

September 30, 2016

Division Manager, Stormwater  
Stormwater Engineering Division  
City of London  
300 Dufferin Ave P.O. Box 503  
London, ON Canada N6A 4L9

**Attention: Shawna Chambers, P.Eng; Scott Mathers, MPA, P.Eng.**

**Re: Response to Staff Recommendation and Report Presented to  
the Civic Works Committee on October 4, 2016, RE: "Mud Creek Municipal Class  
Environmental Assessment Study -- Status Update and Scope Change"  
As it relates to the 323 Oxford Street West (Sam Katz Holdings Limited)**

Dear Shawna and Scott,

We thank you for your continued cooperation and consultation in the preparation of the Mud Creek Subwatershed Class Environmental Assessment (herein referred to as the "Mud Creek EA") and recognize your efforts to move this process forward. We have reviewed the staff report to be presented to the Civic Works Committee (CWC) on October 4, 2016, and would like to provide our input for consideration. As you are aware, and as previously outlined in our letter dated September 2, 2016, we are concerned that the July 2016 draft of the Mud Creek Subwatershed Class Environmental Assessment (EA) does not provide an engineered solution for flood mitigation on our client's lands, municipally known as 323 Oxford Street West.

The Mud Creek EA is a complex undertaking and as such we support staff's recommendation for an increase in the project budget in order to address the stakeholder's comments that include the UTRCA's comments, and our own detailed comments.

To clarify our position, this concern extends beyond establishing the limits of development related to the Regulatory floodplain, and stems from the need to control currently unmanaged municipal stormwater flows within the Mud Creek Subwatershed (comprising 86% of the Mud Creek Subwatershed in 2012, as identified in Section 1.2 of the July 2016 draft Mud Creek EA). Over the last 100 years, the Mud Creek channel has been altered and realigned, which has lead to significant bank erosion, environmental degradation, sediment deposition, and poor aquatic and terrestrial health. We believe that it is the role of the Mud Creek EA to provide a clear solution that addresses creek restoration, stormwater management, environmental improvements, and future growth throughout the entire subwatershed, which would then be detailed through Environmental Impact Studies (EIS) at the development approvals process.

At our August 25, 2016 meeting with the City's Stormwater Unit, the UTRCA, and our stormwater consultants The Municipal Infrastructure Group (TMIG), it was proposed that TMIG (retained by Sam Katz Holdings) would prepare a stormwater and channel relocation concept for the ESAM lands north

of Oxford Street that would be of appropriate technical detail and equality that it would be compatible with the flood models being refined by CH2M Hill Company and the UTRCA. The TMIG model will be capable of being inserted into CH2M Hill Company's and UTRCA's models to more fully understand stormwater flooding within the full EA study area. The ESAM lands are geographically the largest portion of the EA study area and TMIG's stormwater flooding model is being undertaken at a very significant cost to our client and in no way duplicates the work of CH2M Hill Company but expands on their work to complete a full plan for stormwater flooding within the total study area. For our client's commitment to be worthwhile the City of London must appropriately complete the Mud Creek EA.

As outlined on page 3 of the TMIG Memorandum regarding the "*Mud Creek Subwatershed Class Environmental Assessment and Draft Regulatory Floodline Review*" (attachment #1 of our September 2, 2016 letter):

*"There is an opportunity to provide a further reduction in the Regulatory Flood area if more substantial channel alterations were proposed for Mud Creek upstream of Oxford Street."*

As the first stage of their work, TMIG has arrived at a preliminary concept (attached) that includes:

- A defined, naturalized valley corridor with a meander belt and riparian storage that effectively controls and manages storm flows;
- Significant and sustainable environmental improvements to this area of the watershed;
- Best management practices, included LIDs, that improve water quality and aquatic and terrestrial habitat;
- A connected green system that includes a recreational network and pedestrian connections; and
- More effective and controlled flood mitigation reducing the impact of municipal stormwater flooding on private property.

We believe that such an innovative solution that makes use of what are provincially current best practices can be achieved through coordination with City staff and the UTRCA.

We request that, going forward, the TMIG concept be included as an option in the Mud Creek EA, recognizing that the EIS component of the Mud Creek EA will need to be updated to include the proposed channel alterations and therefore cause revisions to the EIS (Appendix B of the Mud Creek EA), prepared by the City's consultant. Both the UTRCA and the City of London Stormwater Unit have received the initial TMIG engineering design concept for their consideration. The completion of the required studies, designs and construction of the improvements to the Mud Creek watershed north of Oxford Street will be a multimillion dollar investment by our client.

We have identified the following issues that we feel are necessary to ensure for proper inclusion of TMIG's work funded by ESAM into the Mud Creek EA:

1. Refinements to the Draft Mud Creek EA, which include:
  - a. It is necessary to update and clarify baseline data, specifically as it relates to flows within the subwatershed (north of Oxford Street West), in order to ensure that the proposed concept is engineered in a manner that is implementable and effective. Concerns relating to base information have been raised by both TMIG and the UTRCA (reference comments U-A6 and U-A10 in the CWC report).

- b. Comments by TMIG provided in our September 2, 2016 letter should be more fully integrated into the review of the Mud Creek EA, as they are not referenced in the October 4<sup>th</sup> Update to the Civic Works Committee.
  - c. Inclusion of concerns M5 and M6 in the Mud Creek EA, as members of the public and various interested parties will have access to the study and it should provide an accurate representation of existing conditions and designations, as well as considerations relating to the impacts of the Beaverbrook Extension (through modeling, and not just through graphic representation).
2. Further accurate study through the EIS process to identify an equitable mitigation and compensation strategy (in accordance with Official Plan Policy 15.3.3) that would achieve the goals of:
- a. A net environmental benefit.
  - b. A connected valley and open space system.
  - c. Improved terrestrial and aquatic habitat.
  - d. Opportunities for development and future growth.

ESAM has since 1999 been actively seeking the completion of a Mud Creek EA and truly appreciates your consideration in this matter. We look forward to the full and proper completion of the Mud Creek EA and to continue to working collaboratively with the City of London and the UTRCA to resolve uncontrolled stormwater flooding and to make substantial long term improvements to the environment of Mud Creek.

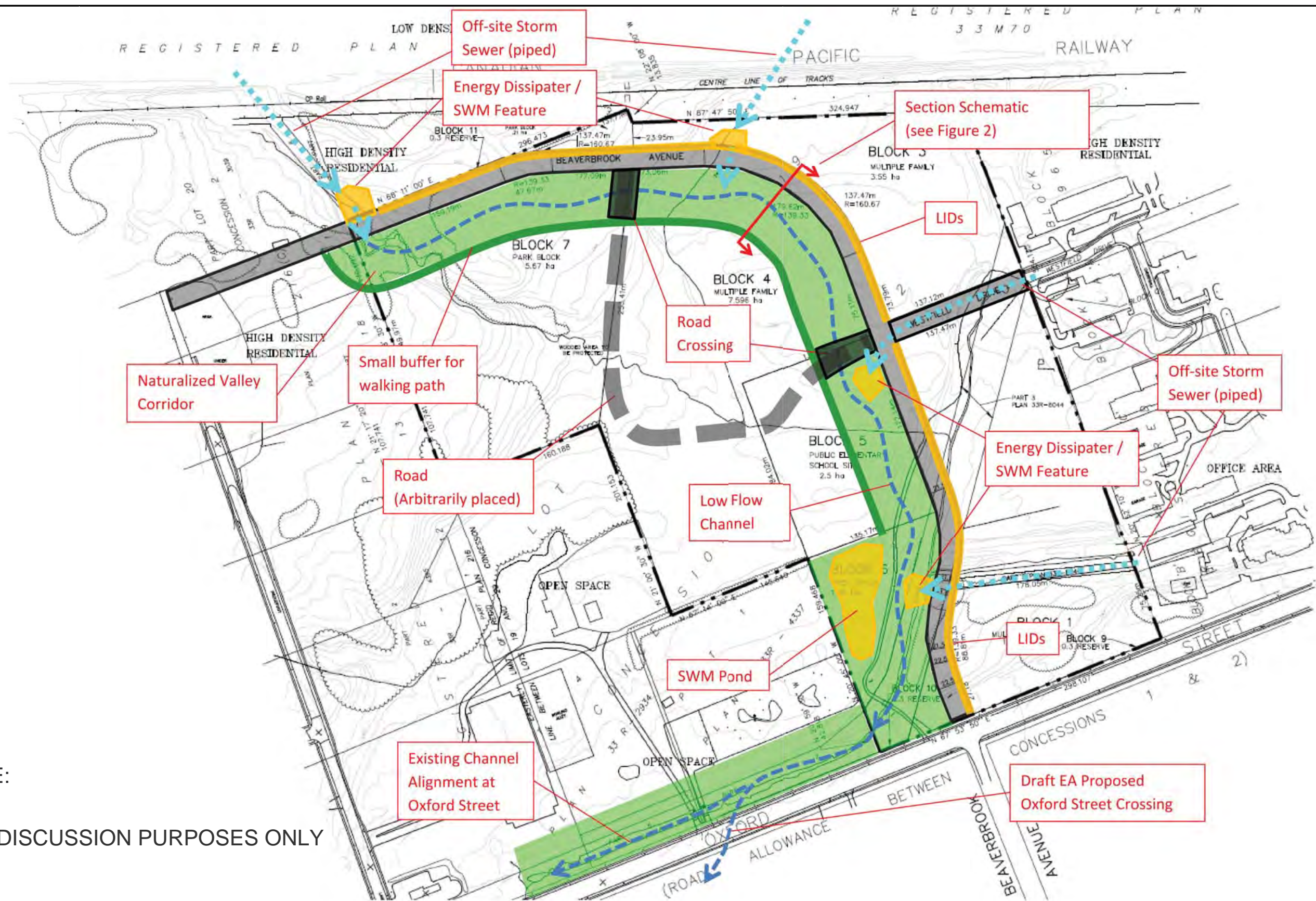
Yours Truly,  
The MBTW Group



Michael Hannay  
Director of Business Development  
B.ARCH., B.E.S., MRAIC, MCIP, LEED AP

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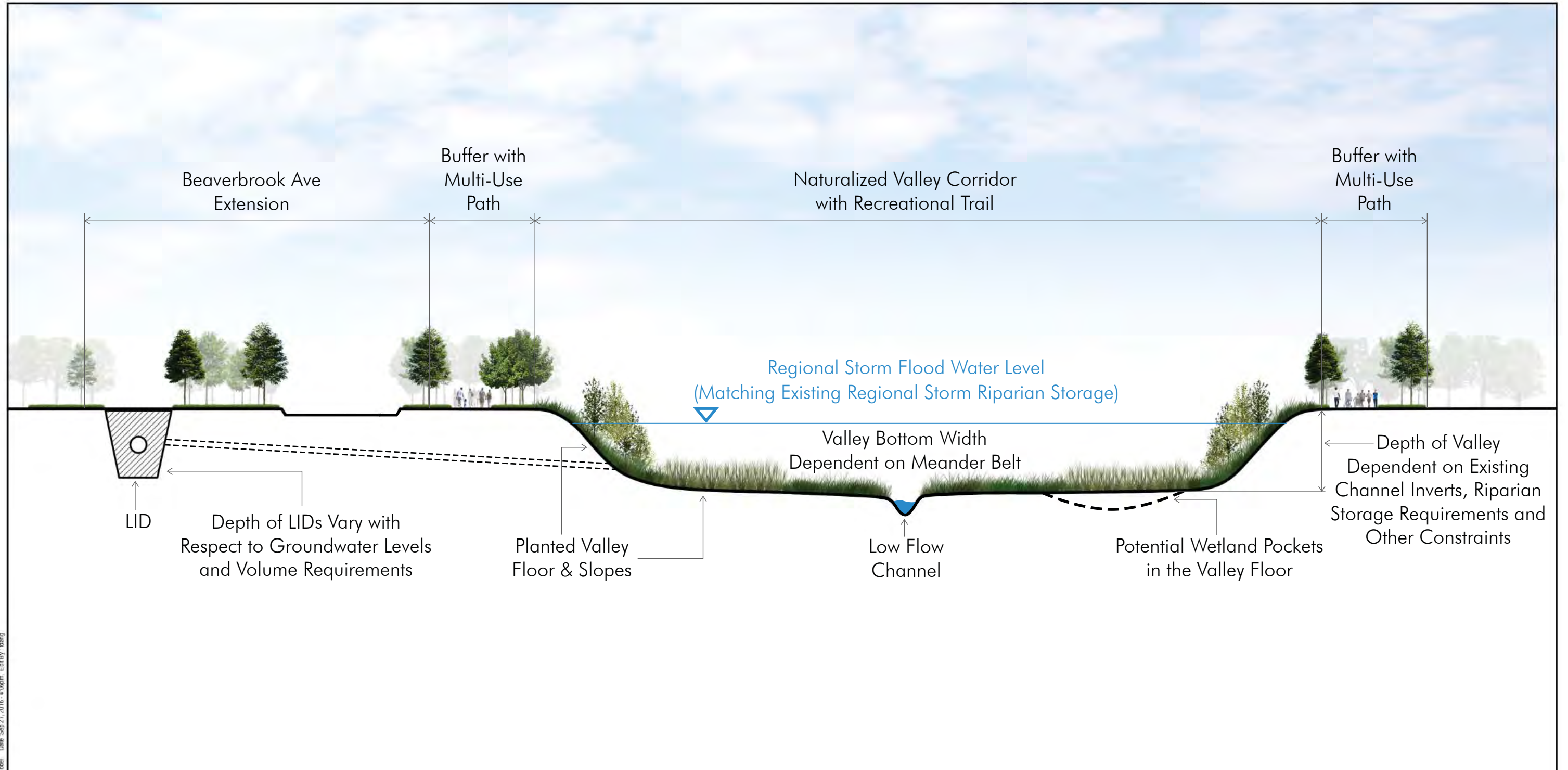
NOTE:

FOR DISCUSSION PURPOSES ONLY



MUD CREEK  
CONCEPTUAL CREEK ALIGNMENT - PLAN

SCALE: n.t.s	PROJECT No. 16126
DATE: SEPTEMBER 2016	FIGURE No. 1
DESIGNED BY: -	DRAWN BY: -
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NOTE:

FOR DISCUSSION PURPOSES ONLY

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MUD CREEK  
CONCEPTUAL CREEK ALIGNMENT - SECTION SCHEMATIC

SCALE: n.ts	PROJECT No. 16126
DATE: SEPTEMBER 2016	
DESIGNED BY: -	DRAWN BY: -
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FIGURE No. 2	