



"Inspiring a Healthy Environment"

May 22, 2014

The Corporation of the City of London
Planning Division
206 Dundas Street
London, Ontario N6A 4L9

Attention: Chuck Parker (sent via e-mail)

Dear Mr. Parker:

Re: File No. 13 NEI b/OZ-8295 City of London Official Plan/Zoning By-Law Review - Blackfriars/Petersville Official Plan/Zoning Study

The Upper Thames River Conservation Authority (UTRCA) appreciates the opportunity to review and comment on the circulated report. We fully support the recommendation that the City of London, in consultation with the UTRCA, the Ministry of Natural Resources (MNR) and the Ministry of Municipal Affairs and Housing (MMAH), initiate the process to designate **WEST LONDON**, which is a Candidate Special Policy Area that includes the Blackfriars/Petersville neighbourhood, as a Special Policy Area (SPA) consistent with the Provincial Policy Statement (PPS).

As was conveyed in our comments dated April 15, 2014, the Blackfriars/Petersville neighbourhood is situated in the floodway of the West London Flood Plain and is regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. And while this neighbourhood is protected by the West London Dyke up to the 100 year flood elevation, if the dyke was overtopped or failed during a flood event, large areas of West London would be inundated with up to 3 - 4 metres of flood water. Since 1991, the UTRCA, in cooperation with the City of London, has followed a set of Interim Policies for this Candidate SPA. Without these policies, all new development in this neighbourhood would be prohibited in accordance with Provincial Policy. The Conservation Authority has concerns regarding the extended period of time over which these interim policies have been applied and offers its full support and cooperation to the City to obtain the formal approval of the Flood Plain SPA for West London.

We understand that the City is leaning towards **Option 2: Apply a New R2-2 Special Provision Zone** in conjunction with an amended application for an SPA designation. Under this option, existing legal two-unit development would be recognized but any future requests to permit a two unit structure would require a zoning by-law amendment. The UTRCA anticipates that SPA policies similar to those which are in place for the Coves (please see attached) will likely apply to an approved West London SPA. Policy 15.6.4.1 iii) stipulates that **Applications for Official Plan and/or Zoning by-Law amendments, plans of subdivision and consents that would have the effect of increasing the amount or intensity of residential development within the Special Policy Area will not be supported.**

UTRCA Comments
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Our concern is that intensification would not be permitted under the current policies and it is anticipated that intensification would not be permitted under an approved SPA policy. Identifying that intensification could possibly occur if a zoning by-law amendment were to be submitted would create expectations that could not be realized under the current policy framework and under the anticipated SPA framework.

If there any questions regarding our comments, please contact the undersigned at extension 293.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton
Land Use Planner
JB/CC/cc

c.c. Sent via e-mail -
UTRCA – Jeff Brick, Co-ordinator of Hydrology & Regulatory Services & Mark Snowsell, Land Use Regulations Officer
MMAH – Bruce Curtis, Manager Community Planning & Development

Excerpt – City of London Official Plan

15.6.4.1. Coves Special Policy Area

The Coves Special Policy Area, identified on Schedule “B2” – Natural Resources and Natural Hazards, contains important natural features and a viable low density residential neighbourhood that has historically existed within the flood plain of the Thames River. While a berm/dyke structure provides protection up to the Regulatory elevation of the Thames River, there continues to be a potential for flooding from the river, as well as from internal drainage sources in the Coves basin.

The standard two-zone (floodway-flood fringe) cannot be reasonable applied to development in the area. In order to provide for the continued viability of the existing community and an appropriate level of flood damage reduction, the coves is recognized as a Special Policy Area pursuant to Section 3.1. of the Provincial Policy Statement. Accordingly, the following special policies will apply in the area:

i) For the purposes of the Coves Special Policy Area:

- (a) “Development” shall mean the creation of a new lot, a change in the land use, or the construction of buildings or structures, requiring approval under the Planning Act but does not include activities that create or maintain infrastructure authorized under the environmental assessment process; or works subject to the Drainage Act.
- (b) “Essential Emergency Services” shall mean services such as those provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.
- (c) “Floodproofing” shall mean structural changes and/or adjustments incorporated into the basic design and/or construction or alteration or placement of individual buildings, structures or properties to protect them from flood damage, or to reduce or eliminate flood damages.
- (d) “Hazardous Substances” shall mean substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.
- (e) “Infilling” shall mean development on previously undeveloped lots, generally bounded by existing development on adjacent sides.
- (f) “Institutional Uses” shall mean those uses, associated with hospitals, nursing homes, pre-schools, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, the physically challenged or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.
- (g) “Regulatory Flood Standard” shall mean the level of flooding which has been calculated by the Upper Thames River Conservation Authority and recognized by the Province, to define the Thames River flood plain limits for regulatory purposes. The 1937 observed historical event, which represents the equivalent of a one in 250 year return flow occurrence, is recognized by the Province as the Regulatory Flood Standard for the Upper Thames Watershed. The Regulatory Flood Standard for the Thames River is delineated by the 235.6 metre contour.
- (h) “100-Year Flood Standard” shall mean the level of flooding which has been calculated by the Upper Thames River Conservation Authority for the Thames River flood plain based on an analysis of precipitation, snow melt,

or a combination thereof, having a return occurrence of 100 years on average or having a 1% chance of occurring or being exceeded in any given year. The 100-year flood standard for the Thames River is delineated by the 234.8 metre contour.

(i) “Coves Flood Standard” shall mean the level of flooding which has been calculated by the Upper Thames River Conservation Authority to define the flood plain limits from internal drainage sources within the Coves basin, based on a one in 250 year return flow occurrence. The Coves flood standard is delineated by the 232.33 metre contour.

(j) “Replacement” shall mean removing an existing structure and erecting a new structure.

(k) “Site Alteration” shall mean activities such as fill, grading and excavation, that would change the landform and natural vegetative characteristics of a site.

ii) All development within the Coves Special Policy Area will be encouraged to incorporate floodproofing to the level of the Regulatory flood standard, if possible, and to the level of the 100 year flood standard at a minimum.

iii) Applications for Official Plan and/or Zoning By-law amendments, plans of subdivision and consents that would have the effect of increasing the amount or intensity of residential development within the Special Policy Area will not be supported.

iv) Applications for Official Plan and/or Zoning By-law amendments that would have the effect of permitting institutional uses, essential emergency services or hazardous substances within the Special Policy Area will not be supported.

v) On existing lots of record that are designated and zoned for residential development, minor additions and alterations to existing structures will be permitted, in accordance with relevant zoning and building guidelines, provided it is floodproofed to the elevation of the main floor (first floor) of adjacent structures at a minimum, and in no case less than the elevation of the coves flood standard.

vi) On existing lots of record that are designated and zoned for residential development, infilling and replacement will be encouraged to incorporate floodproofing to the level of the Regulatory flood standard. Where this level of protection would be impractical, obtrusive, or out of context with adjacent development patterns, floodproofing shall be required to the elevation of the main floor (first floor) or adjacent structures at a minimum, and in no case less than the elevation of the Coves flood standard. Basements will not be permitted.

vii) Applications for Official Plan and/or Zoning By-law amendments to permit open space uses will be evaluated on the basis of relevant policies in the Plan. Development within the Open Space designation will generally be restricted to non-intensive or passive uses that are not susceptible to significant flood damages. Associated structures, uses and parking areas may only be permitted on lands that are above the elevation of the Coves flood standard.

viii) All infill, replacement, building additions and site alteration activity within the Coves Special Policy Area will continue to be regulated under the requirements of the Conservation Authorities Act and this will be denoted on Zoning maps to increase the awareness of landowners and area residents.

ix) The City of London and Upper Thames River Conservation Authority will continue to co-operate in order to ensure the ongoing maintenance, repair and servicing of the Thames River dyking system, which provides flood damage reduction to the Coves Special Policy Area.

x) The City of London, in co-operation with the Upper Thames River Conservation Authority, will maintain, update and enhance the local Flood Contingency Plan on an ongoing basis. The City will support the efforts of the Conservation Authority to maintain, update and enhance the Flood Warning System Plan, which provides flood forecasting, control and warning services in the watershed area.

(Section 15.6.4.1. added by OPA 438 Dec. 17/09)

"Inspiring a Healthy Environment"

May 14, 2012

The Corporation of the City of London
Planning Division
206 Dundas Street
London, Ontario N6A 4L9

Attention: Gregg Barrett, Manager of Land Use Planning Policy (sent via e-mail)

Dear Mr. Barrett:

Re: West London Potential Special Policy Area

With the City of London's Official Plan review process currently underway, the Upper Thames River Conservation Authority (UTRCA) felt it was timely to approach planning staff regarding the status of the West London area. As you know, West London is situated below the 100 year flood elevation, within the floodway of the Thames River. As a result, this community is subject to significant risk with respect to public health and safety as well as property damage.

Section 3.0 of the Provincial Policy Statement (PPS, 2005) sets out the province's interests with respect to protecting public health and safety. While Policy 3.1.2 d) stipulates that development and site alteration shall not be permitted within a floodway, Policy 3.1.3 notes that there are *exceptional situations*, such as a Special Policy Area that has been approved by the Ministers of Municipal Affairs and Housing and Natural Resources where development may be considered. A Special Policy Area designation would "provide for the continued viability of existing uses and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development".

It is our recollection that the City initiated the process to have the Province formally recognize West London as a Special Policy Area in the late 1990s. It is our understanding that this approval was never secured. As a result, development review for applications in the West London area continues to be guided by a set of interim policies that date back to 1991. The UTRCA is uncomfortable with the extended time frame over which these interim policies have been in effect and we are of the opinion that it is time to proceed with the process to secure approval of the Special Policy Area. We feel that this issue needs to be addressed with the end result being that the City's new Official Plan will include formal policies for West London.

In order to assist the City with the process for the formal recognition of West London as a Special Policy Area, we are providing (please see attached) the *Procedures for Approval of New Special Policy Areas (SPAs) and Modifications to Existing SPAs under the Provincial Policy Statement, 2005 (PPS, 2005)*

Policy 3.1.3 Natural Hazards Special Policy Areas which are found in Appendix 5 of the Technical Guide – River and Stream Systems: Flooding Hazard Limit (January 2009) prepared by the Ministry of Natural Resources. This document replaces the 2002 version and sets out the step by step procedure that the municipality must undertake in order to have a new special policy area approved.

Authority Staff would be pleased to assist the City with this process. If you have any questions, please contact the undersigned at extension 293.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton
Land Use Planner
CC/cc

Attachment:

Procedures for Approval of New Special Policy Areas (SPAs) and Modifications to Existing SPAs under the Provincial Policy Statement, 2005 (PPS, 2005) Policy 3.1.3 Natural Hazards Special Policy Areas (Appendix 5 of the Technical Guide – River and Stream Systems: Flooding Hazard Limit, January, 2009, prepared by the Ministry of Natural Resources)

c.c. Ministry of Municipal Affairs & Housing – Craig Cooper (sent via e-mail)



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P.O. Box 5035
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N6A 4L9

London
CANADA

July 31, 2014

C. Parker
Senior Planner

Re: Blackfriars/Petersville Official Plan and Zoning Study

At its meeting held on June 11, 2014, the London Advisory Committee on Heritage (LACH) reviewed and received the ~~attached~~ Planning and Policy Sub-Committee minutes from its June 11, 2014 meeting, and held a general discussion with respect to the Blackfriars/Petersville Official Plan and Zoning Study; it being noted that the LACH asked that C. Parker, Senior Planner, be advised that the LACH recommends the use of Option #4 which further regulates the form of development and as outlined in Report OZ-8295, regarding the potential *Planning Act* controls as an effective means to ensure the preservation of heritage attributes within the Blackfriars/Petersville neighbourhood. (5/7/LACH)

Betty Mercier
Committee Secretary

Cc: J. Yanchula, Manager, Urban Regeneration
D. Menard, Heritage Planner

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CITY OF LONDON
PLANNING DIVISION**

AUG - 4 2014

FILE NO. _____

REFERRED TO _____

SUBSEQUENT REFERRALS

FOR ACTION
INFORMATION

FILE
 B.F.
 OTHER

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