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File: OZ-8003
Planner: Barb 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 NOVEMBER 26, 2012

RECOMMENDATION

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:

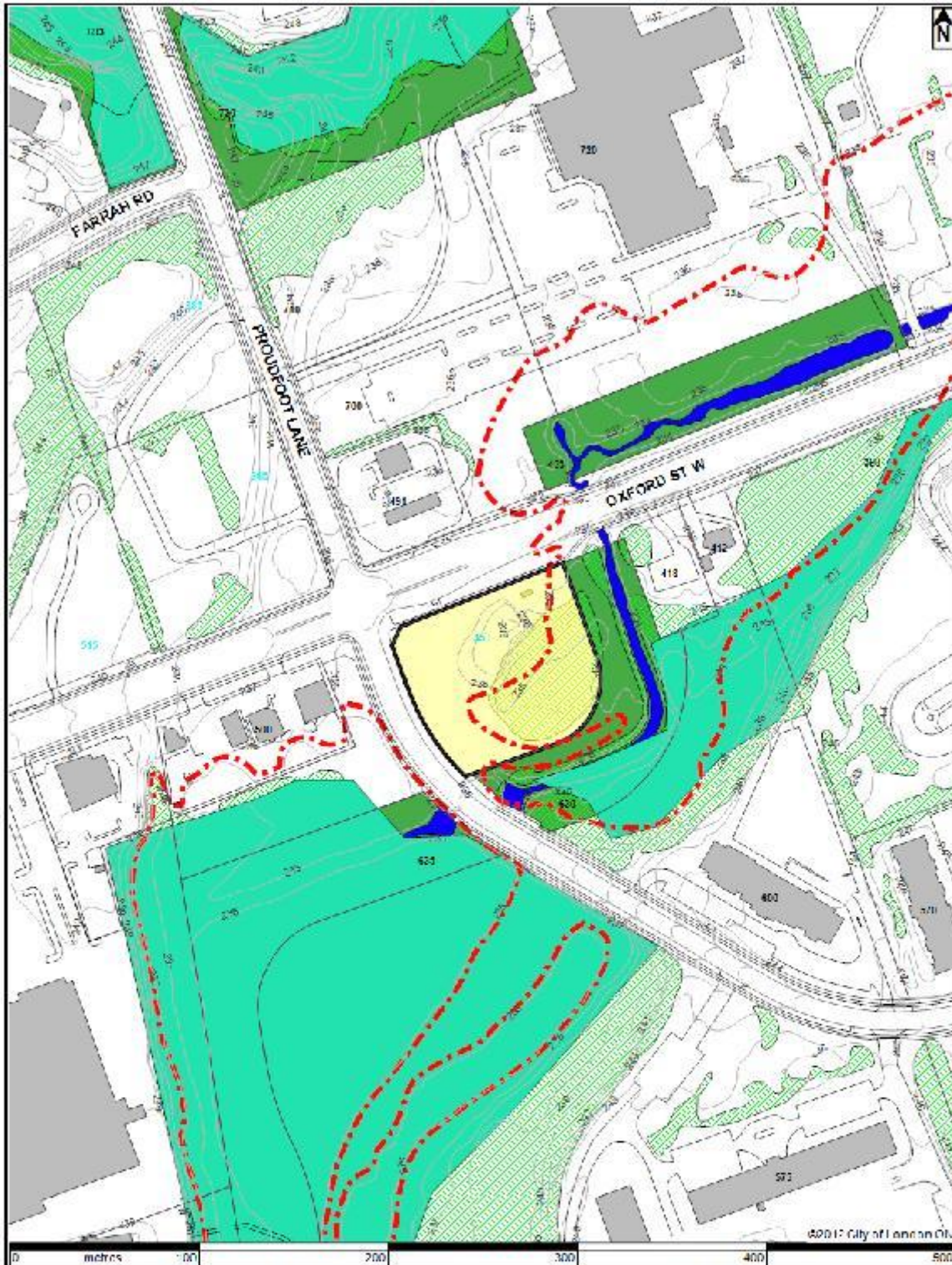
- (a) the request to amend the Official Plan to change the designation of the subject lands **FROM** a Multi-family, High Density Residential designation and an Open Space designation, **TO** an Office Area designation, **BE REFUSED** for the following reasons:
 - i) The proposal is not consistent with the Provincial Policy Statement as it would allow for development in the flood plain;
 - ii) The requested Official Plan designation is inconsistent with the interim revised 250 year flood line as a result of work completed by the City to date on the Mud Creek Subwatershed Study Update;
 - iii) The requested Official Plan designation is premature pending the completion of the Mud Creek Subwatershed Study Update;
 - iv) The existing Multi-family, High Density Residential designation applicable to the site allows for an appropriate type and amount of development outside of the currently identified flood line.

- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Restricted Office/Day Care (RO2/DC) Zone, **TO** 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, **BE REFUSED** for the reasons outlined in clause (a) and the following:
 - i) The requested Zoning By-law amendment is not in keeping with the intent of the Official Plan and is premature pending the delineation of revised Official Plan designations;
 - ii) The proposed Zoning By-law would allow for an intensity of development that cannot be adequately accommodated on the site;
 - iii) The existing Restricted Office/Day Care Zone applicable to the site allows for an appropriate type and amount of development outside of the currently identified flood line.

- (c) No action **BE TAKEN** to pursue City acquisition of the portion of the subject lands currently designated as Open Space in the Official Plan.

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<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 450 Oxford St W Applicant: BLUESTONE PROPERTIES File Number: OZ-8003 Planner: Barb Debbert Created By: Barb Debbert Date: 2012-01-18 Scale: 1:2500</p> <p style="text-align: right;">Corporation of the City of London Prepared By: Planning and Development</p>	<p style="text-align: center;">LEGEND</p> <table border="0"><tr><td></td><td>Subject Site</td></tr><tr><td></td><td>Parks</td></tr><tr><td></td><td>Assessment Parcels</td></tr><tr><td></td><td>Buildings</td></tr><tr><td></td><td>Address Numbers</td></tr></table>		Subject Site		Parks		Assessment Parcels		Buildings		Address Numbers
	Subject Site										
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PREVIOUS REPORTS PERTINENT TO THIS MATTER

October 12, 2004 – 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.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action would leave the existing Multi-family, High Density Residential and Open Space designations and the existing Restricted Office/Day Care and Open Space Zones in place on the subject lands.

RATIONALE

- i) The proposal is not consistent with the Provincial Policy Statement as it would allow for development in the flood plain;
- ii) The requested Official Plan designation is inconsistent with the interim revised 250 year flood line as a result of work completed by the City to date on the Mud Creek Subwatershed Study Update;
- iii) The requested Official Plan designation is premature pending the completion of the Mud Creek Subwatershed Study Update;
- iv) The existing Multi-family, High Density Residential designation applicable to the site allows for an appropriate type and amount of development outside of the currently identified flood line.
- v) The requested Zoning By-law amendment is not in keeping with the intent of the Official Plan and is premature pending the delineation of revised Official Plan designations;
- vi) The proposed Zoning By-law would allow for an intensity of development that cannot be adequately accommodated on the site;
- vii) The existing Restricted Office/Day Care Zone applicable to the site allows for an appropriate type and amount of development outside of the currently identified flood line.

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BACKGROUND

Date Application Accepted: December 16, 2011	Agent: Michael Hannay, MBTW Group
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REQUESTED ACTION:

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 **FROM** 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 m², 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** 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.

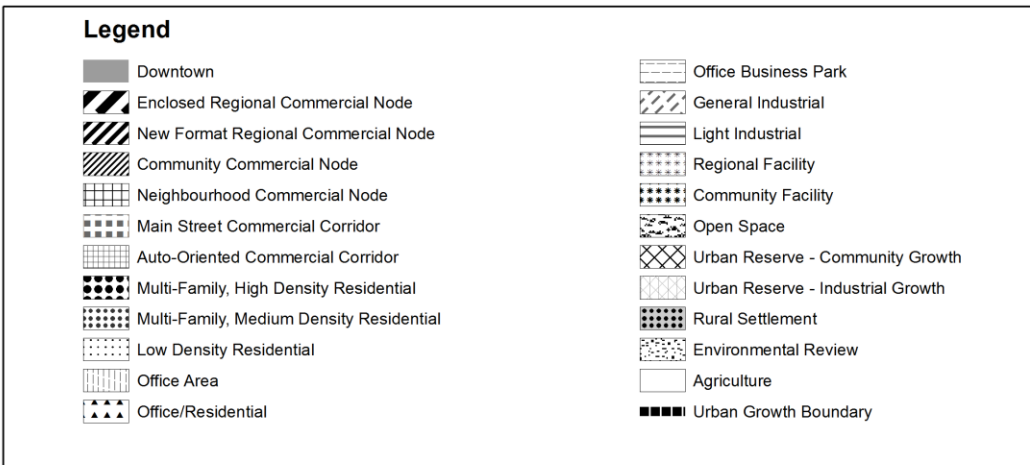
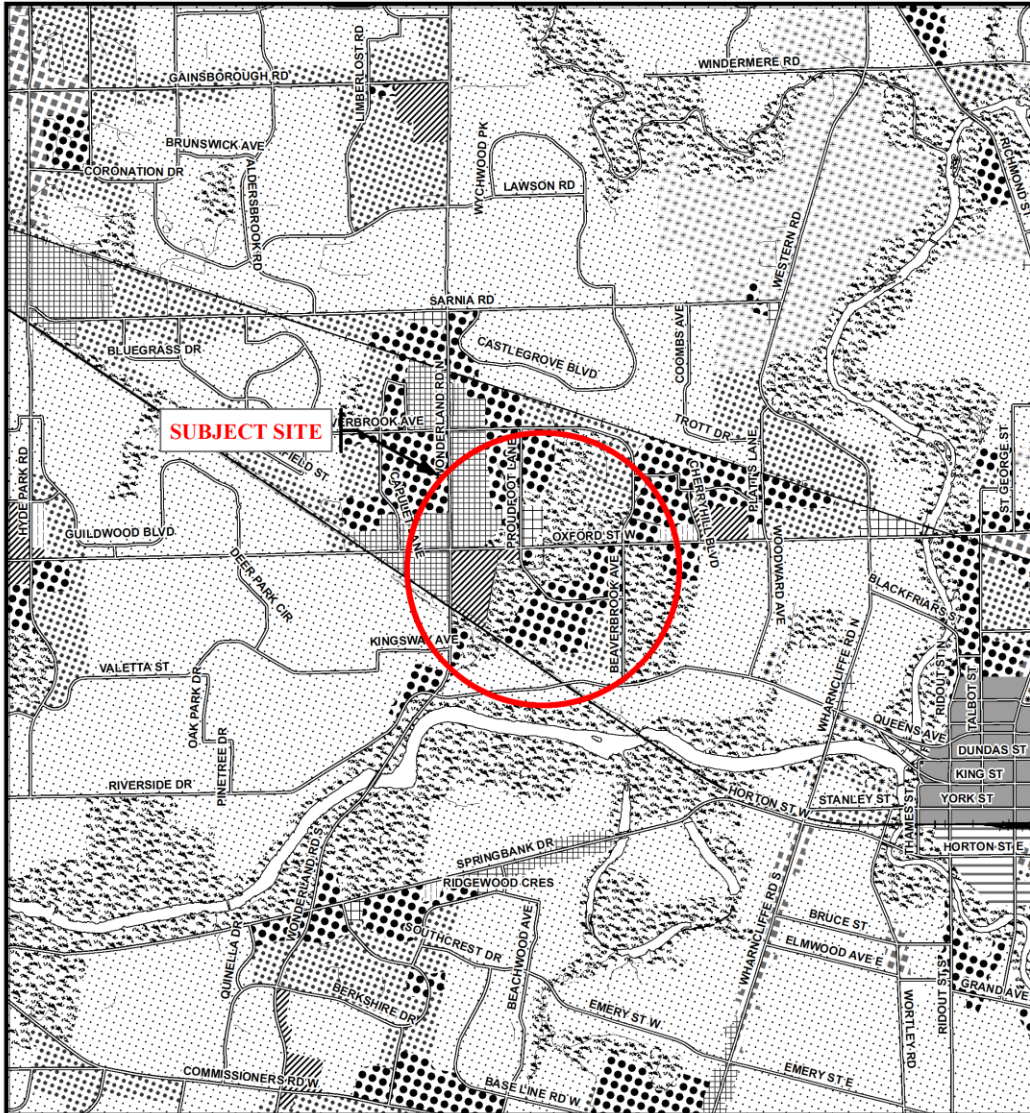
- SITE CHARACTERISTICS:**
- **Current Land Use** - vacant
 - **Frontage** – 92.175 metres (302.4 feet)
 - **Depth** – 87.54 metres (287.2 feet)
 - **Area** – 0.82 ha (2.03 acres)
 - **Shape** – roughly rectangular

- SURROUNDING LAND USES:**
- **North** - Gas station, Fleetway, Shalom Cemetery
 - **South** - Mud Creek, Residential apartment buildings
 - **East** - Mud Creek, single detached dwelling, Woodland Cemetery
 - **West** - Restaurants, car rental, automobile repair garage

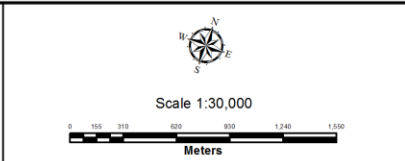
- OFFICIAL PLAN DESIGNATION:** (refer to Official Plan Map)
- Multi-family, High Density Residential and Open Space
- EXISTING ZONING:** (refer to Zoning Map)
- Restricted Office/Day Care (RO2/DC) and Open Space (OS4)

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CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services

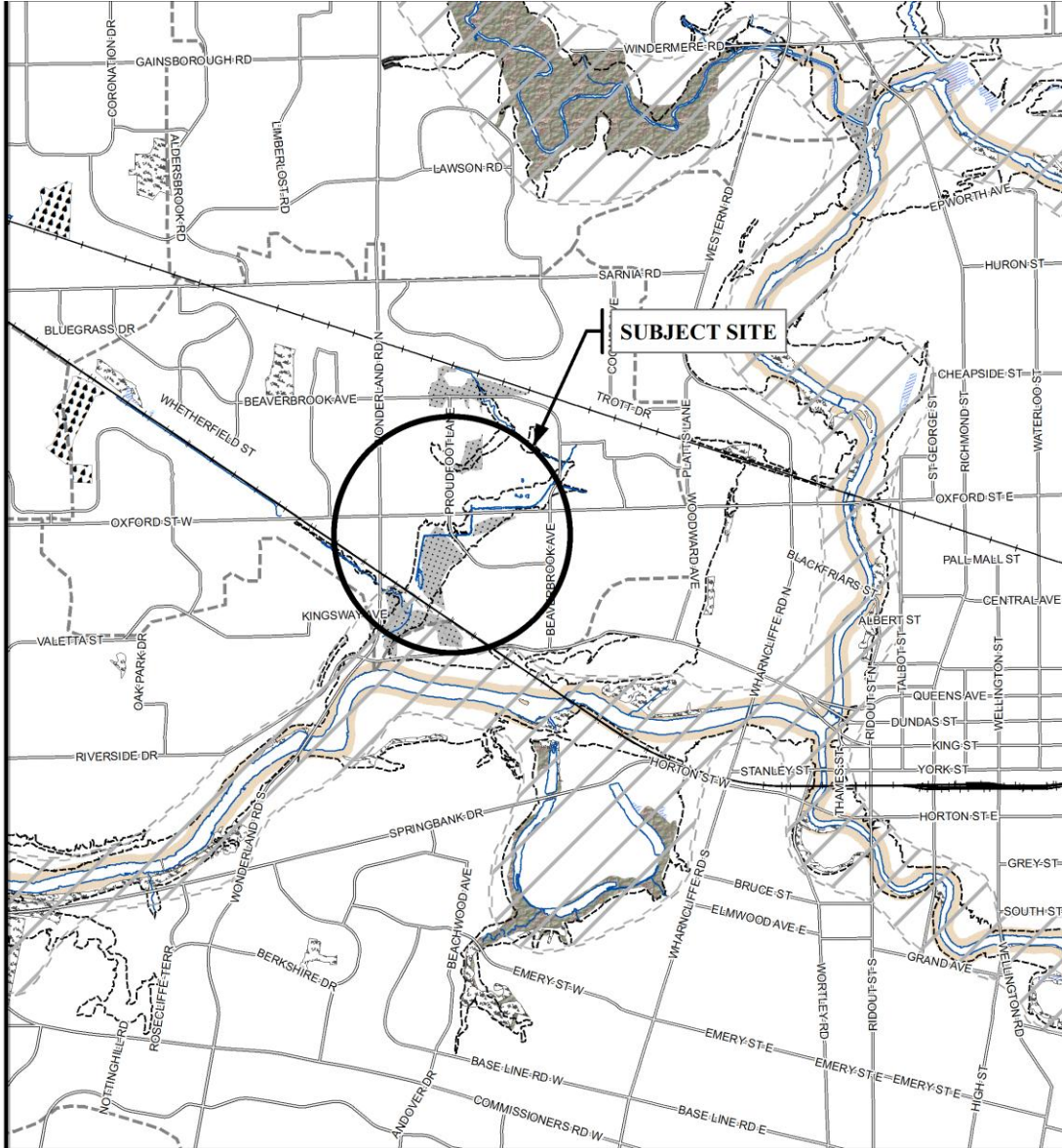


FILE NUMBER: OZ-8003
PLANNER: BD
TECHNICIAN: CK
DATE: 2012/11/09

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\conso\00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

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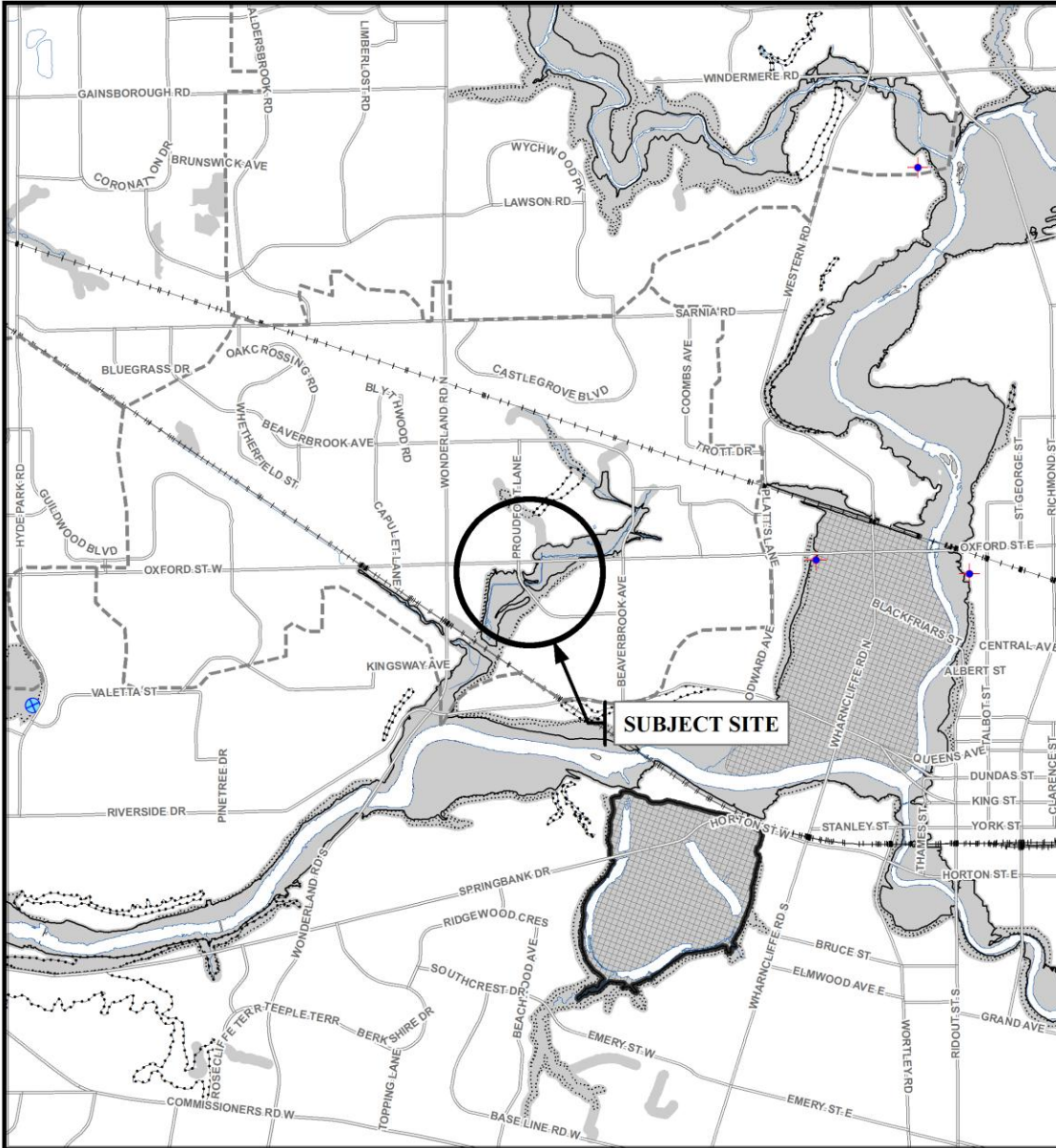


<p>NATURAL HERITAGE SYSTEM</p> <ul style="list-style-type: none"> ESAs Potential ESAs Significant Woodlands Woodlands Unevaluated Vegetation Patches Significant River, Stream, and Ravine Corridors Unevaluated Stream and Ravine Corridors Provincially Significant Wetlands Locally Significant Wetlands Unevaluated Wetlands Potential Naturalization Areas Potential Upland Corridors Ground Water Recharge Areas 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Maximum Hazard Line <p><small>NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.</small></p> <p><small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</small></p> <p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Big Picture Meta-Cores and Meta-Corridors 	
<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE B1 - NATURAL HERITAGE FEATURES -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>0 150 300 450 600 750 900 1,050 1,200 1,350 1,500</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8003</p> <p>PLANNER: BD</p> <p>TECHNICIAN: CK</p> <p>DATE: 2012/11/09</p>

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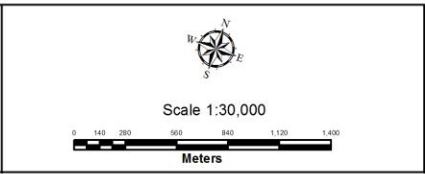
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<p>NATURAL RESOURCES</p> <ul style="list-style-type: none"> Aggregate Resource Areas Extractive Industrial Emergency Municipal Water Wells <p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Potential Special Policy Areas Special Policy Area 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Regulatory Flood Line <i>NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.</i> 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 <p><i>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</i></p>
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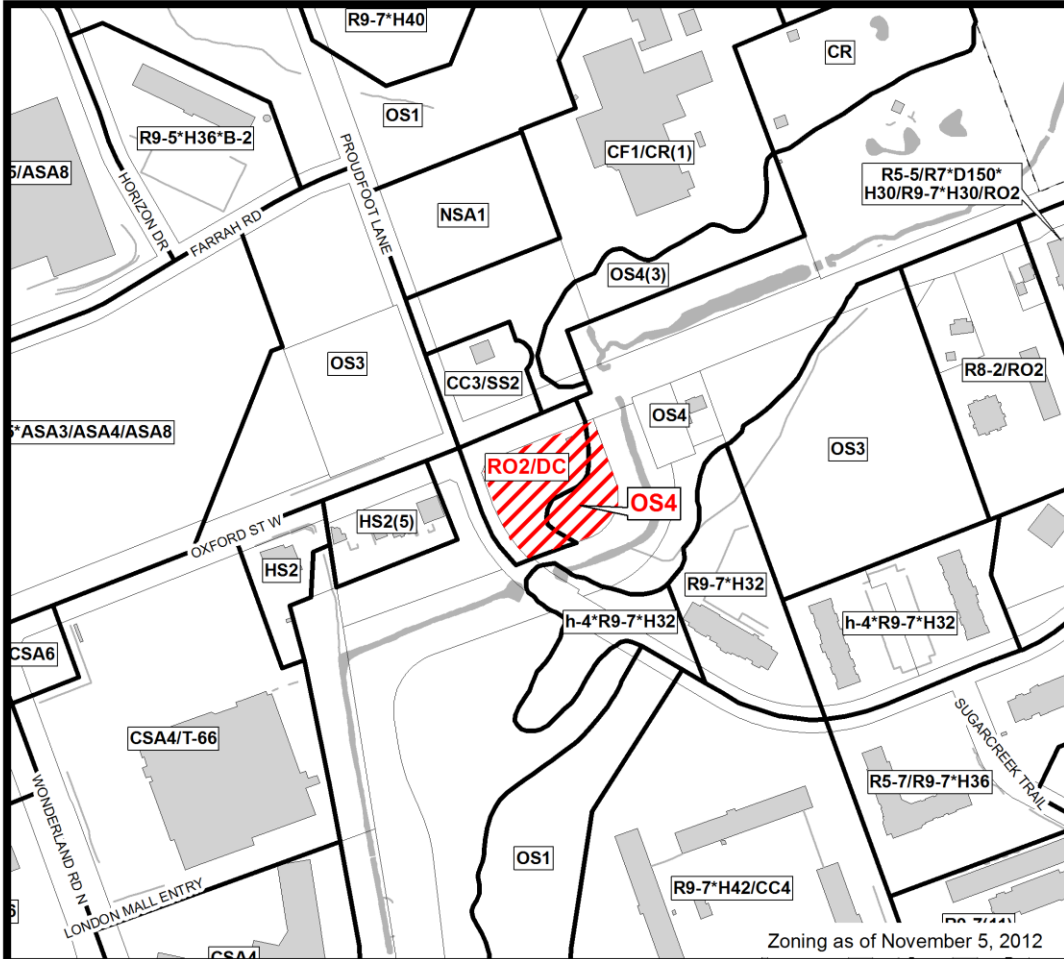
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE B2
NATURAL RESOURCES
AND
NATURAL HAZARDS
PREPARED BY: Graphics and Information Services



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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RO2/DC & OS4

1) *LEGEND FOR ZONING BY-LAW Z-1*

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
OZ-8003 BD

MAP PREPARED:
2012/11/09 CK

1:4,500
0 20 40 80 120 160
Meters

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PLANNING HISTORY

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.

On January 31, 2012, the Mud Creek Subwatershed Study Update commenced with the appointment of Delcan Engineering as the consulting engineers for the update.

Recent development in the area has included the construction of several apartment buildings in the area of Proudfoot Lane and Sugarcreek Trail.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

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*

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designed to take this eventuality into consideration. This and other transportation issues will be discussed in more detail through site plan review.

Stormwater

- *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.*
- *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.*

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- *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 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*

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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.*
- *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.*

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.

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.

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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 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.

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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 24th 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 additional EEPAC response was received. The City Ecologist approved 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.*

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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 curbline 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.*

PUBLIC LIAISON:	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 Living in the City section of the London Free Press on January 21. A "Possible Land Use Change" sign was also posted on the site.	Three replies were received
Nature of Liaison:		
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 FROM 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 ² , 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 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.		
Responses:		
The following concerns were raised:		
<ul style="list-style-type: none"> - 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; - Hydraulic floodway analysis has not been completed; - Loss of trees resulting in ruined view and loss of their function as a noise barrier to train noise; - Possible impact on bridge from Proudfoot to London Mall; - exacerbating flood conditions due to flow of water from parking lot directly to Mud Creek. 		

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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. The south and east property boundary abut City lands which include a portion of the Mud Creek system, the related natural features and functions and a manicured pathway. A bur-oak forest exists on the central and south east portion of the property.

The south-east portion of the property lies within the 250 year flood-line limit as identified by the Upper Thames River Conservation Authority. This approximate area is within the Open Space (OS4) Zone of By-law Z.-1. The areas above the flood line are zoned as 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 following the completion of the revision of flood line mapping for Mud Creek which was revised as part of the Mud Creek Subwatershed Study completed in 1995.

The Mud Creek Subwatershed Study Update under Climate Change conditions is currently underway and is expected to be completed in the Spring of 2013.

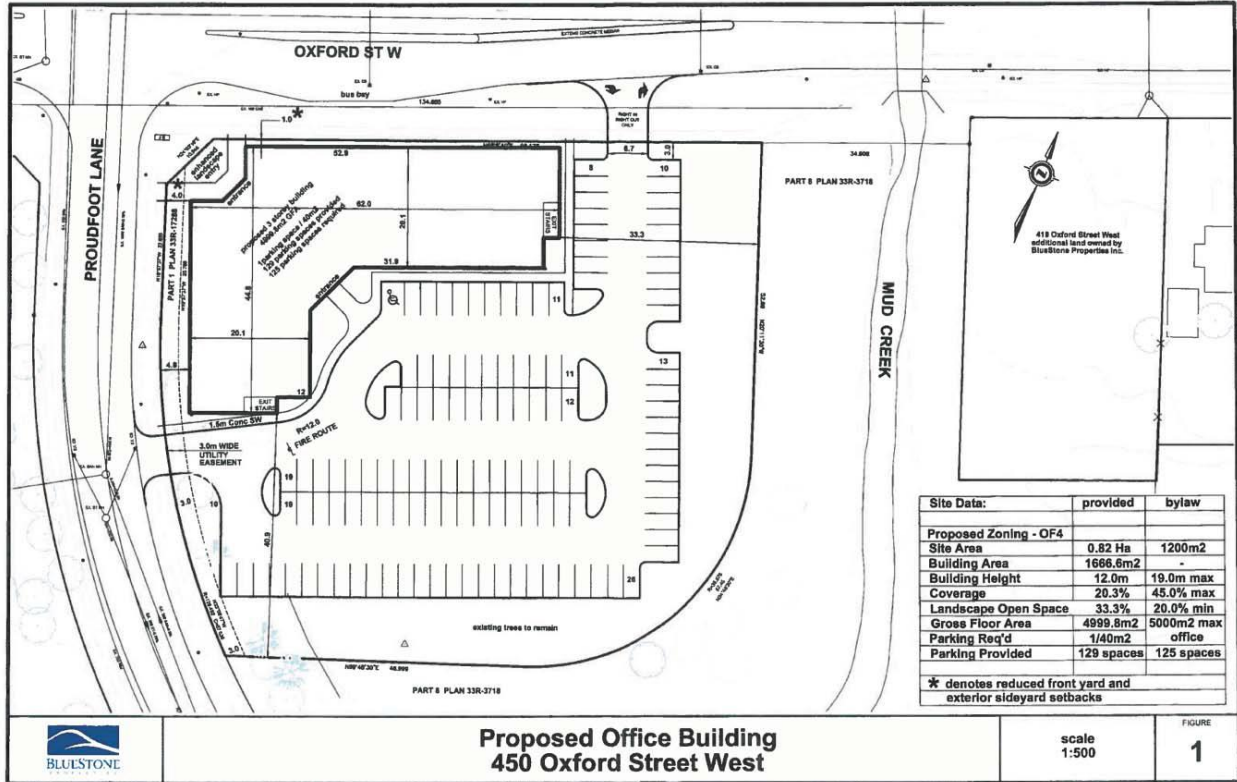
Nature of the Request

The applicant has requested an Official Plan amendment to redesignate the lands from Multi-family, High Density Residential, to Office Area in order to allow for an increase in the scale of office use above the 2,000 square metres permitted by the High Density Residential designation. The applicant has also requested a zoning by-law amendment from the Restricted Office/Day Care (RO2/DC) Zone to the Office (OF4) Zone. The requested zone would 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 parking lot with 129 parking spaces.

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Impact of Flood elevations on the proposed office building and associated parking area

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.”

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;

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- 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...

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 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.

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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 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.

Zoning

The south east portion of the property is zoned as Open Space (OS4) to reflect the existing flood plain. The 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*. 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). The 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.

Key points from Stormwater Management Unit

- *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.*
- *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.*
- *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*

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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

Key Points from Upper Thames River Conservation Authority

- *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).*
- *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 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.

Discussion

Setting aside the existing zoning restrictions, under the current conditions and within the identified flood elevation, the applicant's proposal to locate parking within the flood plain would not be permitted. The Upper Thames River Conservation Authority, which has jurisdiction regarding development within the flood plain under the *Conservation Authorities Act*, has been firm in its position that it will not consider filling within the flood plain until the Mud Creek Subwatershed Study Update has been completed. The UTRCA has also clearly stated that the placement of parking within the floodway, to service a structure that is located outside of the floodway would be inconsistent with UTRCA policies.

Furthermore, in the context of the interim results of the Mud Creek Subwatershed Study Update, not only parking, but also the proposed office building would be located on lands that are within the flood plain. The interim results for the Mud Creek Subwatershed Study Update were produced specifically in an attempt to identify the location of the flood line for the evaluation and recommendations on this application. It was anticipated that a flood line with an 80% level of

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accuracy could be determined that would support an Official Plan amendment and Zoning By-law amendment, with a holding provision requiring the zone line to be refined upon completion of the ongoing Mud Creek Subwatershed Study Update. The interim findings, however, are that the Regulatory flood elevation will increase from 236.0 metres to 236.4 metres. Because the majority of the property is relatively flat, this increase would place most of the property under water during a Regulatory flood event. While the City's SWM Unit has indicated that the completion of the Central Thames Subwatershed Study and the Mud Creek Subwatershed Study Update will result in a water resources/SWM strategy that may impact the flood elevations at 450 Oxford Street, it is unknown what the implications of those results will be.

In its final recommendation regarding this matter, the UTRCA states that *"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 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."*

Consideration of this application hinges upon the ability to identify a development envelope that would accommodate the requested *intensity* of development, particularly since the proposed use is almost identical to what is currently permitted within the existing Zone. The requested increase in the permitted GFA for a range of office uses results in an increase in the required land area to accommodate the building and the related parking to service the site. In this case, Planning staff must rely on the technical expertise of others in order to determine the area and configuration of land on which development can occur. From a planning perspective and based on the concept plan submitted with the application and the UTRCA's position with respect to filling and/or parking within the floodplain, the proposed development is too intense for the existing zoned area. More to the point, it appears likely that the results of the Mud Creek Subwatershed Study Update will result in a significant reduction to the developable area within the subject site. Given the extent of the anticipated flood plain area, it would be premature, inappropriate and misleading to zone additional lands within the subject property for development, even with holding provisions in place. The recommended refusal of the application is, therefore, consistent with the Provincial Policy Statement and represents sound land use planning.

Proposed Removal of the Woodlot

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 woodlot (0.33 ha) being replaced by a parking lot. The applicant has completed an Environmental Impact Study (Dillon Consulting, July 27, 2012) 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 approved 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.

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The removal of a portion of the woodlot and development of this portion of the property is contingent on the resolution of the flood line issues.

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 approval 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 mix of land uses which efficiently use land and resources, are appropriate for and efficiently 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.

Staff agree with the applicant that the proposed development of the subject lands is consistent with certain sections of 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. The development that is currently permitted by the existing zoning would also be consistent with these aspects of the Provincial Policy Statement and would also have the potential to remain outside of the flood plain, consistent with the protection of public health and safety. As discussed in "Impact of Flood Elevations" earlier in this report, the requested Official Plan amendment, Zoning By-law amendment and site concept may be inconsistent with the PPS with respect to directing development away from natural hazards, and may, therefore, represent a level of intensification that cannot be accommodated on the subject lands.

Official Plan

Permitted Uses

Section 5.2.1 - The Office Area 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.

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Location

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 meets the location criteria for an Office Area designation.

Scale

Office buildings in Office Area designations 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 metres (21,529 square feet) and 5,000 square metres (53,921 square feet) of gross floor area.

Form and Design

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 location on major entryways to the City.

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.

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



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Rendering – View of Rear Elevation



Establishing New Office Area designations

In addition to location criteria, new Office Area designations are also subject to criteria set out in Sections 5.2.6 – Applications to Expand or Add Office Areas and 5.4.2 – Planning Impact Analysis, addressing:

- the demand and supply of office space in the City and in the area,
- the likely impact of the proposed development on the demand for office space in the Downtown,
- economic opportunities,
- compatibility with surrounding land uses,
- compliance with policies related to use, location, scale and form,
- the availability of municipal services to accommodate the proposed use,
- the ability of the site to accommodate the intensity of the proposed use;
- traffic impacts on City streets, pedestrian and vehicular safety, and surrounding properties;
- impact on the transportation system including transit;
- impact of the building(s) on surrounding land uses;
- the design and the integration of the use with present and future area land uses;
- potential impact on surrounding natural features;
- constraints posed by the environment;
- measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

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 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.

Offices (defined as a building, or part thereof, containing one or more offices including professional or service offices and all other forms of offices except medical/dental offices) and medical/dental laboratories require a minimum parking rate of 1 space per 40 square metres.

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All of the requested uses other than offices and medical/dental laboratories require a minimum parking rate of either 1 space per 15 square metres (clinic, medical/dental offices, financial institution) or 1 space per 10 square metres (personal service establishment). The least intensive use and the most intensive use of the proposed building would require parking in the range of 125 to 334 spaces. The propose site concept in the submitted Planning Justification Report illustrates the provision of 129 spaces. The report does not provide any justification as to why a reduction of parking to approximately one-third of that which would normally be required would be appropriate. Notwithstanding staff's recommended refusal of this planning application based on flood line issues, the intensity of the development could be appropriate if the office uses were restricted to those with lower parking rates in the range of 1 space per 40 square metres of GFA. The implication of this would be that clinics and medical/dental offices would not be listed as permitted uses.

Discussion

The north-west portion of the property is currently within the Restricted Office/Day Care (RO2/DC) Zone, permitting a range of uses similar to those requested by the applicant. The current zone permits a day care in addition to the clinic, medical/dental office, medical/dental laboratory and office uses, whereas the requested zone would permit financial institutions and personal service establishments.

One of the key differences between the existing and requested zone classifications, is the increase in the maximum amount of gross floor area of office space from 2,000 square metres to 5,000 square metres. Based on the concept plan submitted by the applicant, the site is not large enough to accommodate the most intensive use of the site for medical/dental offices, because approximately only one-third of the required parking could be accommodated on site. The ability to accommodate parking is further reduced by the impacts of the flood elevation as discussed earlier in this report. The *use* and *form* presented in the applicant's submissions are consistent with the Provincial Policy Statement and in keeping with the intent of the Official Plan and represent good planning. The proposal represents, however, over-intensification of the site. This may be remedied by limiting the range of uses to those which have lower parking rates, or scaling back on the size of the proposed structure. No final determination on an appropriate scale of development can be made until the flood line issues are resolved.

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.

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**File: OZ-8003
Planner: Barb Debbert**

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 interim results of the ongoing Mud Creek Subwatershed Study Update indicate the possibility that the majority of the property will be located below the Regulatory Flood line. While the City's SWM Unit has indicated that the completion of the Central Thames Subwatershed Study and the Mud Creek Subwatershed Study Update will result in a water resources/SWM strategy that may impact the flood elevations at 450 Oxford Street, it is unknown what the implications of those results will be. The Upper Thames River Conservation Authority, which has jurisdiction over development within the flood plain under the *Conservation Authorities Act*, does not support the placement of fill in the floodplain to accommodate structures or parking, or parking in the floodplain.

The subject property is currently zoned to permit almost the same uses as are requested in the current application. The key difference, creating the need for an Official Plan amendment, is the increase in the maximum gross floor area for office uses from 2,000 square metres to 5,000 square metres. Given the interim results of the Mud Creek Subwatershed Study Update, it is not possible to determine whether the proposal is consistent with the Provincial Policy Statement. The requested Official Plan amendment is premature pending the outcome of the Mud Creek Subwatershed Study Update. Given the extent of the anticipated flood plain area, establishing Official Plan designations and zoning to allow greater intensity of use on the site would be premature, inappropriate and misleading. The recommended refusal of the application is, therefore, consistent with the Provincial Policy Statement and represents sound land use planning.

PREPARED BY:	SUBMITTED BY:
BARB DEBBERT, SENIOR PLANNER COMMUNITY PLANNING AND DESIGN SECTION	JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

November 15, 2012 BD/

"Attach"

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File: OZ-8003
Planner: Barb Debbert

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

<u>Telephone</u>	<u>Written</u>
Jean Johnstone 1114 – 605 Proudfoor Lane London ON N6H 4S2	Marie, Steve and Judy O’Meara 412 Oxford Street West London ON N6H 1T3
	Lynda Smithers 359 Riverside Drive London ON N6H 1G3

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File: OZ-8003
Planner: Barb Debbert

Debbert, Barbara

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)
Planning Department
The Corporation of the City of London

cc. Ward 6 Councillor Nancy Branscombe (nbransco@london.ca)
cc. Ward 8 Councill Paul Hubert (pHubert@london.ca)
cc. Ward 13 Councillor Judy Bryant (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 development application located at 450 Oxford Street West.

In the future, I hope the Planning Department will include the UTRCA comments in any future discussions regarding this particular application or any others when dealing with floodplain issues.

I would also appreciate it if I could be kept informed of future decisions regarding this application at 450 Oxford Street West as well.

Respectively submitted by,

Lynda Smithers
359 Riverside Drive
London, Ontario
N6H 1 G3

[Empty boxes for Agenda Item # and Page #]

File: OZ-8003
Planner: Barb 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: _____
BY: _____
CITY REFERRALS
DIVISION PLS
OPERATION E.P.

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File: OZ-8003
Planner: Barb 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)

City of London -

All correspondence contained in the file between December 16, 2011 and November 15, 2012.