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O-7935
S. Meksula

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON PROPOSED AMENDMENT TO SECTION 5.2.4 SCALE OF OFFICE DEVELOPMENT PUBLIC PARTICIPATION MEETING ON MONDAY, AUGUST 15, 2011 AT 4:35 P.M.

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of City of London relating to policies for Office Areas, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on August 22, 2011 to amend the Office Areas policies of the Official Plan by adding a policy to define the scale of office development to Section 5.2.4 Scale of Development for all Office Designations, to clarify the intent of the designation.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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December 12, 1994 - Planning report for Planning Committee to add policies to OP which specify the scale of office development (OZ-4969).

March 3, 2008 – Official Plan Five Year Review (Official Plan Amendment 438) was adopted by Council (O-7500).

December 17, 2009 – the City was advised by the Ministry of Municipal Affairs and housing that Official Plan Amendment 438 was approved by as modified by the Ministry (O-7500).

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this Official Plan change is to amend the Office Areas policies of the Official Plan by adding a policy to define the scale of office development to Section 5.2.4 Scale of Development. This policy was deleted in error through the Official Plan Review process.

RATIONALE

1. The recommended amendment conforms to the policies of the Official Plan.
2. The recommended Official Plan amendment is consistent with the Provincial Policy Statement (2005).
3. The attached Official Plan amendment clarifies the intent of the designation by defining small and medium scale office development.
4. The proposed amendment corrects a technical error in the by-law adopting Official Plan Amendment 438.

BACKGROUND

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Date Application Accepted: June 29, 2011	Agent: City of London
REQUESTED ACTION: Built and Natural Environment Committee shall consider the proposed change to the Official Plan by adding a policy to define the scale of office development to Section 5.2.4 Scale of Development.	

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

On July 4, 2011 notice was provided to those City Departments and Agencies having an interest in office area issues.

To date, there have been no comments.

PUBLIC LIAISON:	Living in the City notice July 9, 2011	No replies received.
Nature of Liaison: To change the Official Plan by amending Section 5.2.4 Scale of Development by adding a policy to define the scale of office development in Section 5.2.4 Scale of Development for all Office Designations, to clarify the intent of the designation. This policy has been contained in the Official Plan since 1995 (OPA 63). The policy was removed in error through the Official Plan review process (OPA 438).		
Responses: No responses received as of the date of the preparation of this report.		

ANALYSIS

The Official Plan Five Year Review was enacted in the form of Official Plan Amendment No. 438, and was adopted by Council on March 3, 2008. The Amendment did not come into effect until it was approved by the approval authority, being the Minister of Municipal Affairs and Housing.

On December 17, 2009, the City was informed by the Ministry of Municipal Affairs and Housing that Official Plan Amendment 438 was approved as modified by the Ministry. The modifications approved were those considered and recommended by Municipal Council, and referred to in the above reports.

During the preparation of the Office Land Use Designations of the Official Plan and through the daily use of the Office policies by staff, a minor error has been identified in the text. A review of section 5.1.1, General Objectives for All Office Designations was amended as follows in OPA 438:

- i) Provide for choice in the location and cost of office space while maintain the Downtown as the primary office employment area in the City.
- ii) Encourage the maintenance and preservation of buildings and/or areas considered by Council to be of cultural heritage value or interest to the community.
- iii) For the purpose of this Plan, office development of less than 2,000 square metres (21,529 sq.ft) gross floor area will normally be considered "small scale", and office development between 2,000 square metres (21,529 sq.ft.) and 5,000 square metres (53,921 sq.ft.) gross floor area will normally be considered "medium scale"

In the final OPA 438 report to Planning Committee, items i) and ii) were to be maintained, but item iii) was to be deleted from section 5.1.1 and added to section 5.2.4 Scale of Development. The purpose of the amendment was to move item iii) to Section 5.2.4 Scale of Development, which is more consistent with the Office Area policies of that section. While all of the text

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versions of OPA 438 showed this change, the by-law that adopted the amendment deleted the paragraph from Section 5.1.1, but did not add it to section 5.2.4.

The policy appeared in the text version of Official Plan Amendment 438 as indicated below:

5.2.4. Scale of Development

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 building shall be permitted up to a medium scale in the Office Area designation. The Zoning By-law will control the scale of development through building height, lot coverage floor area, and setback regulations. To clarify that large scale uses will not be permitted in the Office Area designation, the following amendment to Section 5.2.4 (Scale of Development) is recommended:

For the purpose of this Plan, office development of less than 2,000 square metres (21,529 sq.ft.) gross floor area will normally be considered "small scale", and office development between 2,000 square metres (21,529 sq.ft.) and 5,000 square metres (53,921 sq.ft.) gross floor area will normally be considered "medium scale"

Small to Medium Scale Offices in the Office Area Designations

This policy is a long-standing policy of the City's Official Plan. The policy was established through the Official Plan Amendment No. 63 (OPA 63) in 1995. The OPA 438 action was not intended to create a new policy, but to move the existing policy to a more logical place in the Office Area policies from the General Objectives in 5.1.1 to Scale of Development in Section 5.2.4.

The Office Study prepared by the Planning Division in 1993 showed a marked trend towards the suburbanization of office development in London. Prior to 1980, approximately 26% of all office space built in London was developed outside of the boundaries of the Downtown. This rate jumped considerably during the 1980's when almost 36% of all office space was developed outside of Downtown. During the 1990's an average of approximately 14 000 m² (150,700 sq.ft.) of office space was added to the suburbs per annum - a level well in excess of the average annual suburban development of 4 300 m² (46,300 sq.ft.) during the 1960 to 1990 period.

The recommended 2 000 m² (21,529 sq.ft.) and 5 000 m² (53,921 sq.ft.) size definitions for small and medium scale office development were established after a review of existing buildings within the City of London. These sizes were consistent with the scale of development that existed in the suburbs. These office use size policies also provide for medium scale office development outside the Downtown. These medium scale office developments were directed to the Office Area land use designations. These policies have resulted in maintaining the Downtown's dominance as the large scale office centre in London. This is often cited as a significant contributor to maintaining the vitality of London's core.

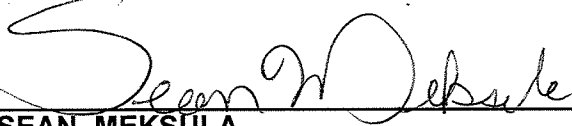


CONCLUSION

The Official Plan amendment is appropriate as it implements Official Plan Policies intended to regulate and clarify small scale and medium scale office development. It will allow development to a scale consistent with the Office Areas designations, resulting in an efficient utilization of land. This amendment corrects an error that occurred in drafting the by-law to implement the policies arising from the Official Plan Five Year Review (OPA 438).

The policy was removed from the General Objectives for All Office Designations policy (5.1.1) to Section 5.2.4 Scale of Development. This change was shown in all of the text versions of OPA 438, but did not appear in the amending by-law.

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PREPARED BY:	SUBMITTED BY:
	
SEAN MEKSULA PLANNER II CITY PLANNING AND RESEARCH	GREGG BARRETT, ACIP MANAGER – CITY PLANNING AND RESEARCH
RECOMMENDED BY:	
	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

August 4, 2011
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Agenda Item # Page #

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Bill No. (number to be inserted by Clerk's Office)
2011

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the
City of London, 1989 relating to Section
5.2.4.

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

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

PASSED in Open Council on August 22, 2011.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – August 22, 2011
Second Reading – August 22, 2011
Third Reading – August 22, 2011

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AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add a policy in Section 5.2.4 Scale of Development by adding a policy to clearly define size ranges for small and medium scale office space.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to all lands located in the City of London.

C. BASIS OF THE AMENDMENT

This Official Plan Amendment is as a result of an established policy that existed in the Official Plan prior to OPA 438 but was inadvertently deleted during the process. This action is not to create a new policy, but to move the existing policy to a more logical location in the in the Office polices from the General Objectives for all Office Designations in 5.1.1 to Scale of Development in 5.2.4. The recommended Official Plan amendment will implement the intended modification of OPA 438.

Section 5.2.4 of the Official Plan contains policies for the Office Area land use designation. The policies of this section relate to matters such as function, permitted use, location criteria, scale, and form and design.

D. THE AMENDMENT

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

1. Chapter 5 of the Official Plan for the City of London is amended by adding the following paragraph to Section 5.2.4 Scale of Development after the first paragraph:

For the purpose of this Plan, office development of less than 2,000 square metres (21,529 sq.ft) gross floor area will normally be considered "small scale", and office development between 2,000 square metres (21,529 sq.ft.) and 5,000 square metres (53,921 sq.ft.) gross floor area will normally be considered "medium scale".