Study Update that identifies a water resources/SWM strategy including, but not to limited to storm/drainage and SWM criteria, flood/erosion control and protection environmental targets and setbacks, the proposed Official Plan and Zoning By-Law Amendment Application for the subject site should not be considered and these applications should be deemed premature and not complete. Flood limits are currently being reviewed in this study and the impact on the amount of developable land will be determined upon the updated flood elevations are finalized and approved by Council and the UTRCA. At the site plan approval stage, the results and requirements of the approved Mud Creek Subwatershed Study Update shall be incorporated in the proposed servicing works for the subject site, all to the satisfaction of the City Engineer.*
  
- **The requirements for storm/drainage and SWM servicing works for the subject site are as follows:**
  
- *The storm outlet for these lands is the Mud Creek system via a proposed Private Permanent System (PPS) that is required to include the storm/drainage (minor/major) conveyance and Stormwater Management (SWM) servicing works that are required to meet the Mud Creek Subwatershed Study Update's storm/drainage and SWM criteria, flood/erosion control and protection requirements and environmental targets and setbacks' updated requirements are incorporated in the proposed servicing works for the subject site, all to the satisfaction of the City Engineer.*
  
- *In order to proceed with the proposed storm/drainage and SWM servicing works for subject lands, the Owner is required to have a consulting professional engineer design and construct proposed storm/drainage and SWM servicing works for the subject lands all to the satisfaction of the City Engineer and according to the following requirements:*
  - i) *The approved updated SWM criteria, flood/erosion control and protection requirements, environmental targets, slope stability and setbacks requirements*

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*for the Council's approved Mud Creek Subwatershed Study Update under the Climate Change conditions;*

- ii) *The approved Storm/Drainage and SWM Servicing Functional Design Report for the subject lands that will include, but not be limited to, the proposed storm/drainage and SWM servicing works in accordance with the approved updated Mud Creek storm/drainage and SWM criteria, flood/erosion control and protection requirements and environmental targets as well as slope stability and setbacks requirements for the subject lands;*
  - iii) *The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;*
  - iv) *The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and*
  - v) *Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.*
- *The Owner's professional engineer shall identify major and minor storm flow routes for the subject land and those flow routes shall be constructed and be operational all to the satisfaction of the City Engineer.*
  - *The Owner agrees to promote the implementation of SWM soft measure Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City Engineer.*
  - *The Owner shall ensure that increased and accelerated storm runoff from the subject site shall not cause damage to downstream lands, properties or structures beyond the limits of this subdivision and notwithstanding anything to the contrary of any requirements of the city or any approval given by the City Engineer, the indemnity provided shall apply to any damage or claim for damages arising out of, or alleged to have arisen out of such increased or accelerated storm runoff from this site.*
  - *The Owner agrees to provide all adequate easements, if required, at no cost to the City, in relation to storm/drainage and SWM servicing works of the subject lands, all to the satisfaction of the City Engineer.*
  - *The Owner agrees to develop an erosion/sediment control plan that will identify all Erosion and Sediment Control Plan (ESCP) for the subject lands and that will be in accordance with City of London and MOE standards and requirements, all to the specifications and satisfaction of the City Engineer and will minimize adverse impacts on the Mud Creek system. This ESCP is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner's professional engineer shall submit these measures as a component of the Functional Storm/Drainage Servicing Letter/Report and is to have these measures established and approved all to the satisfaction of the City Engineer. Further, the Owner's Professional Engineer must confirm that the required erosion and sediment control measures were maintained and operating as intended during all phase of construction.*
  - *The Owner agrees to have a qualified consultant carry out a hydrogeological investigation to determine the effects of the construction associated with the proposed development on existing ground water elevations, private wells in the area, and to assess the impact on the water balance of the proposed development, identifying all required mitigation measures to the satisfaction of the City Engineer.*

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- *The Owner may be required to provide a lot grading plan for self-contained storm flows on site and safely convey up to the 250 year storm event all designed by a Professional Engineer and subject to City acceptance.*
- *The Owner may be required to have its geotechnical engineer identify all required erosion setback maintenance, erosion, structural, geotechnical and lot line setbacks, and ensure that all matters of slope stability are adequately engineered for the subject site, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.*

August 16, 2013

*We were waiting for the UTRCA's review comments regarding the Mud Creek Subwatershed Study Update's (MCSSU) final report, but we were informed on August 14, 2013 that at the present time, the UTRCA cannot commit to a specific date as to when these comments would be provided. Therefore, please see the Environmental Engineering Services/SWM Unit's comments and recommendations with respect to the MCSS Update in relation to the 450 Oxford Street site below, in addition to background on current and previous subwatershed studies completed in the area which provide context.*

#### **Mud Creek Subwatershed Study (MCSS)**

*The original MCSS was completed in 1995 by Marshall Macklin Monaghan Limited. The Subwatershed was included in the Group 1 Subwatershed Study which included Medway and Stanton Creeks along with Mud Creek.*

*The main goals of the MCSS were to undertake an inventory of the existing condition and develop the strategy to develop and recommend subwatershed strategies to protect and enhance the water resources and environmental features and functions and establish the Stormwater Management (SWM) criteria and environmental targets to achieve these objectives under the proposed post-development conditions.*

*MCSS evaluated various alternative strategies which included possible management actions, protection and enhancement strategies and development criteria. The evaluation and assessment of the alternatives resulted in the development of a recommended plan.*

#### **Mud Creek Subwatershed Study (MCSS) Update**

*The MCSS Update upgraded the Water Resources and Slope Stability components of this subwatershed for current and under climate change conditions. The expanded information has been used to update the understanding of environmental features and to assess the effects of the recommended Subwatershed strategy. The MCSSU also includes updated existing Official Plan designations, Zoning, existing Master Plans and community plans as well as the current planning policies for the study.*

*Computer models and other analytical tools were utilized as part of the 1995 MCSS. As part of this MCSS Update, some of these tools were revised, others were maintained and new tools were developed.*

*Based on the substantial changes identified in the land use characteristics of the subwatershed, a new hydrological model was developed. The estimated flows under the existing and ultimate conditions compared to the 1995 Subwatershed Study have increased. The updated HEC-geoRAS model was constructed as a dynamic model to account for the interaction between the culverts and the corresponding backwater effects. As well, the subwatershed updates included rainfall based on the (Climate Change Upper Bound) CC\_UB Intensity Duration Frequency (IDF) curves used to simulate changing climate conditions.*



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*The MCSSU was undertaken by the City being completed in June 2013. The MCSSU determined and confirmed the existing and post-development estimated surface water elevations. The MCSSU final draft report was completed and submitted to the City and the UTRCA on June 18, 2013.*

*The Environmental and Engineering Services/Stormwater Management Unit conducted two public meeting for MCSS Update that encompasses an update of all Water Resources Components of the existing Mud Creek Subwatershed Study under climate change conditions. These meetings were well attended by the public and affected property owners.*

### **Opportunities and Constraints**

*The constraints identified in the 1995 Subwatershed Study mostly remain valid today however some opportunities and constraints have become more pressing since development in the subwatershed study has increased substantially since the previous study and is expected to increase over the next few years.*

### **Development of Alternatives**

*The original 1995 MCSS set out a series of goals and objectives for the subwatershed plan to achieve. These objectives have been reviewed, confirmed and updated to incorporate the updated existing conditions and the effects of climate change. Four alternatives were developed using common components and a screening process to identify additional components for each alternative. All four alternatives were evaluated following the principles of the Municipal Class Environmental Assessment process. Alternative 2 was selected as the Preliminary Preferred Alternative. It includes water resources, storm/drainage and SWM components to reduce the extent of areas at risk from flooding. The selection of the preliminary preferred alternative is supported by the completed modeling.*

### **Risk Analysis**

*The risk assessment methodology used was the same as that developed for the City of London Vulnerability of Infrastructure to Climate Change study (VICC) approved by the City Council in July, 2011. Risk is defined as the intersection of a hazard, in this case flooding, with vulnerability. The risk analysis enables conclusions and recommendations to be made regarding the reliability of the infrastructure network within the city to adapt to the changing climate conditions. In this study the results will assist in evaluating the Alternatives in terms of promoting adaptation of the infrastructure network to the changing climate conditions.*

### **Subwatershed Plan Update and Implementation**

*The 1995 MCSS implementation plan had a series of Management Actions, which are updated to reflect current and future conditions. The main recommendations are:*

- *Peak flow controls on lands with future land use change;*
- *70% TSS removal as per MOE guidelines;*
- *Improvements to the creek morphology by sediment removal in the middle reaches, bank treatments in the lower reaches and channel stabilization in the upper reaches;*
- *Review and development of City policy for property and existing infrastructure within flood risk areas;*
- *Cleaning of sediment from the culverts and connecting storm sewers;*
- *Land raising to mitigate flooding at 450 Oxford Street, 415 Oxford Street and 607 Proudfoot Lane;*
- *Structural inspection of the CNR culvert to assess the feasibility of structural lining;*

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- Management of the stormwater flows north of the CP railway line; and
- Updates to monitoring programs.

*The MCSS Update draft recommendations regarding land raising to mitigate flooding conditions at 450 Oxford Street, 415 Oxford Street and 607 Proudfoot Lane are part of the ongoing discussions between the City and Upper Thames River Conservation Authority (UTRCA) and are progressing to finalize the outcome of the Mud Creek SWS Update.*

*As identified above the City was unable to receive the review comments from the UTRCA with respect to the MCSS Update Final Report recommendations as such we are unable to report to Council on the completion of MCSS Update. We identified to the UTRCA that we are providing the report to the Civic Works Committee (CWC) and Council on September 23, 2013.*

*Based on the Consulting Team's recommendations and the City review, the recommended option of land raising to mitigate flooding conditions at 450 Oxford Street and 415 Oxford Street and 607 Proudfoot Lane is an effective and viable solution that will provide the required flood protection for these properties under all assessed conditions and facilitate economically feasible development. The estimated Flood Plain storage reduction for all three proposed properties represents approximately 1.5 % of the total storage of the subwatershed that has been proposed to be mitigated and be compensated by the recommended improvements to the creek morphology by sediment removal.*

*The recommended approach for land raising to mitigate flooding conditions similar to the 450 Oxford Street lands have been used for the Skyway Industrial Park Subdivision, lands located at the southwest corner of Oxford and VMP, as well as other cases where the UTRCA agreed to the proposed filling. The proposed filling on 450 Oxford Street lands will give an opportunity for the subject lands to develop this property entirely.*

*This recommended approach would require further consultation with the UTRCA and the landowner and may be subject to a decision by the UTRCA Board of Directors. As stated previously, the City is undergoing discussions between the City and UTRCA and we are progressing towards finalizing the Mud Creek SWS Update.*

### **Upper Thames River Conservation Authority**

January 27, 2012

*The Upper Thames River Conservation Authority (UTRCA) is in receipt of the subject application including an Environmental Impact Study (dated December 6, 2011 prepared by Dillon Consulting). We understand that City of London planning staff has deemed the submission to be a complete application and circulated it for comments.*

*Given the previous information that was provided to the applicant and the City in the Authority's correspondence dated January 26, 2011 (please see attached), the UTRCA is of the opinion that the application is not complete. As you may recall, the UTRCA had advised that a floodline analysis is required in order for the Authority to evaluate the application and the flood susceptibility of the proposed development. Without the study, the UTRCA is not in a position to advise the municipality whether the proposal is consistent with Provincial and UTRCA policy.*

*In our January 26, 2011 correspondence to the applicant Bluestone Properties which was copied to City Staff, the Authority presented various options that could be pursued in order to determine the hazard constraints/development lands at 450 Oxford Street West. As shown on the enclosed mapping, much of the site is regulated by the UTRCA pursuant to Section 28 of the Conservation Authorities Act. In reviewing our previous communication, the Authority is of the opinion that options a) and b) would be the most practical in determining the flood susceptibility of the proposed development.*

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### **RECOMMENDATION**

*Based on the foregoing, the UTRCA is of the opinion that the application for Official Plan and Zoning By-Law Amendment is incomplete. We therefore recommend that the application be returned to the applicant and not be accepted until such time that a floodline analysis has been prepared. In our opinion, the applicant has been presented with two viable options regarding the preparation of a floodline analysis. We would be pleased to meet to discuss the preparation of the required floodline study.*

#### **September 17, 2012**

*As we have consistently indicated, a floodline analysis is required in order for the Authority to evaluate the application and the flood susceptibility of the proposed development. Without the study, the UTRCA is not in a position to advise the municipality whether the proposal is consistent with Provincial and UTRCA policy.*

*As such, until the study is completed our position is that we would not permit filling in the flood plain as shown on the current mapping (see attached).*

*If the rezoning application were to advance with a holding provision the Authority would object on the basis that the proposal is not consistent with the PPS and UTRCA policy.*

#### **November 5, 2012**

*Further to our correspondence dated January 27, 2012, the Upper Thames River Conservation Authority (UTRCA) offers the following comments on this application. As was previously indicated and as shown on the enclosed mapping, the subject property is regulated by the UTRCA pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of a riverine flooding hazard associated with Trott Award Drain/Mud Creek. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.*

*In our January 20, 2011 and January 27, 2012 letters the UTRCA advised that a floodline analysis would be required in order for the Authority to evaluate the application and the flood susceptibility of the proposed development. Without this study, the UTRCA would not be in a position to advise the municipality whether the proposal is consistent with Provincial and UTRCA policy.*

*On July 30, 2012, the UTRCA provided the City of London with comments on the Draft Modeling Package associated with the Mud Creek Subwatershed Study Update project. The findings of this study will include confirmation of the floodline for this site as well as the overall subwatershed. A number of concerns/deficiencies were identified and to date, we have not received a response or additional information. As such, we still do not have the necessary information to evaluate this application.*

*We understand that it has been suggested that a structure could be accommodated on the site outside of the floodway and that only the parking would be in the floodway. This approach would not be consistent with UTRCA policy 3.2.1.1 Floodway Policies which states:*

***3. Parking is considered to be a component of development. The expansion of parking in a floodway to service new development that is not located in the floodway is not permitted. Parking must be located in the same zone as the use (e.g. parking for a residential use must be zoned residential).***

### **RECOMMENDATION**

*Given that the required floodline analysis has not yet been completed, the UTRCA reiterates its previous position which is that we do not have the necessary information to evaluate the application and the flood susceptibility of the proposed development. Furthermore we are not in*



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*a position to advise the municipality whether the proposal is consistent with Provincial and UTRCA policy. We are also still awaiting a response to our September 13, 2012 EIS comments. Based on the foregoing, the Authority objects to this application and recommends that it be refused.*

August 12, 2013

*Further to our correspondence dated November 5, 2012, the Upper Thames River Conservation Authority (UTRCA) offers the following comments on this application. As was previously indicated, the subject property is regulated by the UTRCA pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of a riverine flooding hazard associated with Mud Creek. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.*

*On June 18, 2013, the UTRCA received a copy of the draft Mud Creek Subwatershed Study Update prepared by Delcan. The subwatershed study update is intended to be solely for water resources components, including consideration of climate change. We wish to advise that this letter has been prepared to provide the City of London an update of our position on the planning application noted above and is not intended to express our opinion or position on the broader study.*

*While Conservation Authority staff continue to review all components of the Mud Creek Subwatershed Study Update document (including hydrologic and hydraulic modelling), we have been able to conclude that flood elevations for the existing condition do not correspond to those generated as part of the original Mud Creek Subwatershed Study, completed in 1995. Information produced by Delcan during the current subwatershed study update more closely aligns with flood elevations generated by the UTRCA prior to the original subwatershed study. This leaves most of the subject lands within the floodway of Mud Creek. We continue to work with the City of London's Stormwater Management Unit on the overall Mud Creek Subwatershed Study Update completed by Delcan.*

*One of the recommendations proposed as part of the preferred alternative in the subwatershed study update is to "floodproof" 450 Oxford Street West by raising the level of the land to an elevation of 236.2 metres "or other alternative methods to ensure that the lowest floor level of the development is above the stipulated flood level". The Conservation Authority is not in a position to support this recommendation at this time as it is not in conformity with the Provincial Flood Plain Management Policies, flood plain policies of the City of London's Official Plan, flood plain management policies of the UTRCA or policies established for the review of applications made to the UTRCA pursuant to Section 28 of the Conservation Authorities Act. We are prepared to meet further with the City of London and the applicant to discuss these comments and any potential next steps, such as further analysis of the modelling to determine if there is a flood fringe area which may be able to be developed consistent with existing policies.*

## **Parks Planning**

February 13, 2012 and May 31, 2012

### **Parks and Recreation Policies**

*Additional open space lands for parkland acquisition are not required. Cash-in-lieu of Parkland will be required as per By-law CP-9 at time of permit.*

### **Environmental Policies – Environmental Impact Study Dec. 6 2011 (Dillon Consulting Ltd.)**

*These comments dealt with specific parts of the submitted Environmental Impact Study (EIS) that required clarification and more detail. Later correspondence dated August 24, 2012, based on the final EIS revision (July 27, 2012), indicated:*

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*The revised EIS of July 27, 2012 addresses the City's previous comments and is now accepted. The next steps will be to implement all of the items in the Environmental Management and Monitoring Plan.*

*All of the items in Section 6.0 – Environmental Management and Monitoring Plan are to be implemented through the Site Plan process to ensure that the recommended mitigation measures and monitoring are implemented and incorporated into the detailed designs to ensure there will be no negative impacts on adjacent natural heritage features and ecological functions.*

*A special provision clause will appear in the Development Agreement requiring the; "Preparation of an Environmental Management and Monitoring Plan in consultation with the City of London and UTRCA, and approved by the City of London, as outlined in the EIS".*

*The Landscape Plan and Edge Management Plan as described below will appear as Schedules in the Development Agreement.*

1. *Preparation of an Edge Management Plan – pre-stressing, pre-emptive planting of new edge species of native trees and shrubs to maintain a dense wooded edge, including native coniferous trees to reduce light, noise and encroachment effects, pre-construction hazard tree management, control of non-native invasive species (buckthorn) in consultation with City of London and UTRCA, and fencing along property/development limits.*
2. *Preparation of a SWM and Drainage Plan – water balance, infiltration measures in landscaped areas, water quality and quantity to achieve MOE standards for Level of Protection.*
3. *Delineation of the Mud Creek riparian corridor for protection – must include all of the existing publicly-owned open space and required buffer and setbacks with tree protection fencing installed at the limits of clearing.*
4. *Preparation of an Erosion and Sediment Control Plan – multi-barrier approaches such as seeding exposed areas with native species mix, sediment control fence, de-watering through filter bags, dust control to water areas during excessive dry periods.*
5. *Preparation of a Construction Access and Monitoring Plan – avoid use of areas within five metres of protected natural areas for main construction driveways and traffic.*
6. *Timing for Site Preparation – tree removal is to be undertaken in winter to avoid injury or delay due to nesting birds (Migratory Bird Protection Act).*
7. *Preparation of a Landscape Plan – restoration planting on areas to remain natural, using native species and/or ornamental non-native species that are not invasive or pose threat to natural areas, promotion of natural landscape care, directing light away from riparian corridor, prohibiting the location of light standards near the riparian corridor, reduced wattage for required lighting after dark.*
8. *Preparation of an Environmental Management and Monitoring Plan – in consultation with City of London and UTRCA, and approved by City of London, as outlined in the EIS.*

## **EEPAC**

*The EEPAC accepts the position of Parks, Planning and Design that the EIS is incomplete at this time, however the EEPAC may wish to review the study once the submission criteria has been met by the applicant.*

Planning Division note: Revised EIS's were received on April 24 and July 27, 2012 to address matters raised by the City Ecologist and the Upper Thames River Conservation Authority. The April 24<sup>th</sup> version was circulated to the EEPAC Secretary, however since EEPAC meetings were either cancelled or undergoing the new appointments process in May through August, no

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additional EEPAC response was received. The City Ecologist accepted the EIS on August 24, 2012.

### **Urban Design Peer Review Panel**

*The following comments from the Panel dated April 18, 2012, are based on the submitted Urban Design Brief. The inclusion of landscape plans as well as building and street sections would have been helpful.*

1. *The panel commends the applicant's design intent of locating the building towards the streets' intersection with parking in the rear.*
2. *The choice of higher quality building materials, such as masonry, is appropriate for the site.*
3. *The building's entrance located at the corner is appropriate; however, it should be further enhanced to better demarcate the public entrance. This could be done by extending the circular form to grade and/or using a wrap-around canopy above entry doors. The cornice can also be strengthened in this location.*
4. *Consideration should be given to providing a plaza at the corner to help enhance both the private and public space.*
5. *Additional entry points along the street would help articulate the building's design, respond to the pedestrian realm and transit users' needs, and promote retail at-grade.*
6. *The inclusion of street trees along both Oxford Street and Proudfoot Lane will improve the rhythm along the street. These trees should be located as part of the right-of-way boulevard.*
7. *The parking field is extensive and is exacerbated by long drive aisles. Breaking up the extent of asphalt with landscape islands would be appropriate and sustainable in addition to providing stormwater management opportunities. Also, consider the use of pervious materials such as pervious pavers to facilitate stormwater management.*
8. *Bicycle parking opportunities should be located near building entrances.*

### **London Hydro**

- *Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Note: Transformation lead times are minimum 16 weeks. London Hydro has no objection to this proposal or possible official plan and/or zoning amendment.*

### **Bell Canada**

- *A detailed review of the Official Plan amendment and Zoning By-law amendment application has been completed and an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act.*
- *Please be advised that Bell Canada requests to be circulated on any future draft plan of subdivision, draft plan of condominium, site plan, or any other development application, that is proposed to implement the subject Official Plan amendment and Zoning By-law amendment application. Through these processes, Bell Canada will provide a more detailed review and comments with respect to any requirements Bell Canada may have to service the subject property.*

### **London Transit Commission**

- *While LTC does not have issue with the proposed land use change at 450 Oxford Street West, there are concerns with the applicant's concept plan that should be addressed in their application for site plan approval. The existing bus bay does not fit the articulated (60') buses that are often used along this corridor. In the short term we request that the bus bay be removed and that the curblin be straightened. In the long term, this particular intersection and bus stop location has been identified as a potential "bus only receiving lane" in a recent Transit Priority Strategy For Bus Rapid Transit Implementation report that was prepared for the 2030 Transportation Master Plan. The proposed new vehicular access on Oxford Street West may limit the opportunity for a transit priority lane at this location.*

Transportation Advisory Committee

- TAC expressed its support for the restricted access onto Proudfoot Lane.

<b>PUBLIC LIAISON:</b>	On January 20, 2012, Notice of Application was sent to nine property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on January 21. A “Possible Land Use Change” sign was also posted on the site.	4 replies were received
<b>Nature of Liaison:</b> <p>Possible amendment to the Official Plan to change the designation from “Multi-family, High Density Residential” and “Open Space” to “Office Area”.</p> <p>Possible change to Zoning By-law Z.-1 <b>FROM</b> a Restricted Office/Day Care (RO2/DC) Zone, which permits clinics, medical/dental offices, medical/dental laboratories, and offices with a maximum total gross floor area of 2,000 m<sup>2</sup>, and an Open Space (OS4) Zone, which permits conservation lands and works, golf courses, private parks, public parks, cultivation or use of land for agricultural/horticultural purposes, and sports fields <b>TO</b> an Office Special Provision (OF4( )) Zone to permit clinics, medical/dental offices, medical/dental laboratories, offices, financial institutions and personal service establishments, with a minimum front yard setback of 1.0 metre and a minimum exterior side yard setback of 4.0 metres. The City may also consider maximum front and exterior side yard setbacks to ensure the building is constructed close to the street edge.</p>		
<b>Responses:</b> <p>The following concerns were raised:</p> <ul style="list-style-type: none"><li>- The woodlot should be protected as it is within 20 metres of other nearby woodlots and therefore meets the MNR Provincial Policy Technical Manual criteria;</li><li>- Hydraulic floodway analysis has not been completed;</li><li>- Loss of trees resulting in ruined view and loss of their function as a noise barrier to train noise;</li><li>- Possible impact on bridge from Proudfoot to London Mall;</li><li>- Exacerbating flood conditions due to flow of water from parking lot directly to Mud Creek.</li></ul> <p>One respondent expressed support for the application, stating that the development will assist in broadening the range of services and employment opportunities available to the residents that live in the wider area of Wonderland Road and Oxford Street.</p>		



ANALYSIS

**Existing Situation**

The subject property is located at the south east corner of Oxford Street West and Proudfoot Lane. Oxford Street is an Arterial road which carries a traffic volume of approximately 36,500 vehicles per day. Proudfoot Lane is a Secondary Collector road which carries a traffic volume of approximately 6,000 vehicles per day. The property is generally flat with a man-made berm/hill near Oxford Street West. The south and east property boundary abut City-owned open space lands which form part of the Mud Creek flood plain which flows from the Cherry Hill area, on the north side of Oxford Street to a culvert under the CN rail line south of the site. The open space area adjacent to the site includes the features and functions associated with Mud Creek, and a manicured grass pathway. A bur-oak forest exists on the central and south east portion of the subject property.

The south-east portion of the property lies within the 250 year flood-line limit identified by the Upper Thames River Conservation Authority based on the results of the 1995 Mud Creek Subwatershed Study. This approximate area is within the Open Space (OS4) Zone of By-law Z.-1. The areas above the flood line are within the Restricted Office/Day Care (RO2/DC) Zone, permitting clinics, medical/dental offices, medical/dental laboratories, offices and day care facilities, with a total gross floor area for all office uses of 2,000 square metres (21,528.5 square feet). These zones were established on the property in 2004 following the completion of the revision of flood line mapping for Mud Creek based on the results of the 1995 Mud Creek Subwatershed Study.

The 70% reduction in flood levels from the *Mud Creek Floodline Update Study, UTRCA/Proctor & Redfern (May, 1987) to the 1995 Mud Creek Subwatershed Study*, led the UTRCA to advise Bluestone Properties on January 26, 2011, that the UTRCA “remains uncomfortable in utilizing the 1995 subwatershed study flood line information for the purposes of outlining lands suitable for development at 450 Oxford Street West”. The UTRCA offered Bluestone several alternatives in attempting to move forward with an application to develop a commercial centre on the subject lands. One of those options was for the applicant to await the completion of a subwatershed study update to be undertaken by the City of London, cautioning the landowners that the results of this exercise “may yield results which do not support significant new development activity for the site in question.”

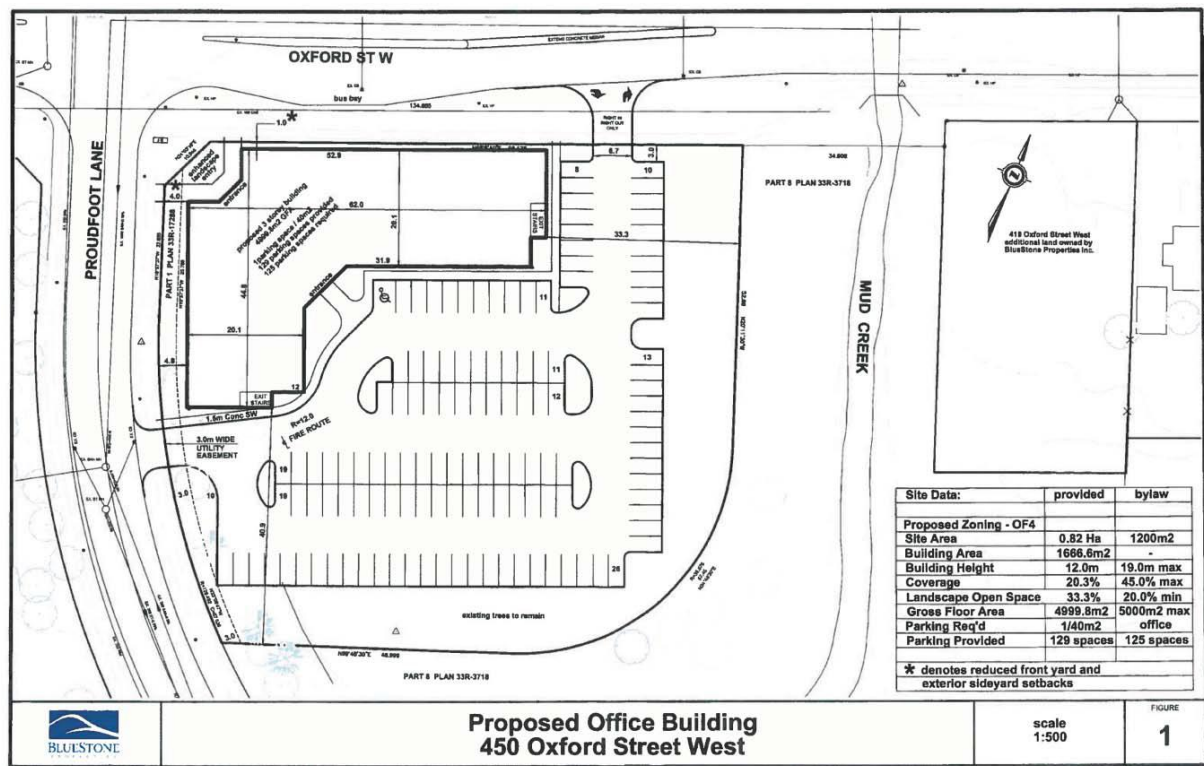
The City’s Mud Creek Subwatershed Study Update under Climate Change conditions is currently underway and nearing completion. One of the anticipated results of the work being completed by Delcan Corporation is hydrologic and hydraulic modelling which can be used by the Upper Thames River Conservation Authority to establish updated flood lines for the Mud Creek system.

**Nature of the Request**

The applicant has requested an Official Plan amendment to redesignate the lands from Multi-family, High Density Residential and Open Space, to Office Area in order to increase the developable land area and to allow for an increase in the scale of office use above the 2,000 square metres permitted by the Multi-family, High Density Residential designation. The applicant has also requested a zoning by-law amendment from the Restricted Office/Day Care (RO2/DC) Zone and the Open Space (OS4) Zone to the Office (OF4) Zone. The requested zone would expand the land area zoned for development, and permit similar uses to those that are currently permitted, but with an increased maximum gross floor area of 5,000 square metres (53,821.3 square feet). The permitted uses would include clinics, medical/dental offices, medical/dental laboratories, offices, financial institutions and personal service establishments. The request would include a provision for a reduction in the required yard setback from Oxford Street of 1.0 metre, and from Proudfoot Lane of 4.0 metres.

The site concept submitted with the application illustrates a three storey office building with an associated surface parking lot with 129 parking spaces.

Submitted Site Concept



Flood Line

A part of the subject site is currently designated and zoned as Open Space, in order to recognize and protect lands within the flood plain. The requested Official Plan and Zoning By-law amendments propose these Open Space lands be changed to the Office Area designation and the Office (OF4) Zone. A review of the Provincial Policy Statement, the City's Official Plan, and the progress and anticipated recommendations of the Mud Creek Subwatershed Study Update, and the position of the UTRCA with respect to development and filling in the flood plain are all significant components of determining an approach to the requested changes.

Provincial Policy Statement

The *Provincial Policy Statement*, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. "In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act."

The PPS focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

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The PPS directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. More specifically, as per Section 3.1.1 b), “development shall generally be directed to areas outside of *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*;...”. In accordance with section 3.1.2 d), “*Development and site alteration* shall not be permitted within a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.”

The PPS provides the following definitions to provide clarity to the policies:

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.3(b), underground or surface mining of minerals...”

**Hazardous lands:** means property or lands that could be unsafe for development due to naturally occurring processes... Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Flooding hazard:** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:..

b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the one hundred year flood; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof...”

**Flood plain:** for river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

**Floodway:** for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain.

**Site Alteration:** means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site...

The requested land use change would have the effect of removing lands identified in the Official Plan as being located within the floodway from the Open Space designation and placing them in a development related Office Area designation. To ensure that development is ultimately allowed only in accordance with UTRCA regulations, guidelines and permits, a zoning holding provision is recommended which would not be removed until the UTRCA has provided the revised flood lines to the City and approved a fill permit, if required.

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**Official Plan**

Section 15.2.1 of the Official Plan specifies that the City of London Sub-Watershed Studies provide background for the content and implementation of the Natural Heritage Water Resources Management policies. These studies apply an ecosystem planning approach to the identification of: lands to be protected or conserved; criteria to be applied in the planning and design of development to protect and restore natural features ecological functions; opportunities for enhancement and rehabilitation of natural features and ecological functions; management practices to mitigate impacts from existing land uses; and programs to promote education, awareness and stewardship.

Section 15.6 of the Official Plan contains the policies regarding flood plain lands. The Regulatory Flood Standard for the Thames watershed is based on the 1937 observed Flood Event, which represents the equivalent of a one in 250 year return flow occurrence. The policies of this Section of the Plan regulate flood plain lands by restricting permitted uses located in the flood plain. The policies are structured around a “one-zone concept” based on the regulatory flood standard, except where the UTRCA has identified a flood fringe which has been added to Schedule “B2” by amendment to the Official Plan. Development within the flood plain is restricted to flood and/or erosion control structures; facilities which by their nature must locate near watercourses; ancillary facilities of an adjacent land use which are of a passive, non-structural nature and do not adversely affect the ability of the flood plains to pass floodwater; and essential public utilities and services. All new development or structures within the flood plain require the approval of the appropriate Conservation Authority.

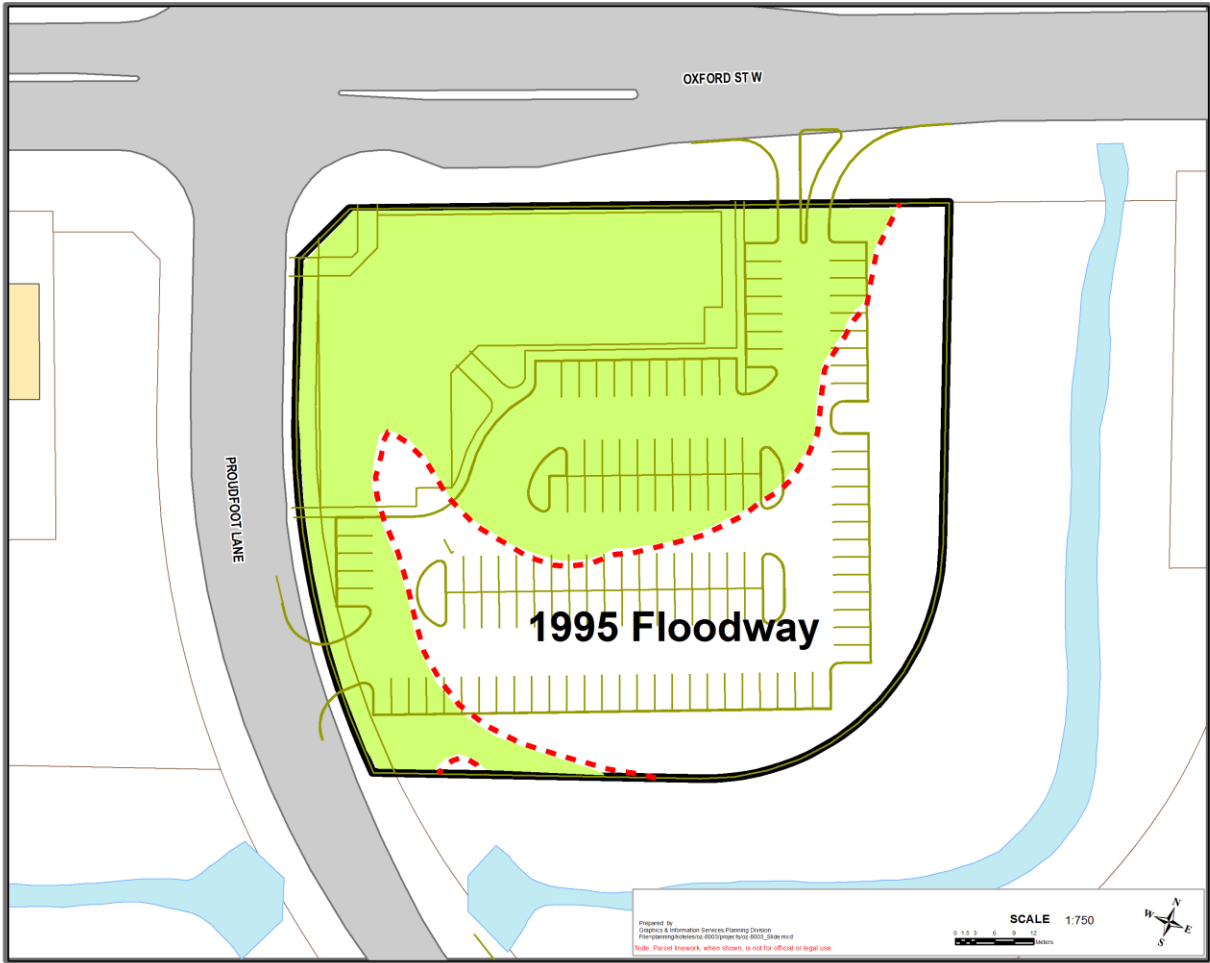
For clarity, the definitions of the PPS state that where the one zone concept is applied, the floodway is the entire contiguous flood plain. The one zone concept applies to the subject property. Therefore whereas the City’s Official Plan refers to the one in 250 year return flow occurrence as the “flood plain”, the same limit in the PPS is referred to as the “floodway”. The 250 year flood line or flood elevation is referred to in this report as the “flood plain” except where “floodway” is used in agency comments or the reproduction or paraphrasing of Provincial or UTRCA policies.

A small portion of the proposed office building and a significant portion of the proposed parking area as shown on the submitted site concept, would be located within the flood plain identified by the UTRCA on the basis of the 1995 Mud Creek Subwatershed Study. The UTRCA has indicated that the MCSS Update provided to it for review in June, 2013, leads to the conclusion that most of the subject property lies within the floodway of Mud Creek.

The graphic on the following page illustrates the submitted site concept with an overlay of the 1995 floodline as currently identified in the Official Plan. A revised floodline based on the recent work completed by Delcan for the Mud Creek Subwatershed Update, which the UTRCA has indicated will affect most of the subject property, is not available and is therefore not shown on this graphic.



Site Concept with 1995 Floodline Overlay



Zoning

The south east portion of the property is zoned as Open Space (OS4) to reflect the existing flood plain. The Open Space (OS4) Zone variation is one of the most restrictive open space zone variations and is applied to lands which have physical and/or environmental constraints to development. A very limited range of structures is permitted subject to site specific studies. The OS4 Zone variation is intended to be applied to hazard lands; specifically the floodway, steep slopes and lands that may be subject to erosion as well as landfills and contaminated sites. Development within the OS4 Zone is regulated pursuant to the *Conservation Authorities Act*. The zone variation is intended to provide for development of low impact recreational facilities that do not normally include structures or buildings, and require locations within or adjacent to the floodplain. Permitted uses in the OS4 Zone include conservation lands; conservation works; golf courses; private parks; public parks; recreational golf courses without structures; cultivation or use of land for agricultural/horticultural purposes; and sports fields without structures.

Roughly half of the proposed parking to service the proposed office building is located within the Open Space (OS4) Zone as currently delineated in Zoning By-law Z.-1. The Open Space (OS4) Zone does not allow parking associated with the proposed office structure, resulting in the applicant’s request to rezone the entire property to a zone which permits development.

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### **Key points from the Stormwater Management Unit**

The SWM Unit has been consulted and provided more than one response to the Planning Division throughout the review process and as the Mud Creek Subwatershed Study Update progressed. Key points and ideas from these comments that are pertinent to the review of the application to amend the Official Plan and Zoning By-law are summarized as follows:

- *The MCSS Update upgraded the Water Resources and Slope Stability components of this subwatershed for current and under climate change conditions.*
- *The estimated flows under the existing and ultimate conditions compared to the 1995 Subwatershed Study have increased.*
- *The MCSSU was undertaken by the City being completed in June 2013. The MCSSU determined and confirmed the existing and post-development estimated surface water elevations. The MCSSU final draft report was completed and submitted to the City and the UTRCA on June 18, 2013.*
- *The MCSS Update draft recommendations regarding land raising to mitigate flooding conditions at 450 Oxford Street, 415 Oxford Street and 607 Proudfoot Lane are part of the ongoing discussions between the City and the Upper Thames River Conservation Authority and are progressing to finalize the outcome of the MCSS Update.*
- *Based on the Consulting Team's recommendations and the City review, the recommended option of land raising to mitigate flooding conditions at 450 Oxford Street and 415 Oxford Street and 607 Proudfoot Lane is an effective and viable solution that will provide the required flood protection for these properties under all assessed conditions and facilitate economically feasible development. The estimated Flood Plain storage reduction for all three proposed properties represents approximately 1.5 % of the total storage of the subwatershed that has been proposed to be mitigated and be compensated by the recommended improvements to the creek morphology by sediment removal.*
- *The recommended approach would require further consultation with the UTRCA and the landowner and may be subject to a decision by the UTRCA Board of Directors.*

### **Key Points from the Upper Thames River Conservation Authority**

The UTRCA has been consulted and provided several responses to the Planning Division throughout the review process and as the Mud Creek Subwatershed Study Update progressed. Key points and ideas it raised that are pertinent to the review of the application to amend the Official Plan and Zoning By-law are summarized as follows:

- *a floodline analysis is required in order for the Authority to evaluate the application and the flood susceptibility of the proposed development.*
- *The regulation limit is comprised of a riverine flooding hazard associated with Trott Award Drain/Mud Creek. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.*
- *we have been able to conclude that flood elevations for the existing condition do not correspond to those generated as part of the original Mud Creek Subwatershed Study, completed in 1995. Information produced by Delcan during the current subwatershed study update more closely aligns with flood elevations generated by the UTRCA prior to the original subwatershed study. This leaves most of the subject lands within the floodway of Mud Creek.*

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**File: OZ-8003**  
**Planner: B. Debbert**

- *One of the recommendations proposed as part of the preferred alternative in the subwatershed study update is to “floodproof” 450 Oxford Street West by raising the level of the land to an elevation of 236.2 metres “or other alternative methods to ensure that the lowest floor level of the development is above the stipulated flood level”. The Conservation Authority is not in a position to support this recommendation at this time as it is not in conformity with the Provincial Flood Plain Management Policies, flood plain policies of the City of London’s Official Plan, flood plain management policies of the UTRCA or policies established for the review of applications made to the UTRCA pursuant to Section 28 of the Conservation Authorities Act. We are prepared to meet further with the City of London and the applicant to discuss these comments and any potential next steps, such as further analysis of the modelling to determine if there is a flood fringe area which may be able to be developed consistent with existing policies.*
- *parking ... in the floodway...would not be consistent with UTRCA policy 3.2.1.1 Floodway Policies which states:*

**3. Parking is considered to be a component of development. The expansion of parking in a floodway to service new development that is not located in the floodway is not permitted. Parking must be located in the same zone as the use (e.g. parking for a residential use must be zoned residential).**

### **Recommended Approach**

This application represents somewhat unique circumstances in that the proponent originally approached the City about the development of this property a number of years ago but did not pursue development plans because the City was working with area landowners for the preparation of a Municipal Class EA Study for storm/drainage and SWM servicing which would also address the Mud Creek East Drainage Area. That project was put on hold and since that time, the City initiated its own Update to the Mud Creek Subwatershed Study which would provide clarification on the nature and extent of flood susceptibility of the subject property, which the UTRCA could then rely on to establish a new floodline for the property. The Terms of Reference for the MCSS Update was approved in January, 2011 and the project is now nearing completion, despite an earlier completion estimate of March, 2013.

The draft recommendations intended to be brought forward to the Civic Works Committee on September 23, 2013, include the addition of fill at 450 Oxford Street to mitigate flood impacts on the property. However, the jurisdiction to permit filling on these lands lies with the UTRCA, not the City. The UTRCA has not, to date, had the opportunity to complete its review of the findings of the MCSS Update, nor to consider an application for fill on the property, for which the UTRCA Board of Directors may have the ultimate responsibility.

City Planning staff have proposed a solution pursuant to Council direction, that would reassure the applicant that the concept of development of an office building within the policy framework of the Office Area designation was appropriate, while establishing the regulatory tools to ensure it is clear that any such development is subject to possible future limitations on the developable area of the land posed by flood limits to be approved by the UTRCA, and its consideration of a possible fill permit application.

There are three key components of the recommended solution that meet these objectives:

1. The entire property be designated as Office Area, and rezoned to the Office (OF4) Zone.
2. A holding provision be applied to the Office Zone, prohibiting development of the property until such time as the Upper Thames River Conservation Authority has provided to the City any revised floodlines arising from the Mud Creek Subwatershed Study Update, and has approved a fill permit, if required.
3. Council direction for staff to bring forward any required amendments to the Official Plan and the Z.-1 Zoning By-Law to implement the revised floodlines as approved by the Upper Thames River Conservation Authority, upon the completion of the Mud Creek

Subwatershed Study Update and the provision of revised floodlines by the Upper Thames River Conservation Authority to the City.

This scenario provides for the requested land use designation and zone, while highlighting that the property is to be protected from development until the UTRCA is able to exercise its regulatory authority with respect to flood prone lands and acknowledging the applicant’s long-term desire to develop these lands. The recommendation to Council clarifies that as a result of UTRCA decisions to be made regarding the flood line and fill permits, the Open Space designation and Open Space (OS4) Zone may be applied to a portion of these lands.

Proposed Removal of the Wooded Area/Potential Environmental Impacts

The PPS promotes the wise use and management of resources and contains specific policies regarding the protection of natural features and systems. The proposed development would result in a portion of the small wooded area (0.33 ha) being replaced by a parking lot. The applicant has completed an Environmental Impact Study (Dillon Consulting, December 6, 2011, revised July 27, 2012) and which addresses the vegetative communities, wildlife and aquatic habitat for the study area and concludes that *“the existing woodland patch on a portion of Bluestone’s property remains relatively isolated and should not be considered contiguous with other woodlands in the immediate area”*, and that *“With the implementation of the mitigation measures outlined in this EIS, there are no anticipated significant impacts to the natural environment”*. The Planning Division has accepted this EIS in accordance with the Provincial Policy Statement, the Official Plan policies and the City’s Environmental Management Guidelines.

The EIS states that the following will be completed as part of the site plan application:

- Edge Management plan;
- SWM and Drainage plan;
- Delineation of the Mud Creek riparian corridor for protection;
- Erosion and Sediment Control Plan;
- Construction Access and Monitoring Plan;
- Timing for Site Preparation;
- Landscape Plan; and
- Environmental Management and Monitoring Plan.

The development of the treed portion of the property that currently lies within the Open Space designation is subject to the finalization of the floodline by the UTRCA and the results of its consideration of any fill applications it receives.

It is noted that the summary of environmental impacts contained in Table 5 of the EIS deferred the mitigation measures and determination of net impact of proposed parking in the flood plain until the revised flood line mapping is made available by the UTRCA. The UTRCA has been involved in the review of the EIS and following the City’s acceptance of the report, had continuing concerns about some aspects of the EIS, including the proposed treatment of areas within the floodplain. The UTRCA has jurisdiction under the *Conservation Authorities Act* and the acceptance of the EIS by the City does not negatively impact the ability of the UTRCA to control development within the floodplain.

Land Use, Intensity and Design

Provincial Policy Statement

The *Provincial Policy Statement* promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. Development is directed to settlement areas, and land use patterns are to provide densities and a mix of land uses which efficiently use land and resources, are appropriate for and efficiently



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use the infrastructure and public service facilities which are planned or available. Intensification and redevelopment are to be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

The proposal is consistent with the PPS as the subject property is within the settlement area of the City of London, is in an area where there is an opportunity to intensify an underutilized site, and will make use of existing servicing infrastructure and public transit facilities.

### Land Use Policies of the Official Plan

The uses permitted in the Office Area designation are set out in Section 5.2.1 of the Official Plan. *This designation is intended to accommodate general office uses which would not normally locate in the Downtown, or which have specific location requirements that make a location outside of the Downtown desirable. The amount and scale of development in Office Areas will be controlled to protect the Downtown's role as the primary office employment area in the City. In accordance with Section 5.2.2 of the Plan, the main permitted uses shall be offices within purpose-designed office buildings, and buildings converted for office use. Secondary permitted uses which may be permitted as accessory to offices include eat-in restaurants; financial institutions; personal services; day care centres; pharmacies; laboratories; and clinics. The Zoning By-law will regulate the size of secondary uses individually and relative to the total floor area of the building, and may restrict the range of uses permitted on individual sites.*

The subject property has already been identified as an appropriate location for office uses, through the application of the Restricted Office/Day Care (R02/DC) Zone that currently applies to the site. The developed corners of the intersection of Oxford Street West and Proudfoot Lane, and the intervening lands to the west of the subject property, are characterized by a mix of service commercial and retail uses with which office based development would be compatible. The lands to the north and south on Proudfoot Lane are developed with apartment buildings whose residents may benefit from office uses which are intended to serve the local population.

The location policies of the Official Plan are also an important consideration in evaluating the appropriateness of a proposed use on a particular site.

Per Section 5.2.3 of the Official Plan, all of the following criteria will be considered when evaluating a site for an Office Area designation:

- i) *The site must have frontage or flankage on an arterial road, primarily those which serve as major entryways to the City;*
- ii) *The site should be adjacent to activity nodes such as Community Shopping Area, Regional Shopping Area and Regional Facility designations;*
- iii) *The site must be located such that it could be efficiently serviced by transit.*

The site has frontage on Oxford Street West, which is identified as an Arterial Road and is one of the main entryways into the City from both the east and west. It also flanks Proudfoot Lane, which is classified as a Secondary Collector Road. The site is located close to the intersection of Oxford Street West and Wonderland Road North, an area which is primarily designated as "Auto-Oriented Commercial Corridor" and which serves as a significant commercial activity node for the area. The site is served by several bus routes. The site meets the location criteria for an Office Area designation.

### Scale and Intensity Policies of the Official Plan

#### Scale

Section 5.2.4 of the Official Plan addresses the scale criteria for office buildings in Office Area designations. *Office developments shall be low to medium rise in height, and of a scale that will minimize the impact on, and can be integrated with, surrounding uses. Office buildings shall be permitted up to a medium scale, which is normally considered to be between 2,000 square*

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*metres (21,529 square feet) and 5,000 square metres (53,921 square feet) of gross floor area.*

The proposed concept plan shows a mid-rise, three storey building with a gross floor area of 4,961 square metres. A building of the proposed scale at this location could be integrated with surrounding development-based land uses.

The ability of the site to accommodate the intensity of the proposed use

Section 5.4.2 – Planning Impact Analysis for Office Areas, sets out a series of criteria for consideration of applications to establish Office Area designations. One of the most critical criteria for this application relates to the ability of the site to accommodate the intensity of the proposed use. The intensity of development that can ultimately be accommodated on the site hinges upon the final determination of the flood line and a decision on any required fill permits by the UTRCA. The requested increase in the permitted GFA for a range of office uses already permitted by the existing zoning on the site, results in an increase in the required land area to accommodate the building and the related parking to service the site.

One of the key determining factors for the size of building which can be adequately accommodated on the property, is the ability to provide the required parking. The submitted site concept illustrates a three storey building with 129 parking spaces, which maximizes the horizontal utilization of the entire land area including the portion which is currently designated as Open Space. The parking rates required by the Zoning By-law range from 1 parking space for every 15 square metres of gross floor area for medical/dental offices, to 1 parking space per 40 square metres for business, professional and service offices. Depending on the proportion of medical/dental offices located within the office building, the ability to accommodate a 5,000 square metre office building on the site may be reduced. For example, a 5,000 square metre building accommodating 100% business, professional and service offices, would require 125 parking spaces. The same building occupied by 100% medical/dental offices would require 334 parking spaces, which cannot be accommodated in the form of surface parking on the site. In that scenario, the gross floor area of the building may need to be reduced to approximately 2,000 square metres so that the standard parking requirements can be met. In essence, a use that is associated with a higher parking rate may result in a smaller building than the upper limit of 5,000 square metres established by the requested Office Area designation.

**Form and Design Policies of the Official Plan**

In accordance with Section 5.2.5 of the Official Plan, it is intended that development in Office Area designations shall maintain a nodal form through the clustering of small and medium scale office buildings. Notwithstanding this intent, individual office buildings may also be recognized. It is also intended that the design of development within Office Areas shall provide a high level of aesthetics and visual prominence, particularly where located on major entryways to the City.

The proposed form is an individual office building with a unique and aesthetically appealing design, located at a significant intersection with the building located close to the street and with parking located behind the building.

Chapter 11 – Urban Design, of the Official Plan also applies. The Urban Design Peer Review Panel which met to review this application on April 18, 2012, commended the applicant on the orientation of the building to the intersection of Oxford Street West and Proudfoot Lane, and provided several other suggestions to further strengthen the corner treatment, enhance private and public space, promote building articulation and rhythm at grade, break up the parking field and promote cycling.

Staff recommend that the Site Plan Approval Authority be requested to consider the following at the site plan approval stage, in order to enhance an already commendable design proposal:

1. Maintain the applicant's proposed design intent of locating the building towards the streets' intersection with parking in the rear, subject to any UTRCA fill restrictions.

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- 2. Maintain the applicant's intent to choose higher quality building materials, such as masonry.
- 3. Further enhance the building's entrance at the intersection of Oxford Street West and Proudfoot Lane to better demarcate the public entrance. This could be done by extending the circular form to grade and/or using a wrap-around canopy above entry doors. The cornice can also be strengthened in this location.
- 4. Providing a plaza at the corner to help enhance both the private and public space.
- 5. Provide additional entry points along the street to help articulate the building's design, respond to the pedestrian realm and transit users' needs, and promote retail at-grade.
- 6. Include street trees along both Oxford Street West and Proudfoot Lane to improve the rhythm along the street. These trees should be located as part of the right-of-way boulevard.
- 7. Use landscape islands to break up the extent of asphalt parking lot and long drive aisles, increase sustainability and provide stormwater management opportunities. Also, consider the use of pervious materials such as pervious pavers to facilitate stormwater management.
- 8. Locate bicycle parking opportunities near building entrances.

**Rendering – View of Front elevation from Oxford Street West and Proudfoot Lane**



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### Rendering – View of Rear Elevation



### New Office Areas and Planning Impact Analysis

In addition to use, location, intensity and form criteria previously discussed, new Office Area designations are also subject to other criteria set out in Sections 5.2.6 – Applications to Expand or Add Office Areas, and 5.4.2 – Planning Impact Analysis, as follows:

#### Demand and supply of office space and the likely impact on the demand for Downtown office space

The Planning Justification Report (Zelinka Priamo Ltd., October 2011) indicates that “the proposed office building is not intended to have any impact on the demand for office space in the Downtown as it is intended to service the immediate area.”

CB Richard Ellis publishes annual and quarterly reports on the Downtown London Office market in an attempt to track the strength of the area. The vacancy rate is expressed as the total area of office space that is vacant as a percentage of the total leasable area of office space in the Downtown. The 2011 *State of the Downtown* report (City of London) reported out on office vacancy rates. As of the first quarter of 2011, London’s vacancy rate for Downtown office space was 14.6%. The CBRE report for the first quarter of 2012 indicated the vacancy rate was 14.3 percent.

#### The availability of municipal services

Municipal services are available to service the site.

#### Traffic impacts and impacts on the transportation system including transit

The Transportation Division indicates that “access on Proudfoot Lane should be restricted to rights in and rights out only. Also, the traffic study showed access on Oxford Street West being restricted to right in, left in and right out with no left out movement being permitted. Hence, the Transportation Planning & Design Division is requesting a holding provision regarding access to ensure that the above-noted access arrangements are implemented.”

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**File: OZ-8003**  
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The London Transit Commission also expressed concerns about the impact of the proposed site plan on existing and future bus bay arrangements.

Impact of the building(s) on surrounding land uses

Other than the issues surrounding development, including parking, in the flood plain, the proposed building is not anticipated to have any negative impacts on surrounding land uses.

The design and integration of the use with present and future area land uses

The proposed design of the site and building would represent an enhancement to the area and complement existing and future land uses.

Potential impact on surrounding natural features, constraints posed by the environment and mitigation

The potential impact on surrounding natural features, constraints posed by the environment and mitigation measures are discussed elsewhere in this report, under “Floodline”, and “Proposed Removal of the Wooded Area/Potential Environmental Impacts”. The accepted EIS (Dillon, July 27, 2012), is to be implemented at the site plan approval stage.

While the proposed land use and design of the building are entirely appropriate for the area, the key overriding issue regarding the proposed Official Plan and Zoning By-law amendment remains the amount of land available for development outside of the flood plain, and therefore, the intensity of use that can be accommodated on the site.

**Zoning**

The applicant has requested an Office (OF4) Zone which provides for and regulates new office uses outside the Downtown Area in small to medium scale office buildings. The Office (OF4) Zone permits clinics; medical/dental offices; medical/dental laboratories; offices; financial institutions; and personal service establishments. The total maximum gross floor area (GFA) for all office uses per building is 5,000 square metres. The by-law restricts financial institutions to a maximum GFA of 300 square metres, and personal service establishments to a maximum GFA of 150 square metres.

The uses permitted by the Office Zone would be appropriate for the site. The permitted maximum intensity of a 5,000 square metre building may not be able to be achieved due to possible flood line restrictions which will be reflected in a future Zoning By-law Amendment, and the parking requirements set out in existing zoning regulations, as discussed above.

The applicant has also requested a reduction in the required front yard setback from 9.0 metres to 1.0 metre, and the required exterior side yard setback along Proudfoot Lane from 7.0 metres to 4.0 metres. This reduction is intended to facilitate the applicant’s site concept which places the building close to the road allowance in support of urban design goals. Maximum setbacks of 3.0 metres from Oxford Street West and 6.0 metres from Proudfoot Lane, are also recommended by staff in addition to the setback reductions requested by the applicant, in order to ensure that that building is located close to the street.

The Transportation Division has requested that a holding provision be applied to ensure that turning movement restrictions are imposed at the site plan approval stage. Because the Transportation Division has a measure of control over turning movements through the approval of detailed design drawings at the site plan stage, it is recommended that rather than a holding provision, vehicular access locations and restricted turning movements be considered at the site plan stage per Council’s request. Similarly, LTC concerns should be addressed at this stage.

Recommended Approach

Redesignate the property from Multi-family, High Density Residential and Open Space, to Office Area. Rezone the property from Restricted Office/Day Care, to Office Area with special provisions to allow reduced front and exterior side yard setbacks. Matters to be considered at the site plan approval stage include urban design details, vehicular access and turning movements, and implementation of the accepted EIS.

Open Space Acquisition Policies

Council may acquire lands within the Open Space designation or add to the Open Space designation for the purposes of: adding to the network of publicly-accessible open space; providing protection to lands identified as being susceptible to flooding or erosion; and providing protection to natural heritage areas designated as Open Space

Section 8A.2.6. - Evaluation of Potential for Public Acquisition of the Official Plan indicates that *if a proposal is made to develop privately-owned lands within the Open Space designation for uses other than those permitted in the Open Space designation, Council will assess the potential for acquiring the property as public open space on the basis of the following criteria:*

- i) the adequacy of the existing supply of public open space in the surrounding area;*
- ii) the potential impact of the proposed new use or change in existing use on surrounding lands, particularly lands which are expected to remain within the Open Space designation;*
- iii) the location of the subject lands in relation to flood plain lands;*
- iv) the location of the subject lands in relation to natural heritage areas designated as Open Space;*
- v) the presence of natural or desirable features or ecological functions within the subject lands; and*
- vi) cultural importance of the subject lands or its features, whether locally or city-wide.*

A review of these criteria indicates that there is adequate natural public open space in the area; there is an approved Environmental Impact Study which confirms that the lands are not ecologically significant and which includes recommended mitigation measures and monitoring that are to be implemented and incorporated into any detailed development designs to ensure there will be no negative impacts on adjacent natural heritage features and ecological functions; any redesignation of the land will have to address and respect the flood lines; and the land and its features are not culturally significant. Therefore staff would recommend that Council not pursue the acquisition of the Open Space portion of this property for Open Space. If, however, Council wishes to acquire the property, then Realty Services may be requested to conduct further due diligence investigations and negotiate the acquisition.

CONCLUSION

The redesignation of the property from Multi-family, High Density Residential and Open Space, to Office Area, and the rezoning of the property from the Restricted Office/Day Care (RO2/DC) Zone and the Open Space (OS4) Zone to the Holding Office Special Provision (h-\_\_\_\*OF4( \_)) Zone is consistent with the Provincial Policy Statement and in keeping with the intent of the Official Plan, since the holding provision will prevent development on the land until such time as the UTRCA has exercised its regulatory authority respecting flood lines and filling within the floodplain. As a result of the UTRCA’s determination on these issues, staff is being further directed to, in the future, initiate applications to apply the appropriate designations and zones to the affected portion of the property, if needed. This may result in the application of the Open Space designation and an Open Space (OS4) Zone to a portion of the property.



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The recommended zoning will also include appropriate special provisions for reduced front and exterior side yard depths to facilitate good urban design. Additional urban design and transportation and environmental matters are recommended for consideration by the Site Plan Approval Authority at the site plan approval stage.

<b>PREPARED BY:</b>	<b>REVIEWED BY:</b>
<b>BARB DEBBERT, SENIOR PLANNER COMMUNITY PLANNING AND DESIGN</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN</b>
<b>SUBMITTED BY:</b>	<b>RECOMMENDED BY:</b>
<b>JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN</b>	<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>

August 29, 2013  
BD/  
Attach.  
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September 10 2013.docx

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Responses to Public Liaison Letter and Publication in “Living in the City”

Telephone

Jean Johnstone  
1114 – 605 Proudfoot Lane  
London ON N6H 4S2

Written

Marie, Steve and Judy O’Meara  
412 Oxford Street West  
London ON N6H 1T3

Lynda Smithers  
359 Riverside Drive  
London ON N6H 1G3

Esam Construction Limited  
c/o Fleetway Bowling  
720 Proudfoot Lane  
London ON N6H 5G5

Attention: Harvey Katz

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**File: OZ-8003**  
**Planner: B. Debbert**

**Debbert, Barbara**

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**From:** lynda smithers [REDACTED]  
**Sent:** Monday, February 20, 2012 2:01 PM  
**To:** Debbert, Barbara  
**Cc:** Hubert, Paul; nbranscombe@london.ca; Bryant, Judy; creightonc@thamesriver.on.ca; Bergsma, Bonnie  
**Subject:** RE: Development Application for Bluestone Properties Inc. 450 Oxford Street West  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Barb Debbert ([bdebbert@london.ca](mailto:bdebbert@london.ca))  
 Planning Department  
 The Corporation of the City of London

cc. Ward 6 Councillor Nancy Branscombe ([nbransco@london.ca](mailto:nbransco@london.ca))  
 cc. Ward 8 Councill Paul Hubert ([phubert@london.ca](mailto:phubert@london.ca))  
 cc. Ward 13 Councillor Judy Bryant ([jbryant@london.ca](mailto:jbryant@london.ca))

**Re: Application by Bluestone Properties Inc. at 450 Oxford Street West;  
 Possible amendment to the Official Plan to change the designation from  
 "Multi-family, High Density Residential" and "Open Space" to "Office Area."**

**REQUESTED ACTION:**

This development application should be refused by City of London planning staff, the Planning and Environment Committee and City Council thereafter.

**BACKGROUND:**

The 250-year floodplain line includes most of the oak bur patch on this site that is proposed to be removed for a future parking lot. According to UTRCA staff, a hydraulic floodway analysis has to be done before there can be any changes to the Official Plan and Z-I Zoning By-law. UTRCA staff say tendering is set to begin in the spring of 2012.

It should also be noted that, according to staff at the UTRCA, the .33-hectare woodlot on the site meets the MNR Provincial Policy Technical Manual criteria of being within 20 metres of other woodlots nearby and is therefore considered to be connected and thus, protected.

Also, according to staff at the UTRCA, the City Planning Department failed to include the UTRCA's comments with respect to their decision to go ahead and process this

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File: OZ-8003  
Planner: B. Debbert

February 8, 2012

The O'Meara's  
412 Oxford Street West  
London, Ontario N6H 1T3

**Re: OZ – 8003**  
**Proposed amendment to Official Plan & Zoning By-Law by Bluestone Properties for**  
**450 Oxford Street West, London, Ontario**

Ms. Berta Krichker  
Manager of Stormwater Wastewater & Drainage Engineering  
Environmental & Engineering Services  
City of London  
300 Dufferin Avenue  
P.O. Box 5035  
London, Ontario N6A 4L9

Dear Ms. Krichker:

Thank you for taking time to speak with us today.

It is with extreme concern that we wish to address the Application by Bluestone Properties to amend the Official Plan & Zoning By-Law for 450 Oxford Street West.

As property owners that live in very close proximity to the land in question we must object to this application being approved.

The area in question is highly prone to flooding under current conditions. By greatly increasing the size of the structure at 450 Oxford Street West and adding the required parking area to accommodate a larger structure and directing / funnelling water from the planned 130 car parking area into Mud Creek it will result in further increases to water levels in this area which will cause further flooding in our basement.

We understand through conversations with you that the City of London continues to explore options with regard to water levels, changes in the water table level, flooding conditions and potential resolutions to better manage flooding in this area. Over the years there have been various proposals to deal with flooding but until the flooding issues are effectively dealt with there must be limitations and restrictions placed on increasing the amount of surface water directed into an ineffective drainage structure such as Mud Creek.

Thank you for your attention in this matter. Please advise us of the results of this proposed amendment.

Regards

*Marie O'Meara*  
Marie O'Meara

*Steve O'Meara*  
Steve O'Meara

*Judy O'Meara*  
Judy O'Meara  
**RECEIVED**  
**CITY OF LONDON**  
**PLANNING DIVISION**

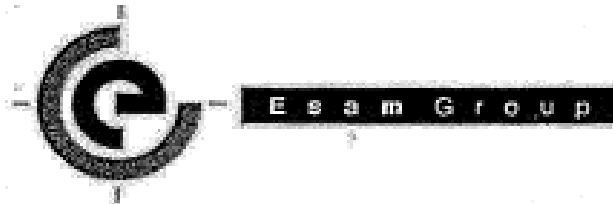
cc: Barb Debbert, City of London Planning Division  
Paul Hubert, Councillor, City of London

FEB 13 2012

TO: \_\_\_\_\_  
FROM: \_\_\_\_\_  
SUBJECT: REFERRALS  
ACTION: ☐ FILE ☐ S.F.  
REMARKS: \_\_\_\_\_

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**File: OZ-8003**  
**Planner: B. Debbert**



November 18, 2012

Councillor Bud Polhill, Chair  
 Planning and Environment Committee  
 Corporation of the City of London  
 300 Dufferin Avenue  
 PO Box 5035  
 London, ON N6A 4L9

Dear Sir,

I am writing to you today to express the Esam Group's support for Bluestone Properties' application for Official Plan and Zoning By-law amendments for their lands located at 450 Oxford Street.

Historically, the Esam Group has played a founding role in the development of the Cherryhill area and continues to be an active part of the local community. Today, the Esam Group and its associated companies own land on the north side of Oxford Street in close proximity to 450 Oxford Street.

These land holdings include:

- Fleetway Bowling which is still managed by Katz family;
- Undeveloped Commercial lands on the northeast corner of Oxford Street and Wonderland Road;
- Lands leased to Costco for the store on Wonderland Road; and
- Lands on the north side of Oxford Street know locally as the Kingsmill farm.

The Kingsmill lands located directly to the north and east of Fleetway Bowling and are yet to be developed but are draft approved and are currently zoned to permit 1,500 to 1,800 new residential units. It is our intention to clear our conditions of draft approval and register our plan in 2013.

We are confident that the development of the proposed 5,000m<sup>2</sup> office building at 450 Oxford Street will assist in broadening the range of services and employment opportunities available to the residents that live in the wider area of Wonderland Road and Oxford Street stretching from Cherry Hill to Capulet Walk. It is our hope that the Planning and Environment Committee will recommend the approval of Bluestone Properties' applications related to 450 Oxford Street.

Yours truly,

Harvey Katz  
 Secretary

Esam Construction Limited  
 c/o Fleetway Bowling  
 720 Proudfoot Lane  
 London, Ontario  
 N6H 5G5

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**File: OZ-8003**  
**Planner: B. Debbert**

**Bibliography of Information and Materials**  
**OZ-8003**

**Request for Approval:**

City of London Official Plan and Zoning By-law Application Form, completed by Michael Hannay, December 16, 2011

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

City of London. *Report to Chair and Members – Planning Committee – 450 Oxford Street West – Old Oak Properties*, October 12, 2004.

Zelinka Priamo. *Planning Justification Report – 450 Oxford Street West*, October 2011

Zelinka Priamo. *Urban Design Brief – 450 Oxford Street West*, October, 2011

Dillon Consulting. *Bluestone Properties Inc. – 450 Oxford Street West – Environmental Impact Study, Final Report*, July 27, 2012

Dillon Consulting. *450 Oxford Street West – Transportation Impact Assessment, Final Report*, August, 2011.

**Correspondence: (all located in City of London File No. OZ-8003)**

All correspondence contained in the file between December 16, 2011 and August 16, 2013.



Agenda Item #	Page #

**File: OZ-8003**  
**Planner: B. Debbert**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2013

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the City of London, 1989 relating to 450 Oxford Street West.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on September 17, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - September 17, 2013  
Second Reading - September 17, 2013  
Third Reading - September 17, 2013



AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein from Multi-family, High Density Residential and Open Space to Office Area on Schedule “A”, Land Use, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 450 Oxford Street West in the City of London.

C. BASIS OF THE AMENDMENT

The redesignation of these lands from Multi-family, High Density Residential and Open Space, to Office Area, would potentially permit the construction of a purpose-designed office building allowing clinics, medical/dental offices, medical/dental laboratories, offices, financial institutions and personal service establishments with a total gross floor area for offices of up to 5,000 square metres. The proposed Official Plan amendment is accompanied by a Zoning By-law amendment with a holding provision prohibiting development until such time as the Upper Thames River Conservation Authority identifies the revised flood lines arising from the Mud Creek Subwatershed Study Update, and considers and approves a fill permit, if required. At that time, City staff will undertake the appropriate amendments to the Official Plan and Zoning By-law, which may result in the Open Space designation and an Open Space Zone being applied to a portion of the site.

The proposal is consistent with the PPS as the subject property is within the settlement area of the City of London, is in an area where there is an opportunity to intensify an underutilized site, and will make use of existing servicing infrastructure and public transit facilities.

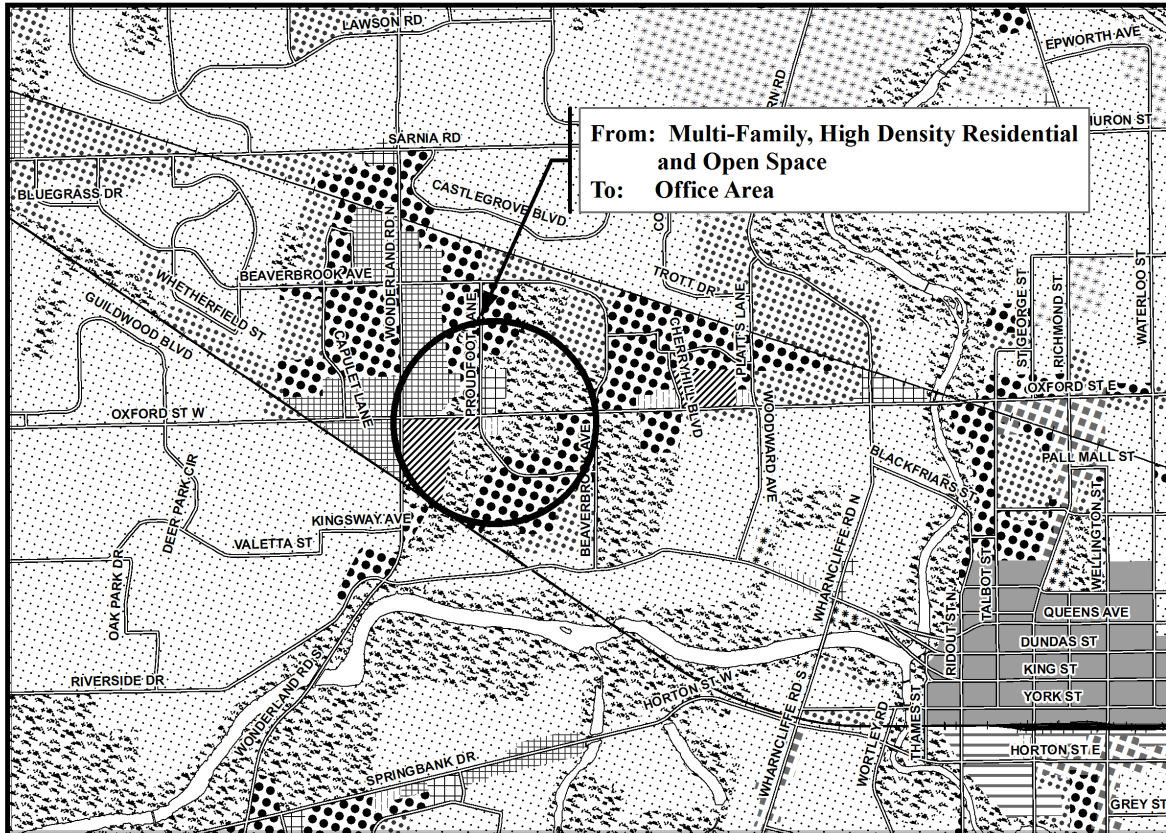
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

























1. Schedule “A”, Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 450 Oxford Street West in the City of London, as indicated on “Schedule 1” attached hereto from Multi-family, High Density Residential and Open Space to Office Area.


**File: OZ-8003**  
**Planner: B. Debbert**

**AMENDMENT NO:**



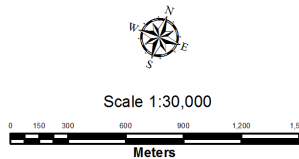
### Legend

- |   |  |   |                                   |
|---|--|---|-----------------------------------|
|  | Downtown                                 |  | Office Business Park              |
|  | Enclosed Regional Commercial Node        |  | General Industrial                |
|  | New Format Regional Commercial Node      |  | Light Industrial                  |
|  | Community Commercial Node                |  | Regional Facility                 |
|  | Neighbourhood Commercial Node            |  | Community Facility                |
|  | Main Street Commercial Corridor          |  | Open Space                        |
|  | Auto-Oriented Commercial Corridor        |  | Urban Reserve - Community Growth  |
|  | Multi-Family, High Density Residential   |  | Urban Reserve - Industrial Growth |
|  | Multi-Family, Medium Density Residential |  | Rural Settlement                  |
|  | Low Density Residential                  |  | Environmental Review              |
|  | Office Area                              |  | Agriculture                       |
|  | Office/Residential                       |  | Urban Growth Boundary             |

**SCHEDULE 1  
TO  
OFFICIAL PLAN**

AMENDMENT NO. \_\_\_\_\_

PREPARED BY: Graphics and Information Services



**FILE NUMBER:** OZ-8003

PLANNER: BD

TECHNICIAN: CK

DATE: 2014/08/27

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)  
2013

By-law No. Z.-1-13\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 450  
Oxford Street West.

WHEREAS Bluestone Properties Inc. has applied to rezone an area of land  
located at 450 Oxford Street West, as shown on the map attached to this by-law, as set out  
below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to  
be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London  
enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands  
located at 450 Oxford Street West, as shown on the attached map comprising part of  
Key Map No. A106, from a Restricted Office/Day Care (RO2/DC) Zone and an Open  
Space (OS4) Zone to a Holding Office Special Provision (h-\_\_\_\_\*OF4( )) Zone.
- 2) Section Number 3.8(2) of By-law No. Z.-1 is amended by adding the following holding  
provision:

) h-\_\_\_\_

*Purpose:* To ensure that unapproved development does not occur in the flood  
plain, the h-\_\_\_\_ shall not be deleted until such time as the Upper Thames River  
Conservation Authority has provided to the City any revised floodlines arising  
from the completed Mud Creek Subwatershed Study Update, and has approved  
a fill permit, if required.

*Permitted Interim Uses:* Existing Uses

- 3) Section Number 19.4 of the Office (OF) Zone is amended by adding the following Special  
Provision:

)	OF4( )	450 Oxford Street West
	a)	Regulations
	i)	Yard Depth from Oxford Street West (min)1.0 metres (3.28 feet)
	ii)	Yard Depth from Oxford Street West (max)3.0 metres (9.84 feet)
	iii)	Yard Depth from Proudfoot Lane (min)4.0 metres (13.12 feet)
	iv)	Yard Depth from Proudfoot Lane (max)6.0 metres (19.69 feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of  
convenience only and the metric measure governs in case of any discrepancy between the two  
measures.

Agenda Item #	Page #

**File: OZ-8003**  
**Planner: B. Debbert**

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on September 17, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading - September 17, 2013  
Second Reading – September 17, 2013  
Third Reading - September 17, 2013



AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)

