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File No. O-8401
T. Macbeth

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	POTENTIAL SPECIAL POLICY AREA (SPA): WEST LONDON MEETING ON SEPTEMBER 23, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning & City Planner, Civic Administration **BE DIRECTED** to take necessary steps to re-initiate the application for Provincial approval of a new Special Policy Area (SPA) for the West London potential Special Policy Area identified on Schedule B-2 to the City of London Official Plan.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- March 11, 1996 Planning Committee, "Official Plan Monitoring Report (Location: West London Potential Special Policy Area)."

- December 9, 1996 Planning Committee, "Coves Special Policy Area/West London Special Policy Area."

- April 29, 2014 Planning and Environment Committee, "Blackfriars/Petersville Heritage Conservation District Plan and Conservation Guidelines and Official Plan Amendments to Implement District."

RATIONALE

Special Policy Area (SPA) status will formally recognize West London as an established residential area that has historically existed within the Upper Thames River Conservation Authority-regulated flood plain, and identify policies that will provide for continued residential viability in a manner that is consistent with the objectives of the Official Plan of the City of London; Provincial Policy Statement 2014; and Appendix 5 of the Ministry of Natural Resources' "Technical Guide – River and Stream Systems: Flooding Hazard Limit" (January 2009).

PURPOSE

The purpose of this report is to seek Council resolution directing the City to apply to the Province for "approval in principle" for the West London SPA and to re-initiate the Special Policy Area application process with the collaboration of Provincial and Upper Thames River Conservation Authority partners. Through the SPA process, the City will align with Provincial Policy, Conservation Authority regulation, and ensure a policy framework for protection of life and property as well as recognition of an existing built-up area within the regulated flood hazard.

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BACKGROUND

In 1996 a report on the proposed West London Special Policy Area was brought forward to Planning Committee. Background study was completed at the time, and the Upper Thames River Conservation Authority (UTRCA) evaluated relevant technical issues through the "Flood Plain Technical Background Report", which was completed in April 1997 as a component of the SPA justification report. The potential SPA, as identified in Schedule B-2 to the City of London Official Plan, is shown in Figure 1, below.

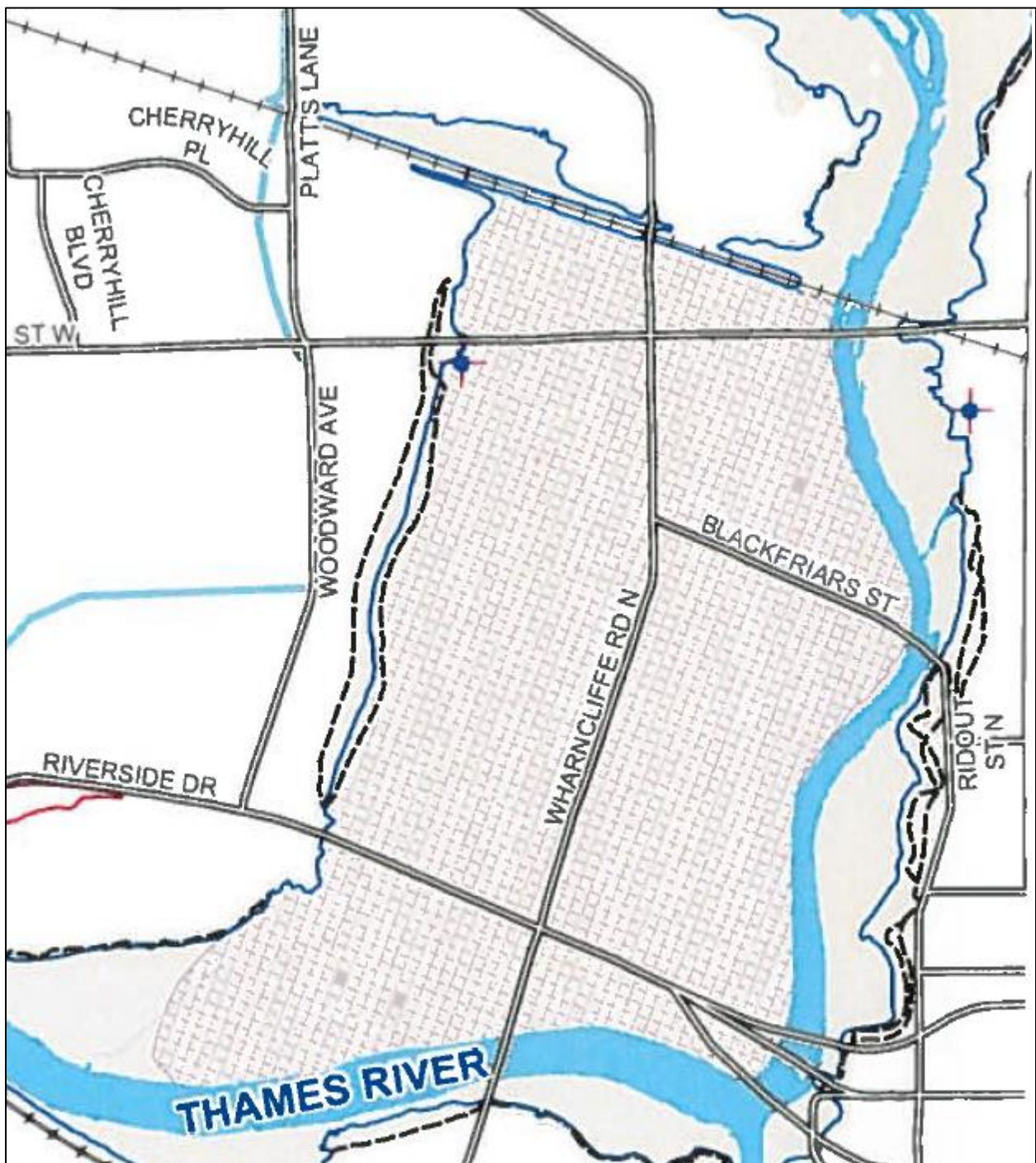


Figure 1: Potential West London Special Policy Area: Excerpt from Official Plan Schedule B-2

In February 1997, the City of London completed a draft "Background Report on the West London Special Policy Area" with input from the UTRCA. The purpose of the background report

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was to support formal recognition of the West London SPA in the Official Plan. The background report was to be presented to London City Council for formal adoption and submission to the Province for approval together with the Official Plan Amendment formally recognizing the West London SPA. The City made amendments in 1997 based on Provincial comments regarding West London and The Coves potential SPAs. In May 1997, the complete “Background Report on the West London Special Policy Area” was then re-submitted to the Ministry of Municipal Affairs and the Ministry of Natural Resources. Following submission of the May 1997 Background Report, the Province took no action. The City sent further correspondence from 1997 to 1999 to clarify if additional information was required. No Provincial action was taken. The City and UTRCA have recently spoken with the Province and direction was to re-start the process, based on previous City Council direction.

No Provincial action being taken regarding the 1997 Special Policy Area application has resulted in the West London area instead being recognized in the City’s Official Plan as a Special Policy Area “Concept”. West London is thus identified as a potential area for an SPA, but has not received formal policy recognition as a built-up area within the flood hazard where certain development and site alteration may be permitted. Without the SPA recognition, development would be significantly more restricted through flood plain regulation.

Official Plan, “ReThink London” Official Plan Review, and *The London Plan* draft

In policy 15.6.4, the Official Plan of the City of London identifies West London as a “Special Policy Area Concept”. This policy identifies that the City may apply to the Province for approval of SPA status for a specific area of the City where development would not normally be permitted due to flood plain restrictions. Policy 15.6.4.i) identifies that the SPA status is to “provide for the maintenance and upgrading of existing development and to recognize and permit limited, additional development in built-up areas to retain the soci-economic viability and nature of the area, without adding undue risk to life and property”. Policy 15.6.4.iv) also identifies that Special Policy Areas may address:

- (a) The circumstances under which new development will be considered in each Special Policy Area;
- (b) The minimum acceptable level of floodproofing required for new development in each Special Policy Area. In determining the minimum acceptable level of floodproofing required, the degree of flood protection provided by existing flood control works will be considered;
- (c) The permitted types and locations of new development;
- (d) Alternative means or measures of providing increased levels of flood protection; and
- (e) Minimum elevations for the provision of safe ingress and egress within each area.

As part of the Official Plan Review (ReThink London), the UTRCA made a written submission requesting the re-initiation of the Special Policy Area process, noting that the West London community is situated below the 100 year flood elevation, within the floodway of the Thames River, and as a result is subject to significant risk with respect to public health and safety as well as property damage.

The draft of the new Official Plan (*The London Plan*, May 2014) includes West London in policy 390 as an area that may be considered for a Special Policy Area, and identifies the West London area as a potential SPA on Map 7 – Natural Resources and Natural Hazards Overlay.

PPS 2014 direction for Natural Hazards, and Special Policy Areas

The 2014 Provincial Policy Statement (PPS) directs through policy 3.1.2 that development and

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site alteration shall not generally be permitted in areas of flooding hazard, other than exceptional situations identified through PPS policy 3.1.4. Policy 3.1.4 states:

3.1.4 Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:

- a) In those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications.*

UTRCA Interim Policies for City of London Special Policy Areas

Based on the above noted policy of the Provincial Policy Statement, new development in the West London neighbourhood would be prohibited. In 1991 the UTRCA, however, developed interim policies for the City of London’s candidate SPAs under the Conservation Authorities Act Regulations (Section 28) for development review. The purpose of the 1991 interim policies, specifically policy 4.2.2.3, was to permit some limited development in the West London candidate SPA in the intervening time before approval as a Special Policy Area. As Provincial approval was never received, the interim policies have since acted as the Conservation Authorities’ guiding regulatory document within this portion of the regulatory floodline.

Development Interest and Blackfriars/Petersville Heritage Conservation District

Recent concerns regarding development and infill projects in the West London area have also identified by the community. In response, Council direction on May 15, 2013, was to direct the introduction of the Blackfriars/Petersville Heritage Conservation District, and:

- 14. d) the Civic Administration **BE DIRECTED** to undertake a concurrent study to consider a City initiated Zoning By-law Amendment to rezone the subject area from a Residential R2 Zone to a Residential R1 Zone;*

This official plan and zoning study were initiated in response to residents’ concerns about existing single family dwellings being converted to multi-unit residential conversions or being demolished and replaced by new multi-unit residential dwellings (which the residents felt were out of scale with the rest of the neighbourhood) without any public participation process. The same issue initiated the Beaufort/Irwin/Gunn/Saunby/Essex (BIGS) Neighbourhood Plan to the north and the broader Near Campus Neighbourhood Study which deals with the same issue in neighbourhoods around the campuses of Western University and Fanshawe College. The primary difference between those neighbourhoods and this one is that the West London (Blackfriars/Petersville) neighbourhood is below the Provincial regulatory floodline and all new development is regulated by the Upper Thames River Conservation Authority, in addition to those City of London policies.

RE-INITIATION OF THE WEST LONDON SPECIAL POLICY AREA PROCESS

As noted above, the City and UTRCA started the process of West London being identified as a Special Policy Area. Following approval of the City’s Official Plan by Council in 1989, a Special Policy Area Background Report (covering four potential SPA’s) was prepared and endorsed by Council and submitted to the Province for consideration. In 1997, two detailed reports were prepared (Technical Report and Background Report) and submitted to the Province as justification for the future West London Special Policy Area. The reports were very detailed and included land use, building, demographic and topographical information.

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To date, the Province has taken no action with respect to the Special Policy Area for West London and the area has been guided by “UTRCA Interim Policies for City of London Candidate Special Policy Areas”, in place since 1991. The UTRCA has approached the City about reapplying to the Province for special policy status for West London (see attached letter dated May 14, 2012).

Given the approaching finalization of *The London Plan*, including conformity with the new 2014 Provincial Policy Statement (PPS), the development pressure identified by the West London community as the impetus for the Blackfriars/Petersville Heritage Conservation District and Official Plan and Zoning reviews, and the constant underlying condition of the area being located below the flood hazard line, it is appropriate to initiate the process again.

Creating a resilient city that prevents flood events and mitigates against possible health and safety risks associated with potential floods and climatic changes is also an important reason to re-initiate the SPA process. Of particular relevance is the need to prevent the kinds of costs and risks to health and safety associated with floods seen in Calgary and Toronto in the summer of 2013. The July 8, 2013 flood in Toronto was estimated to cost the City of Toronto \$60 Million (*Toronto Star*, September 17, 2013), and the June 19, 2013 floods in the Calgary area were estimated to cost \$6 Billion (*Calgary Herald*, September 24, 2013).

RECOMMENDATION AND NEXT STEPS

In conjunction with the justifications identified in the Blackfriars/Petersville Heritage Conservation District and related Official Plan and Zoning By-law Study report, direction is sought to re-initiate the application to the Province for approval of the West London Special Policy Area within the Conservation Authority-regulated flood hazard area.

Approval is a two (2) phase process. Phase I is for an “approval in principle”, which is submitted to the Ministry of Municipal Affairs and Housing along with background technical materials, the municipal Council’s supportive resolution and a resolution in support from the board of the Conservation Authority.

Staff will work with the Upper Thames River Conservation Authority to review and update the background and technical reports produced during the original SPA application process. Following further discussion with the Province, and if “approval in principle” is granted, the City and UTRCA will prepare the documentation required for submission to the Province for Phase II (final approval) of the West London Special Policy Area.

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RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

September 2, 2014
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Attach.

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ATTACHMENT:

Upper Thames River Conservation Authority Letter