

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: 2783141 Ontario Inc. (c/o Zelinka Priamo Ltd.)
2060 Dundas Street
File Number: Z-9547, Ward 2
Public Participation Meeting

Date: August 13, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2783142 Ontario Inc. (c/o Zelinka Priamo Ltd.) relating to the property located at 2060 Dundas Street.

- (a) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Light Industrial (LI1/LI7) Zone and Restricted Service Commercial (RSC2/RSC3/RSC4/RSC5) Zone **TO** a Residential R9 Special Provision (R9-3(_)) Zone, **BE REFUSED** for the following reasons:
- i) The requested amendment is not consistent with the Provincial Policy Statement, 2020, which requires natural features to be protected for the long term.
 - ii) The requested amendment is not in conformity with the policies of The London Plan, including but not limited to, the Environmental Policies.
 - iii) The requested amendment and proposed development do not meet the requirements of the 2007 Environmental Management Guidelines.
 - iv) The proposed development encroaches into natural heritage features and buffers, including requiring clearing of a portion of a woodland on City-owned property for access.
 - v) The requested amendment seeks to zone the entire rear portion of site for development, without appropriately zoning the natural heritage features and buffers to ensure their continued protection.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a from Light Industrial (LI1/LI7) Zone and Restricted Service Commercial (RSC2/RSC3/RSC4/RSC5) Zone to a Residential R9 Special Provision (R9-3(_)) Zone. The proposed development consists of a 6-storey apartment building containing 78 dwelling units to be located on the northerly portion of the property.

Purpose and the Effect of Recommended Action

Staff are recommending refusal of the requested Zoning By-law amendment as the proposed development encroaches into the environmental features and required buffers.

Path to Approval

Staff are supportive, in principle, of the development of a 6-storey apartment building on the property if the building and parking areas are located outside of the environmental features and required buffers, and the features and buffers are zoned accordingly.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Climate Action and Sustainable Growth** by ensuring waterways, wetlands, watersheds, and natural areas are protected and enhanced.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

A Consent application was submitted in 2019 (B.049/19) to sever 0.7 ha of land to create a development parcel separate from the existing church. This Consent was granted conditionally on February 11, 2021 and later revised on February 3, 2022 to add an additional 0.2 ha to the proposed land for development to minimize disruption to the natural heritage features. The Consent has since lapsed as not all of the conditions were fulfilled within the prescribed timeframe.

More recently, a new Consent application was submitted (B.010/24) to sever a 0.9 ha portion of the subject lands for the purpose of facilitating future residential development to coincide with this Zoning By-law amendment application. This consent has not been issued a decision to date.

1.3 Property Description and Location

The subject lands are on the north side of Dundas Street, east of the intersection of Dundas Street and Clarke Road, in the Argyle Planning District. The subject site currently consists of an existing church on the south portion along Dundas Street and open space to the north. Mature trees and naturalized vegetation are on the north side of the lot in the open space area, including a wetland and a significant woodland.

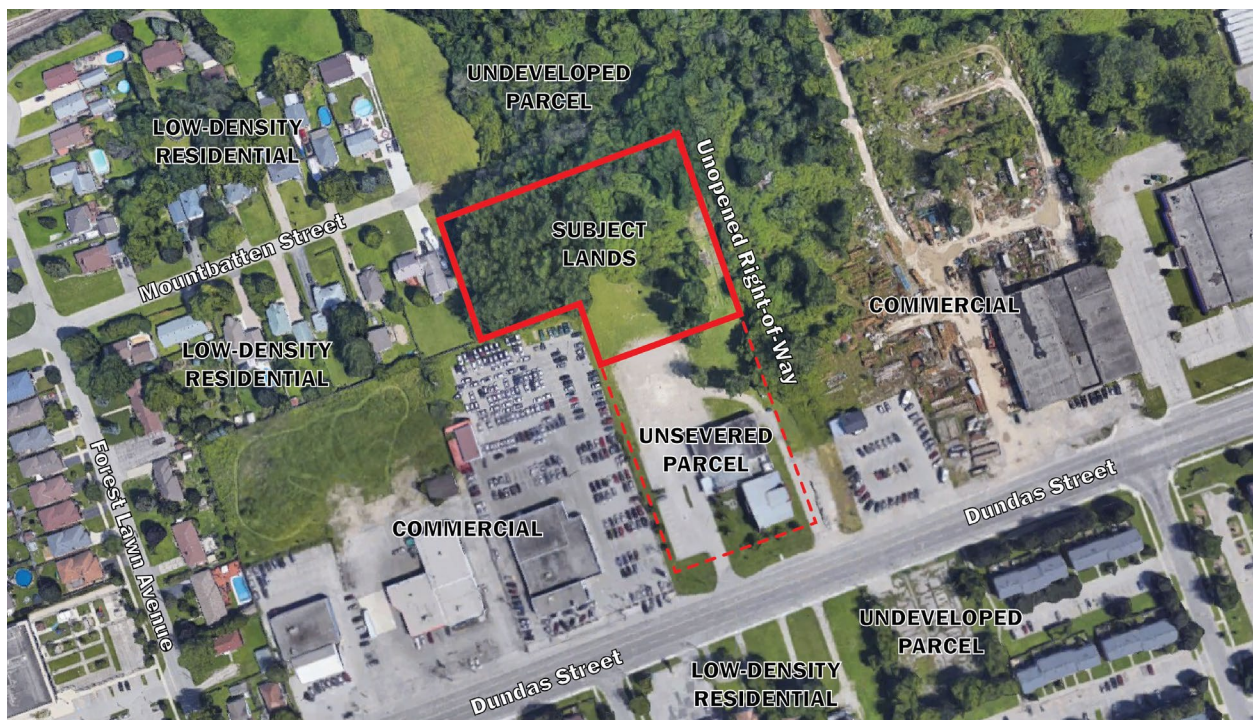


Figure 1: Aerial photo of 2060 Dundas Street and surrounding lands



Figure 2: Streetview of 2060 Dundas Street (view looking north)

Site Statistics:

- Current Land Use: Institutional – Place of Worship
- Frontage: 69.1 metres
- Area: 1.62 hectares
- Shape: Irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Open Space
- East: Unopened municipal right of way with a water course/Open Space/Commercial
- South: Commercial
- West: Residential/Commercial

Existing Planning Information:

- The London Plan Place Type: Urban Corridor Place Type
- Existing Special Policies: Rapid Transit and Urban Corridor Specific Segment Policy Area
- Existing Zoning: Light Industrial (LI1/LI7) Zone and Restricted Service Commercial (RSC2/RSC3/RSC4/RSC5) Zone

Additional site information and context is provided in Appendix “A”.

2.0 Discussion and Considerations

2.1 Original Development Proposal

As mentioned above in Section 1.2, an application for consent was submitted to sever the rear portion of the lands to accommodate the proposed development of a 6-storey, 78-unit apartment building comprised of one-and two-bedroom units. The building was to be situated towards the rear of the subject site with a private driveway within the City’s unopened right of way providing access from Dundas Street to the proposed development. The building was proposed to be oriented parallel to the private access with the entrance, lobby area, and private outdoor balconies overlooking the road allowance, and landscaped area. The rear portion of the subject lands was to be maintained as a private woodland and wetland area, providing ecological functions and screening between the proposed apartment building and existing low-density residential uses to the northeast of the site.

An ecological buffer was proposed to provide some physical separation between the woodland and the developed site; however, was insufficient and did not meet the

Environmental Management Guidelines Table 5-2 requirements. Additional landscaped areas were provided at the following locations: within/around the surface parking area; along exterior lot lines; at building entrances; and surrounding amenity areas. The remainder of the subject lands was to be used for vehicular parking and circulation areas. 83 parking spaces were proposed with 60 bicycle spaces provided in an internal storage room. In addition, a proposed outdoor common amenity area was proposed for the north interior side yard located between the surface parking area and the lot line.

The original proposed development includes the following features:

- Land use: Residential
- Form: Low-Rise Apartment Building
- Height: 6 storeys
- Residential units: 78
- Density: 87 Units per Hectare
- Lot Coverage: 10.8%
- Parking spaces: 83 Surface including 4 Barrier Free Parking Spaces
- Bicycle parking spaces: 60 spaces internal
- Landscape open space: 59.8%

Additional information on the development proposal is provided in Appendix "A".

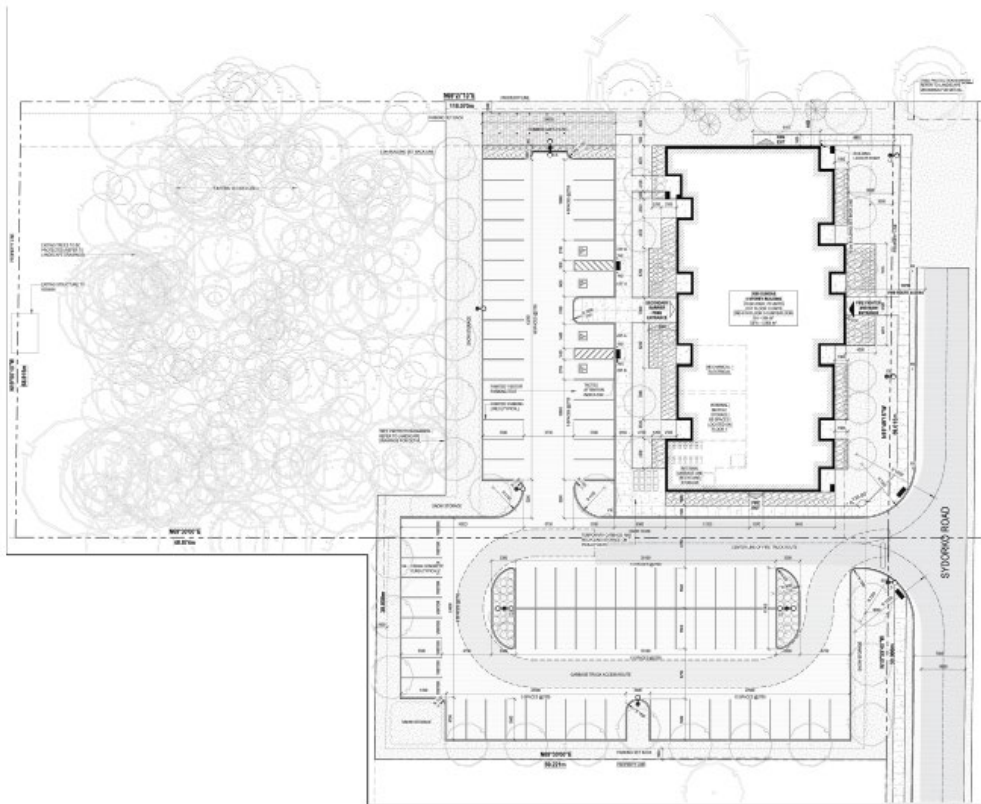


Figure 3: Conceptual Site Plan – close up of area to be developed (original concept)



Figure 4: East elevation (original concept)

2.2 Revised Development Proposal

The applicant submitted a revised application on April 5, 2024 which shifted the proposed building south and moved the parking area to the north. Site access would continue to be provided from the City’s unopened right of way. The revised concept also reduced the number of units by one, for a total of 77 units. The rear portion of the subject lands continues to be maintained as a private woodland and wetland area. The ecological buffers, as proposed, still do not meet the Environmental Management Guidelines Table 5-2 requirements, and the revised development proposal continues to encroach into both the environmental features and required buffers.

Additional landscaped areas are proposed at the following locations: within/around the surface parking area; along exterior lot lines; at building entrances; and surrounding amenity areas. 89 parking spaces are proposed with 60 bicycle spaces provided in an internal storage room. In addition, a proposed outdoor common amenity area was proposed for the south interior side yard located between the building and the lot line.

Additional plans and drawings are included in Appendix “B” of this report.

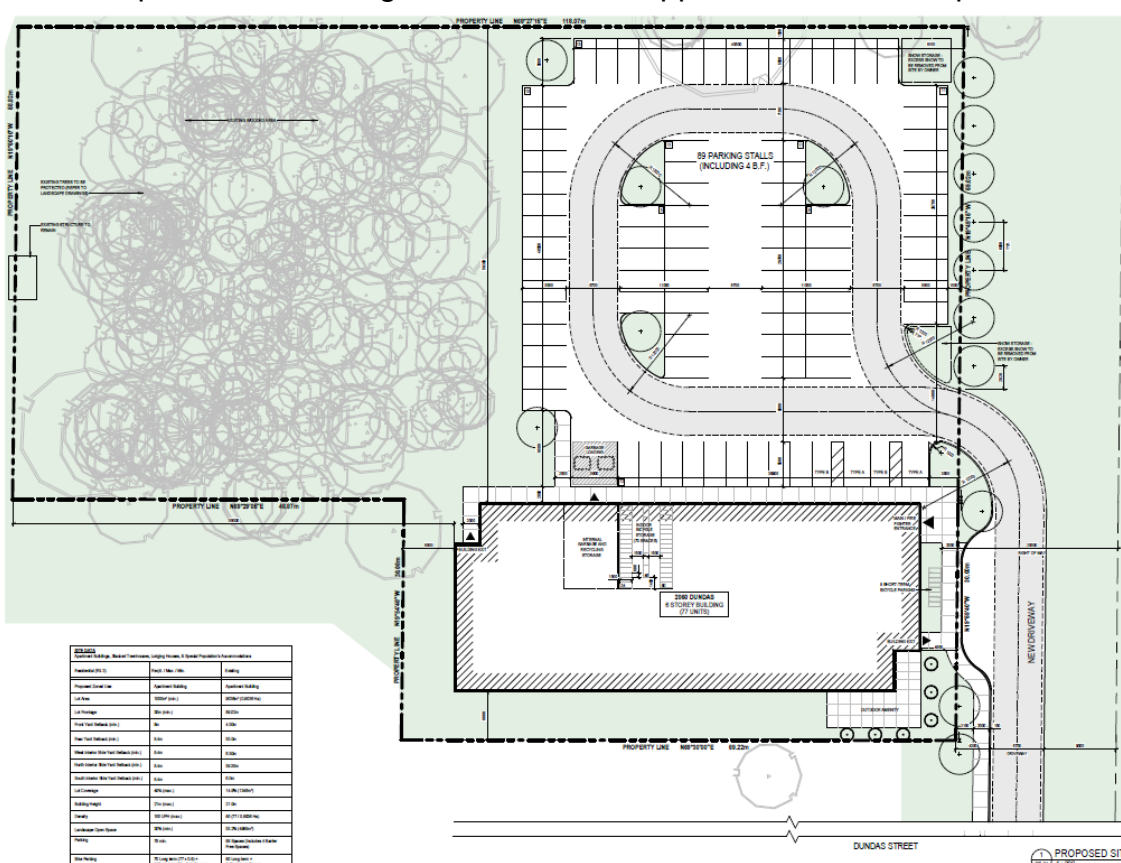


Figure 5: Revised conceptual site plan – close up of area to be developed

2.3 Requested Amendment

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from Light Industrial (LI1/LI7) Zone and Restricted Service Commercial (RSC2/RSC3/RSC4/RSC5) Zone to a Residential R9 Special Provision (R9-3(_)) Zone. The following table summarizes the special provisions that have been proposed by the applicant.

Regulation (R9-3(_))	Required	Proposed
Front yard Setback (minimum)	8.0 metres	4.5 metres
South Interior Side Yard Setback (minimum)	8.4 metres	6.0 metres
West Interior Side Yard Setback (minimum)	8.4	6.5 metres
Height (maximum)	N/A	21.0 metres

2.4 Internal and Agency Comments

The application and [associated materials](#) were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Protection of natural heritage/buffers
- Feature compensation
- Access arrangements
- Unopened right of way/drain

Detailed internal and agency comments are included in Appendix “C” of this report.

2.5 Public Engagement

On September 28, 2022, Notice of Application was sent to 82 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 28, 2022. A “Planning Application” sign was also placed on the site. A revised notice was sent out April 24, 2024.

There was one (1) response and a letter with 33 signatures received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Setback requirements
- Fit for the neighbourhood.
- Drainage
- Height
- Density
- Traffic
- Construction
- Wetlands
- Access
- Sewers

On November 22, 2022, a Community Meeting was held by the applicant with over 30 people supporting the proposed development.

Detailed public comments are included in Appendix “D” of this report.

2.6 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

Important policy objectives to highlight are those within Sections 1.1, 1.4 and 1.6 of the *PPS*. These policies require land use within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. Section 2 of the *PPS* sets out policies for the protection of natural features and areas over the long term, and does not permit development or site alteration unless it is demonstrated that there will be no negative impacts on the natural features of the ecological functions (Section 2.1). The application proposes to locate development within the natural heritage features and required buffers, which is not consistent with the *PPS* and does not conform to The London Plan. Development should be located outside of these areas to be consistent with the *Planning Act* and the *PPS*. Further discussion and analysis on this matter is provided in Section 4.0 of this report.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.
8. Identify and assess the significance and boundaries of natural features and areas and their ecological functions consistent with the Provincial Policy Statement and in conformity with the policies of this Plan.
9. Natural Heritage, Natural and Human-made Hazards, Natural Resources, Civic Infrastructure, Parks and Recreation.

Staff are of the opinion that not all of the above criteria have been satisfied.

3.0 Financial Impact/Considerations

The proposed development requires use of the City-owned unopened right of way to access the back of the property. Details regarding construction, maintenance and long-term liability for use of the access will need to be established at the future site plan approvals stage.

The access would require removal of a portion of a significant woodland feature and trees on the City-owned property. Details regarding City-owned natural heritage removal and tree removals have not been provided. A plan for physical (land and/or trees) or monetary compensation has not been provided.

4.0 Key Issues and Considerations

4.1 Land Use

The subject lands are in the Urban Corridor Place Type of The London Plan, which contemplates a range of residential, retail, service, office, cultural, recreational, and institutional uses (TLP 837_1).

The site is also in the Dundas Street Transitional Specific Segment. The intent of the Transitional Segment is to recognize the current development pattern along certain segments of the Corridor Place Types and to maintain, at a minimum, the existing intensity, while supporting the movement toward more intense forms and uses of land as permitted under the Rapid Transit and Urban Corridor Place Types (TLP 854). The permitted uses of the Rapid Transit and Urban Corridors Place Type apply and in

addition, large-scale retail and service uses may be permitted (TLP 856).

The Urban Corridor Place Type is intended to allow for a wide range of uses and intensities of development. While mixed-use buildings are encouraged along the Corridors, it is not a requirement (837_2). Urban Corridors are intended to support the development of a variety of residential types, with varying size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied (830_4 and 830_11). Large-scale development proposals within the Place Type will also need to carefully manage the interface between the proposals along these corridors and the adjacent lands within less intense neighbourhoods (830_6).

Based on the above, the proposed residential apartment building is supported by the Housing policies of the PPS and is contemplated in the Urban Corridor Place Type in The London Plan. However, the proposed development encroaches into the natural heritage features and required buffers. Therefore, while the use is contemplated in the Urban Corridor Place Type, the requested amendment is not in conformity with the Natural Heritage policies of the PPS nor The London Plan.

4.2 Intensity

Table 9 establishes the minimum height, standard maximum height, and upper maximum height that may be permitted in the Rapid Transit and Urban Corridor Place Types (839_). In accordance with Table 9 – Maximum Height Within the Rapid Transit Corridor and Urban Corridor Place Type, development shall have a minimum height of 2 storeys (or 8 metres) and is permitted a standard maximum height of 8 storeys. An upper maximum height of 10 storeys may be contemplated, subject to the policies for Zoning to the Upper Maximum Height contained in policies 1638_ to 1641_ in the Our Tools section of The London Plan.

Staff are satisfied the proposed 6-storey intensity is in conformity with the Urban Corridor Place Type of The London Plan. The proposed intensification is appropriate within the surrounding context of commercial, institutional and residential uses, and will expand the range of housing options. The applicant has also indicated affordable units will also be included in the development. No details have been provided or agreements secured through Municipal Housing Development.

4.3 Form

In accordance with policy 841_, the following form policies apply within the Rapid Transit and Urban Corridor Place Types:

- Buildings should be sited close to the front lot line, to create a pedestrian-oriented street wall along Corridors and provide appropriate setback from properties that are adjacent to the rear lot line.
- The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment.
- Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged.
- Development should be designed to implement transit-oriented design principles.
- While access to development along Corridors may be provided from “side streets”, such accesses to development will be located and directed in a manner that minimizes impacts on the internal portions of adjacent neighbourhoods.
- Underground parking and structured parking integrated within the building design. Surface parking areas should be located in the rear and interior side yard.

In addition to the Form policies of the Urban Corridor Place Type, all planning and development applications will conform with the City Design policies of The London Plan (841_1). These policies direct all planning and development to foster a well-designed building form, and ensure development is designed to be a good fit and compatible within its context (193_1 and 193_2). The site layout of new development should be

designed to respond to its context, the existing and planned character of the surrounding area, and to minimize and mitigate impacts on adjacent properties (252_ and 253_).

The proposed development has been reviewed from a form-based perspective to evaluate the appropriateness of the proposed intensity and to ensure the site is of a sufficient size to accommodate it. Site constraints including the woodland and wetland feature to the north, the existing church to the south, and no direct access available from Dundas Street have affected the site layout and ultimate form of development.

The Urban Corridor policies direct height and intensity within the corridors to be located close to the street to support transit usage and active transportation. The redevelopment of the existing surface parking areas on the property for the proposed apartment building would be more in keeping with the vision of the Urban Corridor and also remove the building, parking and access from encroaching into the natural features and required buffers. The applicant has indicated that approach is problematic for the existing property owner.

The applicant met with Planning and Development staff through the review of the application on multiple occasions to address concerns related to the development encroaching into the natural heritage features and buffers, as well as issues of access via the City's unopened right of way. However, a development concept demonstrating an appropriate form that is consistent with the PPS, in conformity with The London Plan, and meets the requirements of the EMG's has not been received to date.

4.4 Natural Heritage

Ecological constraints and issues surrounding the proposed development's impacts on the natural heritage features on and adjacent to the site were identified by City staff at the outset of the application. As previously noted, the northerly portion of the site contains natural heritage features in the form of a significant woodland and wetland, which would be impacted by both the original and revised development proposals. In addition, the City's unopened right of way to the east of the site, which is proposed to be used for private driveway access to the proposed development, contains a watercourse and is regulated by the Upper Thames River Conservation Authority (UTRCA).

The City's Environmental Management Guidelines (EMGs) assist with the identification, evaluation and boundary delineation of natural heritage areas, as well as the preparation of an Environmental Impact Study (EIS). The applicant requested the City apply the 2007 EMGs in place of the 2021 EMGs on the basis that discussions regarding development potential for the site and the original Consent application to facilitate future development pre-dated the 2021 EMGs. It should be noted that the 2007 EMGs permit reduced buffer requirements in comparison to the current 2021 EMG's requirements.

As part of the initial application submission, the applicant submitted an EIS prepared by MTE Consultants (August 2022). City Ecology staff raised significant concerns with the proposed development and the 2022 EIS, specifically with regards to delineation of the significant woodland and wetland features, lack of naturalized buffering from the features, and lack of suitable proposed compensation for features lost as a result of the proposed development. In response to these concerns, the applicant and City staff continued discussions to reach an agreement on the feature delineation, shown on Figure 6 below. Staff also agreed to the applicant's request to apply the 2007 EMGs to provide flexibility to assist in finding a design solution for the site. However, it should be noted that despite these agreements, the 2022 EIS was never accepted by City Ecology staff and the proposed development concept does not meet the buffers of the 2007 EMGs.

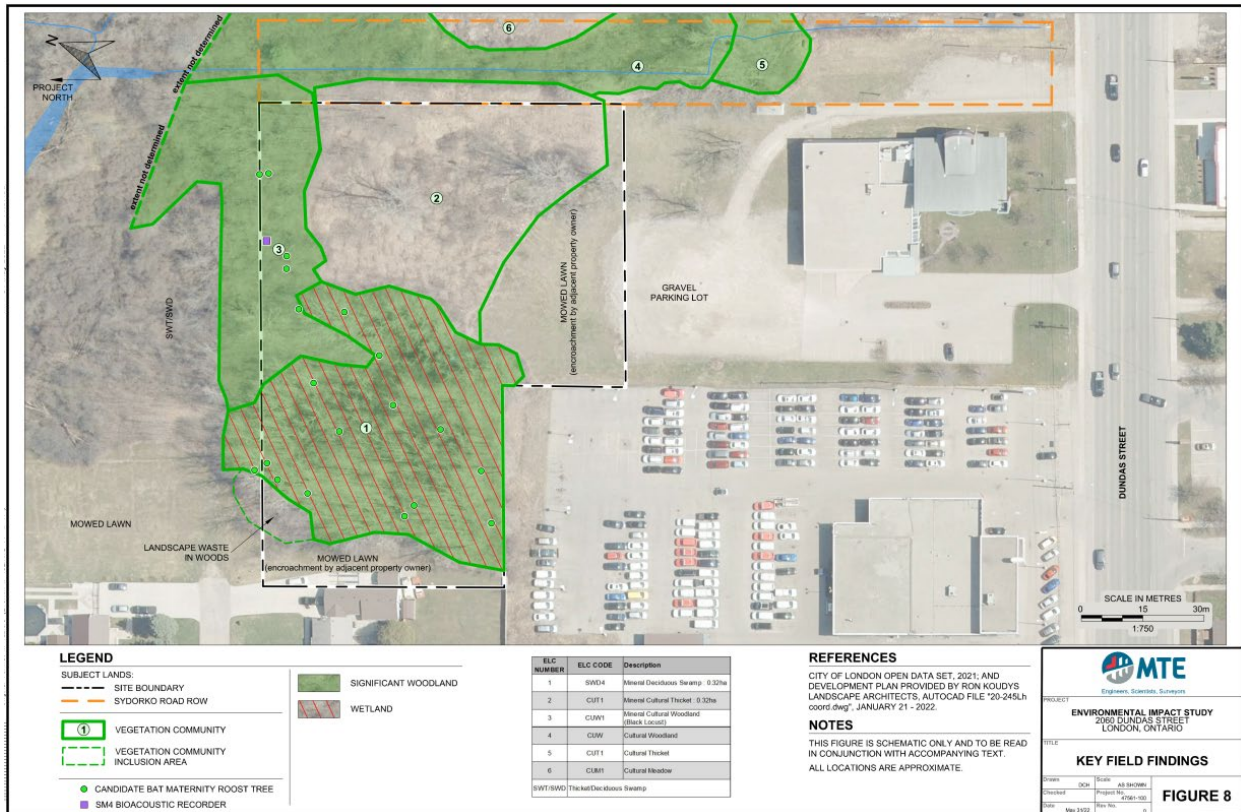


Figure 6: Key Field Findings Map showing feature delineations (MTE 2022)

Following these discussions, the applicant submitted a revised EIS prepared by MTE (April 2024) in support of the revised development concept. The 2024 EIS contains significantly different feature delineations than the 2022 EIS, which had previously been agreed upon by staff and the applicant, and had the effect of removing the significant woodland classification from a large portion of the feature without adequate justification or suitable compensation for the loss of trees. This revision from the 2024 EIS is shown below in Figure 7 and is reflected through the removal of green shading, thereby no longer classifying these ecological sites as part of the significant woodland. The EIS has not been accepted by City Ecology staff and full comments are available in Appendix "B".

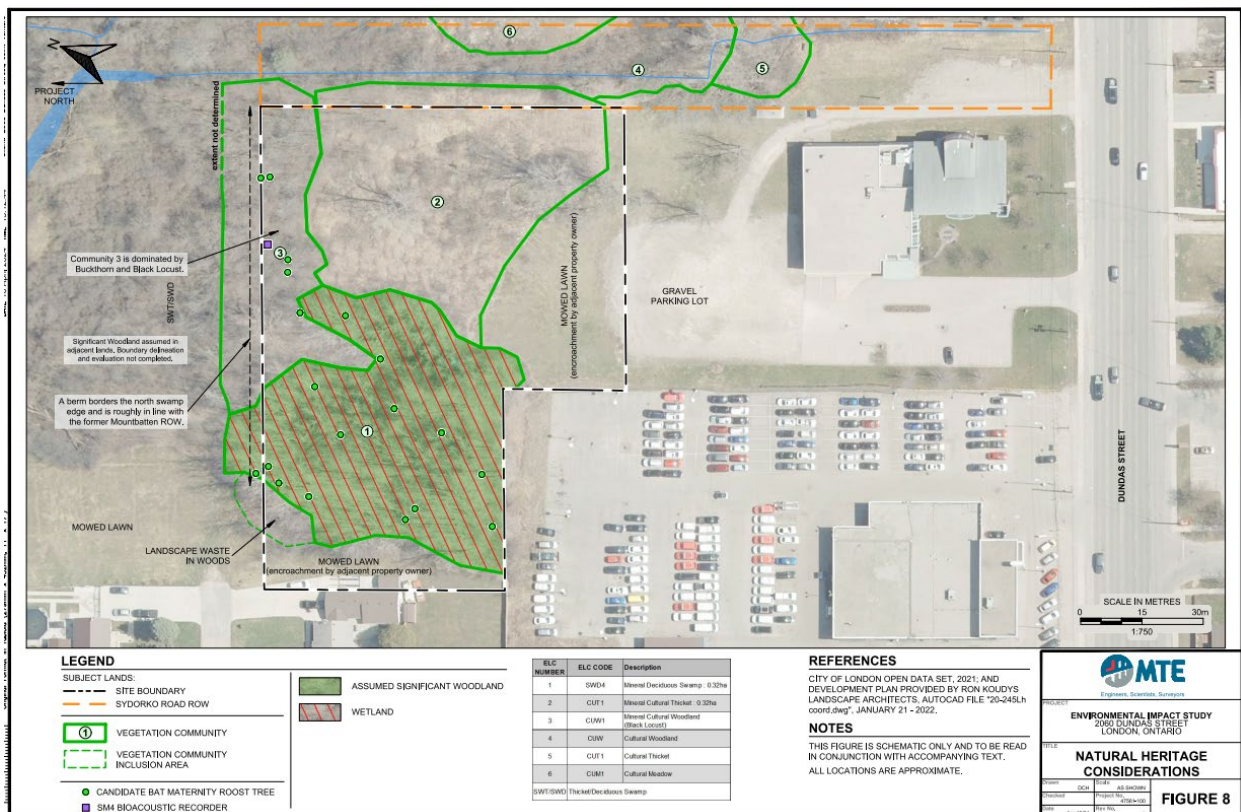


Figure 7: Key Field Findings Map showing feature delineations (MTE 2024)

The revised development concept does not fully address staff's concerns as the development continues to encroach into the natural features and buffers. In addition,

Parks and Forestry staff do not support the proposed compensation on City-owned lands.

The proposed 5.5 metre buffers to the wetland are not acceptable and are not sufficient to protect the natural feature and its functions in accordance with Table 5-2 of the EMGs; a buffer width of 15-30 metres from the wetland is more appropriate and would meet the requirements of the 2007 EMGs. A minimum 10 metre buffer from the dripline of the significant woodland communities is also to be implemented.

Lastly, the UTRCA has also expressed concerns that the revised development continues to encroach into the buffer required from the regulated features. The UTRCA has advised that as it stands, a Section 28 permit application cannot be issued by staff at the UTRCA, and therefore it is not recommended that the application proceed to establish development, in principle, where a permit cannot be granted.

4.5 Access

Should the Consent application be approved, the subject lands would no longer have direct access to a public street and would become landlocked. The eastern portion of the subject lands are within the UTRCA Regulated Area and abut the unopened City-owned right of way, which contains a watercourse and significant woodlot in accordance with the feature delineation of the 2022 EIS. The applicant is proposing a private driveway access within the unopened right of way to provide access to the development from Dundas Street. Through discussions with City staff and the UTRCA, two options for access via the unopened right of way were identified. The first option is to close and sell the right of way to the applicant as a condition of Site Plan Approval. However, it should be noted this option would also require consent from adjacent landowner, who owns all the lands to the east and north of the unopened right of way.

Alternatively, a private access and private services within the unopened right of way are proposed, which would require a comprehensive use and maintenance agreement with the City to be executed through the Site Plan Approval along with special provisions in the Development Agreement. With this option, the City would not assume responsibility of the road allowance until a by-law is passed; in this case, the City would not be seeking a by-law. Agreements with the adjacent landowner owner may also be required if those lands were to develop in the future.

4.6 Path to Approval

Staff are of the opinion that the site is suitable for residential intensification, provided the development is located outside of the natural heritage features and buffers. The size and configuration of the site has been reviewed, and staff are satisfied development can occur with appropriate buffers to protect the features, but would require the development to be shifted further south towards Dundas Street. Even with the buffers applied, there remains a substantial area north of the existing church to accommodate development.

It should also be noted that the applicant's request is for a Residential R9 Special Provision (R9-3(_)) Zone, only, and does not propose defining a limit of development through zone lines or requesting an Open Space zone to identify and protect any of the environmental features and buffers on site. To ensure the continued protection of the natural heritage features, an Open Space (OS5) Zone should be applied to the significant woodland and wetland and an Open Space Special Provision (OS5()) Zone to the buffers.

Minimal uses such as conservation lands, managed woodlots and passive recreation uses are permitted within the OS5 Zone applied to natural heritage features. In addition to the above, naturalized Low Impact Development (LID) stormwater components are also permitted within buffers as noted in the EMGs, and a special provision OS5(_) Zone could be applied to the buffers to reflect that. It should be noted that the feature delineation of the 2022 EIS and the 10 metre (woodland) and 15 metre (wetland) buffers

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Senior Planner, Planning Implementation

Reviewed by: Catherine Maton, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Copy:
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Church
Frontage	69 metres
Depth	N/A
Area	1.6 hectares
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Woodland/Watercourse
East	Drain/Watercourse
South	Dundas St Corridor/Commercial
West	Residential

Proximity to Nearest Amenities

Major Intersection	Dundas St/Clarke Sd Rd 963 metres
Dedicated cycling infrastructure	N/A
London Transit stop	Dundas Street, 10 metres
Public open space	Bonaventure Meadows Park, 1,095 metres
Commercial area/use	Convenience 15 metres, Argyle Mall 839 metres
Food store	Argyle Mall, 839 metres
Community/recreation amenity	East London Public Library, 239 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridor Place Type
Current Special Policies	N/A
Current Zoning	Light Industrial (LI1/LI7) Zone and Restricted Service Commercial (RSC2/RSC3/RSC4/RSC5) Zone

Requested Designation and Zone

Requested Place Type	Urban Corridor Place Type, Fronting a Civic Boulevard
Requested Special Policies	N/A
Requested Zoning	Residential Special Provision R8 (R8-4(*)) & Open Space (OS5)

Requested Special Provisions

Regulation (R8-4(_))	Required	Proposed
Rear yard Setback (minimum)	4.5 metres	0.3 metres
West Interior Side Yard Setback (minimum)	4.5 metres	1.5 metres
East Interior Side Yard Setback (minimum)	4.5 metres	0.3 metres
Lot Coverage (maximum)	40%	46.2%

Regulation (R8-4(_))	Required	Proposed
Height (maximum)	13 metres	13.5 metres

C. Development Proposal Summary

Development Overview

The development of a 6-storey apartment building towards the rear of the lands with the building to the east oriented along the unopened right of way, access and parking area to the rear of the site and 77 units. The rear portion of the subject lands is to continue to be maintained as a private woodland, providing ecological functions and screening between the proposed apartment building and existing low-density residential uses. Landscaped ecological buffers are provided to provide physical separation between the woodland and the developed site. Additional landscaped areas are to be provided at the following locations: within/around the surface parking area; along exterior lot lines; at building entrances; and surrounding amenity areas. 78 parking spaces were proposed with 60 bicycle spaces provided in an internal storage room. In addition, a proposed outdoor common amenity area is proposed for the south interior side yard located between the building and the lot line.

Proposal Statistics

Land use	Residential
Form	Mid-rise apartment building
Height	6 Storeys
Residential units	77
Density	87 Units per hectare
Gross floor area	1746 Metres ²
Building coverage	10.8%
Landscape open space	59.8%
New use being added to the local community	No

Mobility

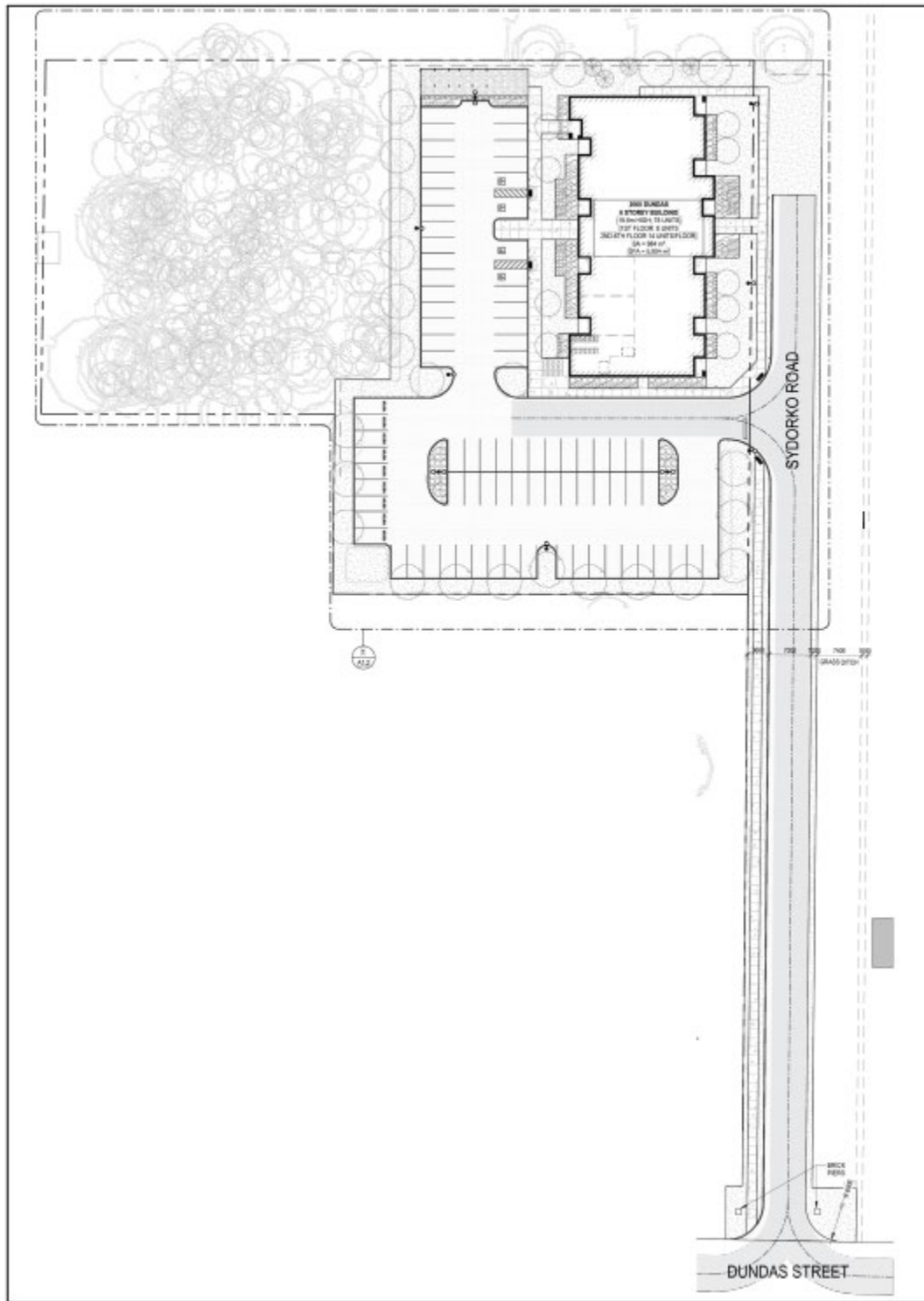
Parking spaces	78 surface
Vehicle parking ratio	1 Space per unit
New electric vehicles charging stations	Zero (0)
Secured bike parking spaces	60 internal spaces
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	NA
Connection from the site to a public sidewalk	No
Connection from the site to a multi-use path	NA

Environment

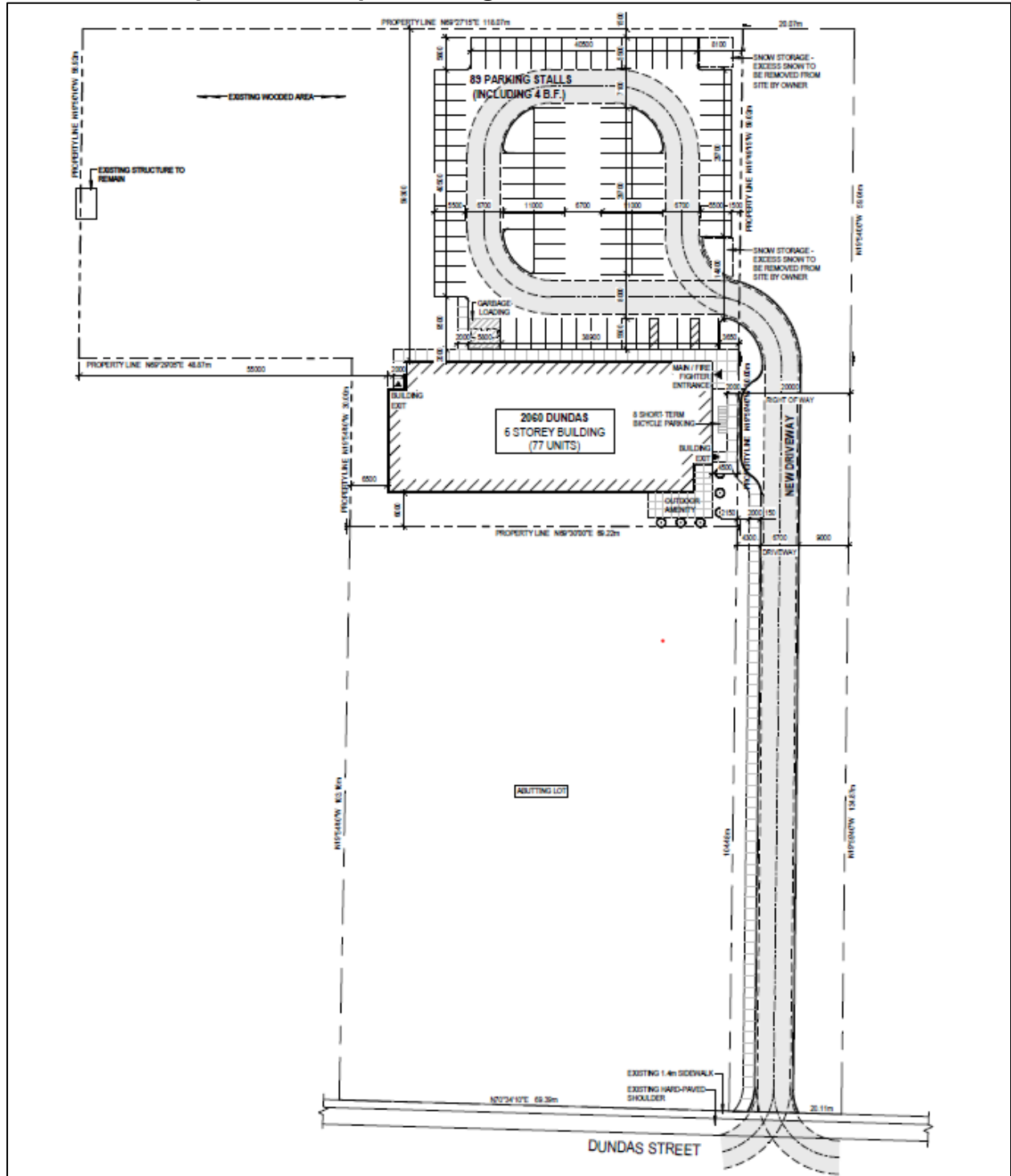
Tree removals	207 trees
Tree plantings	13 trees
Tree Protection Area	Yes
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	No
Existing structures repurposed or reused	No
Green building features	No

Appendix B – Additional Plans and Drawings

Original Development Concept Showing the Full Site



Revised Development Concept Showing the Full Site



Appendix C – Internal and Agency Comments

Ontario Lands – September 28, 2022

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Heritage – October 12, 2022

There are no outstanding heritage or archaeological issues related to this application.

Ecology – October 13, 2022

- The updated Environmental Management Guidelines, 2021 (EMG's) need to be applied as they are in effect at the date of application submission.
- The overall feature boundary needs to be delineated and shown on a figure using the Boundary Delineation Guidelines in Section 4.8 of the EMG's. Significant woodland delineation is shown but doesn't appear to follow the applicable guidelines. For future applications when an SLSR or SLSR/EIS is requested during pre-consultation, the SLSR shall be submitted for City and other relevant agency review prior to the balance of the EIS in order to identify ecological constraints early in the process. This is the intent of Policy 1430_ of The London Plan.
- No naturalized buffers are being proposed to the wetland or significant woodland.
- The wetland community needs to be delineated in its entirety in order to properly evaluate it and provide suitable buffers/compensation. It is shown that the SWD community on the subject lands is contiguous with the SWT/SWD to the north on City owned land. Permission should be acquired to access adjacent City lands to identify the entire wetland community.
- Once the entire wetland feature is delineated, if the size exceeds 0.5 ha an OWES evaluation needs to be completed as requested during pre-consultation comments.
- Policy 1334_ of the London Plan states that there shall be no net loss of wetlands' features or function if wetland replacement is being proposed. Currently there is no wetland compensation being proposed. LID's and tree planting do not count towards wetland compensation. An Ecological Replacement and Compensation Plan outlined in Section 6.4 of the EMG's is required in order to fully address compensation requirements and ensure any necessary rezoning to Open Space is completed at this stage.
- Data from the hydrogeological and water balance studies need to be addressed and incorporated into the EIS.
- According to Section 6 of the EMG's, Significant Woodland compensation needs to be completed by land area basis. Once the overall feature boundary is delineated, appropriate compensation areas need to be identified. Buffers do not count towards feature compensation. Significant woodland compensation is to be included in the Ecological Replacement and Compensation Plan.

Ecology – Revised Comments May 10, 2024

FEATURE DELINEATIONS

- The previous submission of the EIS (MTE, 2022) contains significantly different feature delineations and evaluations which had been agreed to by both MTE and

City staff through multiple meetings and email correspondence. The revised EIS (MTE, 2024) has removed ELC sites #3, 4 and 5 from the significant woodland boundary without adequate justification, as the feature has not physically changed between EIS submissions. Use the feature delineations consistent with Figure 8 in the previous EIS submission (MTE, 2022) that had been agreed to by City staff. The revised significant woodland delineation does not appear to be accurate.

- There is a portion of woodland that is contiguous with west side Community 1 that has been removed from the feature boundary because the woodland contains some landscape waste on the groundcover. This is not adequate justification for removing a portion of woodland from the overall feature and does not follow the Boundary Delineation Guidelines in Section 3 of the EMGs (2007).
- The size of the wetland feature that occurs both on the subject lands and extends north onto adjacent City lands is currently not known. The wetland feature needs to be delineated in its entirety in order to properly assess the function, evaluation and provide suitable buffers/compensation.
- Revise figures to depict accurate delineations of the significant woodland and update text throughout report.

FEATURE EVALUATIONS

- The natural features on the subject lands have not been evaluated in accordance with the EMGs (2007). The EIS has separated the overall feature into specific parts and evaluated them on an individual basis (Community 3) as having lesser significance. It is clearly stated in Section 3 of the EMGs (2007) that features should not be evaluated this way. The entire feature or “patch” should be evaluated as a whole functional unit and the Boundary Delineation Guidelines should then be applied to the “patch” to determine what should be included in the boundary. Individual ecosites within a “patch” cannot be individually evaluated.
- As noted in Comment #3, the wetland has not been fully delineated. This information is required to determine how the wetland should be appropriately assessed. The size of the wetland is one of the determining factors if an OWES evaluation should be conducted. OWES evaluation may be required.
- Evaluate the features in accordance with the EMGs (2007) and revise figures and text throughout report. Delineate the full extent of the wetland to determine if an OWES evaluation is required.

ECOLOGICAL BUFFERS

- The proposed 5.5m buffer to the wetland is not in accordance with minimum buffer requirements in the EMGs (2007) and is likely not sufficient to protect the feature and its functions. The overall size of the wetland needs to be understood prior to recommending an appropriate buffer width. A buffer width of 15-30m from wetland would be more appropriate to meet the requirements of the EMGs (2007) while taking the overall size and function into consideration.
- The significant woodland communities that were identified in the MTE EIS (2022) on the north and east portion of the subject lands and adjacent lands are not proposed to be buffered. A minimum 10m buffer from the drip line of the significant woodland communities in these locations should be implemented based on EMG (2007) requirement.
- Identify the proposed buffer width to the SWT/SWD wetland on City property in the figure. The text of the EIS suggests it is approximately 10m. This is not in accordance with minimum buffer requirements in the EMGs (2007) and is likely not sufficient to protect the feature and its functions. The overall size of the wetland needs to be understood prior to recommending an appropriate buffer width. Because it is the same wetland as the SWD wetland on the subject lands, a similar buffer width of 15-30m from wetland would be more appropriate to meet the requirements of the EMGs (2007) while taking the overall size and function into consideration.

COMPENSATION

- Specific compensation requirements need to be reassessed once feature delineation and evaluation issues are resolved. The delineations in the 2022 EIS would require additional significant woodland compensation that are not currently captured.
- Compensation on City owned lands needs to be confirmed through the department that owns the lands where the works are proposed. It is not clear whether the applicant has received confirmation that compensation can be accommodated where proposed on City owned lands.
- Minimum buffers in accordance with the EMGs (2007) are required for compensation features to mitigate impacts from surrounding land uses and protect the function for the long term. No buffers are currently proposed for the compensation features. The ecological buffers associated with the compensation features will also need to be naturalized and zoned to OS5.
- Compensation should not be permitted within the portion of the woodland identified to have landscape waste present on the groundcover. Landscape waste being present in a small portion of the woodland does not significantly impact its function as a woodland and is not justification to remove this portion from the feature boundary. Compensation features should be constructed outside of existing woodlands.

HABITAT FOR ENDANGERED AND THREATENED BATS:

- Bat habitat assessments have been completed as required. Please confirm that MECP has been consulted, concurs with these findings as they relate to SAR bats, and is not seeking any habitat compensation beyond what is proposed in the EIS.

ECOLOGICAL MONITORING:

- Section 7.4.2: Monitoring of wetland should occur longer than the proposed 3 year time frame. Wetlands, and swamps in particular, are difficult to replicate and a minimum of 5 year monitoring plan should be implemented for the wetland component. Mapped wetland delineations should also be incorporated into the monitoring program to demonstrate that the wetland compensation ratios are being achieved.

OTHER ISSUES:

- Section 4.1.2: The EIS states, "The thick silt till layer and low permeability suggests the Subject Lands do not provide the groundwater recharge capabilities associated with the function of the Caradoc Sand Plains." This statement needs to be further assessed and confirmed by EXP in the hydrogeological report that the subject lands do not provide groundwater recharge capabilities.
- Section 4.2.3: This does not appear to be adequate justification for not including *Carex normalis* as a rare species in Middlesex County. The most recently published documents should be referenced for the most recent data on rarity of species. Personal MTE observations of the species in one particular area of the county does not suggest that this species is not rare throughout the geographic area. The 2017 Oldham document should be used to reference rarity of plant species.
- Section 4.1.5: Similar to Comment #16, it needs to be confirmed by EXP and included in the Hydrogeological Report to demonstrate that the soils on the subject lands do not provide the capabilities to function as a Highly Vulnerable Aquifer and Significant Groundwater Recharge Area.
- Section 5.2.1: The SWD wetland on the subject lands and the SWT/SWD wetland on adjacent lands are still considered one functional unit in accordance with the updated OWES protocol as the wetland communities are either directly connected or within 30m of each other. This should be considered one wetland unit and evaluated accordingly.

- Section 5.2.12: Vegetation that is located within a road ROW does not in any way remove the requirement for it to be evaluated need to be evaluated. This justification is not in accordance with any applicable policies or guidelines. It is a vegetation feature on the landscape and needs evaluation regardless of whether any infrastructure is proposed there or not. This is proposed to be a private road, but even public infrastructure requires feature identification, evaluation and compensation if needed.
- Section 5.5.2: The City Ecologist referenced does not recall stating that a 10m buffer would be ideal. Buffer recommendation in accordance with the EMGs (2007) should be implemented.
- Updated Hydrogeological Report and Stormwater Management Report be submitted now?
- Recommendation 22: Suggests that LIDs for stormwater management will be required. Where are these proposed to be located in the proposed development?
- Recommendation 40: Permanent chain link fence should be located at the edge of the ecological buffer nearest to the development, not at the edge of the natural feature.
- Table 10: Removal of wetland and significant woodlands is not included in the “Source of Impact” column of the net effects table. Include impacts associated with these works.
- Section 8: The City was consulted, however, the majority of the ecological recommendations were not implemented.

Engineering – Revised June 6, 2024

Comments to Re-zoning:

Engineering has no comments for this zoning application. However, the applicant should note the following are to be considered during a future development application stage.

Private access within unopened city owned road allowance:

- Easements May be required from the retained land over the severed lands for access and services due to any ecological and conservation authority concerns/ and or requirement. It is unclear at this stage how far north the access can go within the unopened road allowance.
- The applicant would allow to construct the services and road access needed for the development, subject to implement a comprehensive maintenance use agreement during the SPA which will clearly stating that until the road allowance is formerly assumed by the City by bylaw all maintenance will be the responsibility of the applicant and the Development agreement could include special provisions as below.
 - 1) The City will not assume the responsibilities of the unopened road allowance until a by-law is passed (the timing is not known).
 - 2) The city may need to consider agreements with the adjacent owner for future use of access if/when those lands develop.
 - 3) Based on the comments from internal divisions and external, easements may be needed.
 - 4) Private access and servicing will be extended from Dundas Street, through the City’s unopened road allowance. It will be private infrastructure within City lands, and applicant will be responsible for maintenance, which will be captured in the future DA.

Sewers:

- There is no municipal sanitary sewer fronting the subject lands. As this application is for an apartment building a municipal sanitary outlet is required.
- The subject lands subject to a holding provision as it will be required that they demonstrate a suitable outlet including extension of services.

Water:

- Water is available via the municipal 400mm watermain on Commissioners Road

- Our record doesn't show any municipal water connection to the property, if there is a well in the property it is to be properly abandoned as per Ontario regulation 903 (Well Regulation) and new municipal service to be connected.

ECAC – May 20, 2024

ECAC review of Revised EIS and Hydrogeology (2022) documents for the proposed development at 2060 Dundas Street East

EIS and Hydrogeology Received from staff November 22, 2022. Revised EIS dated April 25, 2024 received from staff May 10, 2024

Original documents reviewed December 6, 2022 by S. Baker, M. Dusenge, S. Hall, S. Levin

Revised EIS reviewed May 22, 2024 by S. Hall and S. Levin

GENERAL SUMMARY

ECAC commends the owner for acquiring additional property to move the building further from the natural heritage features. Overall the natural feature can benefit from the proposed removal of invasive species, trash clean-up, and the planting of native species in the buffer between the development and Community 1. The other recommendations in the EIS can potentially maintain the wetland functions (water storage and habitat) as well as provide human health benefits (being close or in nature).

GREATEST CONCERN

HYDROGEOLOGY, STORMWATER MANAGEMENT AND WATER BALANCE

The revised EIS highlights the need for additional hydrogeological work and interim and final stormwater management plans including as part of the planning for realignment of the drain (p. 30). ECAC agrees that additional work is required.

p. 39 of the revised EIS: Water balance for the retained swamp (Community 1) needs to be confirmed through a revised Hydrogeological Assessment. The hydrological impacts for the realigned drain will also need to be addressed in a future report. Additional mitigation measures are expected to be recommended by EXP to prevent any loss of hydrological function within the Subject Lands as a result of the removal of 0.05 ha of Mineral Deciduous Swamp, adjacent development, and the realignment of the drain. The quality and quantity of water inputs to the retained wetland also needs to be confirmed through a Stormwater Management Plan and Servicing Report.

ECAC RECOMMENDATION (A)

Revised EIS Recommendations 9, 10, 22, and 36 listed below be requirements of development and site plan approvals at a minimum. It may be that these requirements are best ensured as a holding provision as some of the work may result in changes to the construction envelop beyond a simple redline change.

The detailed interim stormwater management plan must be to the satisfaction of the City and UTRCA and should at a minimum be a condition of development and/or Site Plan approval. Ideally, a holding provision be applied to the zoning as detailed stormwater management plans have been recommended by the EIS authors for both the interim and post development phases.

Recommendation 9:

Revise the Hydrogeological Assessment as part of the Site Plan Application (SPA) to address the updated Site Plan and complete water balance calculations to ensure that the water balance and quality of the retained Mineral Deciduous Swamp (SWD4) will be maintained in the long-term. Water balance strategies should be recommended and implemented to ensure the hydrological functions of the Mineral Deciduous Swamp are retained post-development.

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In the future Stormwater Management Report for the Site Plan Application, address the quality and quantity of water being outlet to the west swamp (Community 1). Only 'clean' water such as rooftop or landscaped area runoff should be outlet directly to the wetland unless additional water treatment measures are implemented.

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A detailed interim stormwater management plan is needed to guide the construction phase and protect the wetland features. Stormwater must be discharged away from the adjacent wetland and woodland features. This will be provided along with LID measures at detailed design.

ECAC also wonders about implementing the recommendation on page 37 in the monitoring plan section (7.4) of the EIS. It includes monitoring water levels in the Deciduous Swamp to ensure the post construction water balance is maintained. It must be a condition of approval, (a 'must' rather than a 'could') however, it is unclear who will do this monitoring?

Recommendation 36:

As discussed in the Hydrogeological Report (EXP, 2022), water quality testing could be conducted during construction as construction activities are in close proximity to a Wetland. This should be discussed with EXP and confirmed in the hydrogeological monitoring plan.

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Re: Recommendation 36 – in addition to being a condition of site plan approval or a condition of development approval, a contract must be on file indicating who is retained to do the water monitoring and the agreed to parameters, before a building permit is issued. A condition of approval must also include compensation if the water balance is not maintained and there is a loss of wetland feature or function within 5 years from completion of construction as determined by a qualified wetland evaluator / biologist.

ECAC RECOMMENDATION (C)

ECAC recommends that as a minimum, all of the Monitoring Plans listed in section 7.4 of the Revised EIS (albeit not numbered as one of the recommendations) be considered requirements of approval process equivalent to the numbered recommendations. It is our understanding that development agreements indicate that development has to follow the recommendations of an EIS. We are concerned that if these plans are not noted as recommendations or included as separate conditions, they might get missed.

ECAC RECOMMENDATION (D)

Water quality testing must be a condition of development and the parameters agreed to by the City prior to the issuance of any building permits.

ECAC RECOMMENDATION (E)

Specifics of the monitoring of water levels (who does, for how long and where the information is reported) be clearly identified in the conditions of development approval.

BUFFER

p. 39 revised EIS - A 5.5 m naturalized buffer along the east wetland edge is proposed, which is considered adequate to help reduce potential edge effects and retain an area of infiltration for the wetland. Mitigation measures have also been provided to address indirect impacts such as sedimentation or public encroachment.

Page 27 of the revised EIS indicates grading will take place up to the edge of the wetland . This is clearly within the reduced 5.5 m buffer agreed to by the city. ECAC

cannot support this grading plan without understanding how it is possible to claim avoidance of construction impacts when the water balance post construction, the dewatering plan, the hydrogeological work are still unknown.

Post construction, From Figure 12, it seems pretty clear that to remove snow from the parking spots adjacent to the feature, snow will be cleared into the buffer. This will, as stated previously in our comments to the original EIS, make survival of the proposed plantings less viable, hence reducing the mitigative effects claimed.

ECAC RECOMMENDATION (F)

The parking area be reduced so that a 10 m buffer is in place for the natural heritage features on the site. There are 89 parking spots for 77 units. Is this more than adequate? Consideration be given to reduce parking requirements to allow for greater buffering which will reduce the negative impacts of snow clearing and de-icing.

INVASIVE SPECIES

ECAC commends the proposed removal of invasive species along the east edge of the Deciduous Swamp (recommendation 11, page 30 and section 7.3). However, it is unclear at what stage this requirement will be put in writing (site plan?) and what is the time line for removal, who inspects and how is removal measured to the satisfaction of the condition? Section 7.3 mentions a monitoring plan to be developed but it is unclear at what point this occurs and what legal document will compel compliance and for how long is actually necessary to keep invasives from reoccurring especially buckthorn and Phragmites.

ECAC RECOMMENDATION (G)

As a condition of approval (either a holding provision or condition of development or site plan), an invasive species removal plan be submitted that is accepted by the City. The plan must include indicators of successful achievement of removal including a time period for maintaining the site in a state to the satisfaction of the City.

PROPERTY DEMARCATION AND RESIDENT INFORMATION

ECAC agrees that chain-link fencing is a much better option for marking the retained natural features and to discourage trespassing that could harm the ecological function.

REVISED EIS Recommendation 40:

Installation of a permanent fence (e.g., chain-link) is proposed to mark the edge of the natural features to prevent landscaping encroachment (ex: mowing) and discourage entry by the public in combination with education materials. Details for the style and material of boundary markers will be recommended by the City of London.

ECAC RECOMMENDATION (H)

ECAC concurs and supports Recommendations 42 and 43 and recommends resident education be supplement by information that is on permanent display inside the apartment building in a common area such as the laundry room or in the lobby.

REVISED EIS Recommendation 42:

Provide an information package (e.g., "Living with Natural Areas" brochure) to educate the future residents on appropriate ways to protect the natural heritage components beyond the property boundaries. This should include information on the impact of pets on wildlife and natural areas, impacts of garbage on natural features, and potential impacts of recreational activities in natural features.

REVISED EIS Recommendation 43:

The installation of educational signage along the boundary adjacent to Community 1 (Mineral Deciduous Swamp) and the north retained woodland is recommended to inform residents of the significance of the adjacent features. Signage discussing the

ecological value of the wetland areas and wildlife species present may be particularly effective.

DRAIN REALIGNMENT

The proposed realignment appears from the EIS to possibly be an improvement. However, the EIS is not clear as to where the fish barriers are and if the improved flow will mean greater connectivity to Pottersburg Creek.

ECAC RECOMMENDATION (I)

ECAC recommends that this matter be clarified in the final accepted version of the EIS and if the fish barriers are only on site, that removal be part of the requirements of the drain realignment contract.

ECAC RECOMMENDATION (J)

Section 7.1.3 on page 29 of the revised EIS recognizes the feature as part of a Significant Woodland. The OP and Zoning change recommendations must include the related changes to the zoning by law and to the London Plan, including Map 5 to reflect this.

ECAC RECOMMENDATION (K)

Development and / or Site Plan Approval include the requirement that the proponent arrange to remove the waste in the woods which are indicated on the drawing in the EIS and on page 10 of the revised EIS.

OF NOTE

ECAC notes that Recommendations 34 and 35 in the revised EIS are nice to have but there are no means to enforce them.

Recommendation 34:

Limit the use of commercial fertilizers and other chemical applications within the Subject Lands. Consideration may be given to using grass varieties which are heartier and require less extensive watering or fertilizers (EXP, 2022).

Recommendation 35:

Where possible, limit the use of salts or other additives for ice and snow control on the roadways (EXP, 2022).

It is hoped that recommendation 41 is enforceable. It is unclear who such an agreement would be between – the owner and the city? On title? ECAC reiterates its previous recommendation that the City consult with the Thames Talbot Land Trust for examples of successful stewardship agreement.

Recommendation 41:

In consultation with the City of London, a stewardship agreement and/or a conservation easement should be implemented at detailed design for the compensation area and the retained Significant Woodland to protect the natural heritage features and functions post-development.

UTRCA

- As indicated, the subject lands are regulated by the UTRCA. While we have no objections to this application to amend the Zoning By-Law with respect to the natural hazard matters, the UTRCA requires a revised Final Geotechnical/Slope Stability Report. Although this was a requirement of the complete application, the study can be provided as part of the Section 28 permit approval process.
- We recommend that the natural hazard lands be zoned with an appropriate Open Space zone.
- A Section 28 permit will be required for the demolition of existing structures and a separate permit will be required for the proposed development. Erosion and

Sediment Control (ESC) measures including detailed drawings with staging, construction timing and sequence of works, rehabilitation/revegetation plan, grading plan, access and construction laydown areas will be required. The UTRCA will also require written confirmation from the geotechnical engineer (exp) that the design and site plan drawings accurately reflect the Erosion Hazard Limit and that the requirements/recommendations contained in the Geotechnical Investigation/Slope Stability Assessment have been implemented on the site and for the proposed development. Details regarding restoration and proposed plantings (Landscape Plan) of the area within the Erosion Hazard Limit and where existing structures were demolished, including construction/planting methods, timing and access, will also be required through the Section 28 permit approval process. We encourage the applicant to contact the Authority's Land Use Regulations staff regarding the submission and associated fees.

Urban Design – October 12, 2022

- There are no urban design comments related to the ZBA for 2060 Dundas Street.

Urban Design comments to be addressed at the site plan application stage

- Provide a full set of dimensioned elevations for all sides of the proposed building with materials and colours labelled. Further urban design comments may follow upon receipt of the elevations.
- Move surface parking underground to minimize visual impact from ROW.
- Include pedestrian walkways along any of the internal drive aisles that connect to the [future] public sidewalks along Sydorko Road.
- If there are ground floor residential units proposed, provide individual entrances to ground floor units on the street facing elevations and design amenity spaces as open courtyards or front porches extending into the front setback to create a pedestrian-oriented streetscape. Provide direct walkway access from ground floor units to the public sidewalk.
- Move the proposed “common area patio” to a more central location and ensure it is appropriate in size for the scale of development.
- This application is to be reviewed by the Urban Design Peer Review Panel (UDPRP) and as such, an Urban Design Brief will be required. UDPRP meetings take place on the third Wednesday of every month, once an Urban Design Brief is submitted as part of a complete application the application will be scheduled for an upcoming meeting and the assigned planner as well as the applicant's agent will be notified. If you have any questions relating to the UDPRP or the Urban Design Briefs please contact Ryan Nemis at 519.661.CITY (2489) x7901 or by email at rnemis@london.ca.
 - The applicant is to submit a completed “Urban Design Peer Review Panel Comments – Applicant Response” form that will be forwarded following the UDPRP meeting. This completed form will be required to be submitted as part of a complete application.

Parks Planning – October 17, 2022

For the residential use, Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Landscape Architecture – October 12, 2022

The inventory prepared by RKLA, May 2022, captured 561 individual trees within the subject site and within 3 meters of the legal property boundary. Two hundred and seven are proposed for removal and 354 are to be retained [162 within site, 5 on adjacent property, 40 in future Sydorko Road Allowance]. The City's Landscape Architect has no concerns with the accuracy of the inventory or the methods employed to assess trees on site.

1.No species classified as endangered, threatened, or at risk under the Ontario Endangered Species Act, 2007, S.O. 2007, c. 6 were observed during the tree inventory.

2.A large portion of the subject site is within a City of London Tree Protection Area and as such, no trees can be injured or removed without a permit prior to Site Plan Application approval.

3.A refined Tree Preservation Plan will need to be provided in Site Plan Application documentation to include: consents to remove trees from neighbouring parcels [see list below]; tree preservation fencing alignment; limits of disturbance; construction mitigation recommendations; hazard tree assessment and identification of city trees impacted by development.

4.Consents Required:

- Remove 1014 Juglans nigra Black Walnut (2070 Dundas Street)
- Remove 1026 Robinia pseudoacacia Black Locust (City of London 2050 Mountbatten)
- Remove 1027 Robinia pseudoacacia Black Locust (City of London 2050 Mountbatten)
- Remove 1042 Robinia pseudoacacia Black Locust (City of London 2050 Mountbatten)
- Remove 1046 Robinia pseudoacacia Black Locust (City of London 2050 Mountbatten)

The following City of London trees growing on or adjacent to the north property line will be impacted by construction. Consent to injure from Forestry Operations to be included with SP application documents. Only City forces can remove trees from City lands.

- Injure 1048 Robinia pseudoacacia Black Locust, 40% root loss (City of London 2050 Mountbatten)
- Injure 1040 Ulmus pumila Siberian Elm, 40% root loss (City of London 2050 Mountbatten)
- Injure 1036 Robinia pseudoacacia Black Locust BOUNDARY, 30% root loss (City of London 2050 Mountbatten)
- Injure 1037 Robinia pseudoacacia Black Locust, 20% root loss (City of London 2050 Mountbatten)
- Injure 1038 Robinia pseudoacacia Black Locust, 30% root loss (City of London 2050 Mountbatten)
- Injure 981 Robinia pseudoacacia Black Locust, 10% root loss (City of London 2050 Mountbatten)

5. The setback between the west parking lot curb and the Tree Protection Area, is insufficient to protect trees growing on the edge of the woodland. Tree fencing establishing tree protection zones would need to be erected at a minimum, 4 meters east of the alignment proposed. Permits will be required to injure trees.

Site Plan

Major Issues

- N/A

Matters for OPA/ZBA

- N/A

Matters for Site Plan

- N/A – not required

Complete Application Requirements

- N/A

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Specifics of the monitoring of water levels (who does, for how long and where the information is reported) be clearly identified in the conditions of development approval.

BUFFER

p. 39 revised EIS - A 5.5 m naturalized buffer along the east wetland edge is proposed, which is considered adequate to help reduce potential edge effects and retain an area of infiltration for the wetland. Mitigation measures have also been provided to address indirect impacts such as sedimentation or public encroachment.

Page 27 of the revised EIS indicates grading will take place up to the edge of the wetland . This is clearly within the reduced 5.5 m buffer agreed to by the city. ECAC cannot support this grading plan without understanding how it is possible to claim avoidance of construction impacts when the water balance post construction, the dewatering plan, the hydrogeological work are still unknown.

Post construction, From Figure 12, it seems pretty clear that to remove snow from the

parking spots adjacent to the feature, snow will be cleared into the buffer. This will, as stated previously in our comments to the original EIS, make survival of the proposed plantings less viable, hence reducing the mitigative effects claimed.

ECAC RECOMMENDATION (F)

The parking area be reduced so that a 10 m buffer is in place for the natural heritage features on the site. There are 89 parking spots for 77 units. Is this more than adequate? Consideration be given to reduce parking requirements to allow for greater buffering which will reduce the negative impacts of snow clearing and de-icing.

INVASIVE SPECIES

ECAC commends the proposed removal of invasive species along the east edge of the Deciduous Swamp (recommendation 11, page 30 and section 7.3). However, it is unclear at what stage this requirement will be put in writing (site plan?) and what is the time line for removal, who inspects and how is removal measured to the satisfaction of the condition? Section 7.3 mentions a monitoring plan to be developed but it is unclear at what point this occurs and what legal document will compel compliance and for how long is actually necessary to keep invasives from reoccurring especially buckthorn and Phragmites.

ECAC RECOMMENDATION (G)

As a condition of approval (either a holding provision or condition of development or site plan), an invasive species removal plan be submitted that is accepted by the City. The plan must include indicators of successful achievement of removal including a time period for maintaining the site in a state to the satisfaction of the City.

PROPERTY DEMARCATION AND RESIDENT INFORMATION

ECAC agrees that chain-link fencing is a much better option for marking the retained natural features and to discourage trespassing that could harm the ecological function.

REVISED EIS Recommendation 40:

Installation of a permanent fence (e.g., chain-link) is proposed to mark the edge of the natural features to prevent landscaping encroachment (ex: mowing) and discourage entry by the public in combination with education materials. Details for the style and material of boundary markers will be recommended by the City of London.

ECAC RECOMMENDATION (H)

ECAC concurs and supports Recommendations 42 and 43 and recommends resident education be supplement by information that is on permanent display inside the apartment building in a common area such as the laundry room or in the lobby.

REVISED EIS Recommendation 42:

Provide an information package (e.g., "Living with Natural Areas" brochure) to educate the future residents on appropriate ways to protect the natural heritage components beyond the property boundaries. This should include information on the impact of pets on wildlife and natural areas, impacts of garbage on natural features, and potential impacts of recreational activities in natural features.

REVISED EIS Recommendation 43:

The installation of educational signage along the boundary adjacent to Community 1 (Mineral Deciduous Swamp) and the north retained woodland is recommended to inform residents of the significance of the adjacent features. Signage discussing the ecological value of the wetland areas and wildlife species present may be particularly effective.

DRAIN REALIGNMENT

The proposed realignment appears from the EIS to possibly be an improvement. However, the EIS is not clear as to where the fish barriers are and if the improved flow will mean greater connectivity to Pottersburg Creek.

ECAC RECOMMENDATION (I)

ECAC recommends that this matter be clarified in the final accepted version of the EIS and if the fish barriers are only on site, that removal be part of the requirements of the drain realignment contract.

ECAC RECOMMENDATION (J)

Section 7.1.3 on page 29 of the revised EIS recognizes the feature as part of a Significant Woodland. The OP and Zoning change recommendations must include the related changes to the zoning by law and to the London Plan, including Map 5 to reflect this.

ECAC RECOMMENDATION (K)

Development and / or Site Plan Approval include the requirement that the proponent arrange to remove the waste in the woods which are indicated on the drawing in the EIS and on page 10 of the revised EIS.

OF NOTE

ECAC notes that Recommendations 34 and 35 in the revised EIS are nice to have but there are no means to enforce them.

Recommendation 34:

Limit the use of commercial fertilizers and other chemical applications within the Subject Lands. Consideration may be given to using grass varieties which are heartier and require less extensive watering or fertilizers (EXP, 2022).

Recommendation 35:

Where possible, limit the use of salts or other additives for ice and snow control on the roadways (EXP, 2022).

It is hoped that recommendation 41 is enforceable. It is unclear who such an agreement would be between – the owner and the city? On title? ECAC reiterates its previous recommendation that the City consult with the Thames Talbot Land Trust for examples of successful stewardship agreement.

Recommendation 41:

In consultation with the City of London, a stewardship agreement and/or a conservation easement should be implemented at detailed design for the compensation area and the retained Significant Woodland to protect the natural heritage features and functions post-development.

Upper Thames Conservation Authority – November 13, 2022

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement (PPS, 2020), and the Upper Thames River Source Protection Area Assessment Report.

BACKGROUND

The subject lands are located at 2060 Dundas Street and are conditionally 0.9 hectares (2.23 acres) in size. The applicant submitted an application for Consent (B.049/20) to sever off this area from the existing uses to the south. The Consent application received

conditional approval on February 11, 2021, for which some conditions remaining outstanding.

The subject lands are vacant of existing uses but contain a small open area and natural feature. The lands can be accessed via the existing church directly south, as there is an unopened road allowance to the east.

The subject lands are presently:

-Zoned *Light Industrial LI1* and *LI7*, and *Restricted Service Commercial RSC2, RSC3, RSC4* and *RSC5* ; and

-Within the *Urban Corridor* Place Type in the London Plan.

PROPOSAL

The applicant is proposing to rezone the subject lands to *Residential 9, Variation 3 Zone (R9-3(_))* to accommodate the proposed development of a six (6) storey residential apartment building containing 78 units and 83 associated surface parking spaces. The development proposes to utilize an existing unopened road allowance from Dundas Street for access.

DELEGATED RESPONSIBILITY & STATUTORY ROLE

Provincial Policy Statement 2020

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA’s Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the policies of the UTRCA’s Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the *Planning Act* approval process and that a permit application can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

Section 28 Regulations - Ontario Regulation 157/06

The subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of:

- A riverine flooding hazard associated with a tributary of Pottersburg Creek (UT-PC-43); and,
- A wetland and the surrounding area of interference.

Please refer to the attached mapping for the location of the regulated features. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA. Please refer to Figure 6 of the Environmental Impact Study to confirm the delineation of the wetland.

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.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA’s Environmental Planning Policy Manual is available online at:

As indicated, the UTRCA represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority's regulations with respect to site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA's Section 28 permit requirements.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference surrounding a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no impact on the hydrological function of the wetland feature and no potential hazard impact on the development.

COMMENTS

The UTRCA has undertaken a review of the following documents submitted alongside this application:

- Planning Justification Report prepared by Zelinka Priamo Ltd., dated August 2022;
- Environmental Impact Study prepared by MTE Consultants, dated August 2022;
- Hydrogeological Assessment (and Water Balance Analysis) prepared by EXP, dated July 29, 2022; and,
- Servicing Brief prepared by MTE Consultants, dated June 23, 2022.

Based on our review of these documents, we offer the following comments:

Planning Justification Report (PJR)

1. The report states that the proposed development is "*buffered and well-separated from the nearby sensitive land uses, including significant woodlands/ecological features...*" It is assumed that this statement is derived from the EIS that was completed and deemed insufficient. Revisions will be required.

2. The report states that the requested amendment is consistent with the intent and purpose of the Provincial Policy Statement (2020) and London Plan (2016). The UTRCA is of the opinion that this statement is incorrect as the subject lands should be zoned to accurately reflect the natural features that are present. As such, Open Space zoning (OS4 and/or OS5) shall be implemented on the subject lands to ensure the entirety of the hazards and their respective buffers are contained within one zone and are protected from future development.

3. The report states that "*the ecological function of the significant woodland located on the western portion of the subject lands will not be adversely impacted by the proposed development, and many of the removed as part of the proposed development will be replaced on the subject lands.*" The natural feature located on the western portion of the subject lands also contains a wetland.

- a) The site plan does not appear to adequately replacement of the significant woodland, nor the wetland, on the subject lands. Please remove as this is an inaccurate reflection of the proposal.
- b) Please refer to comments provided on the EIS as the analysis undertake is not sufficient to determine if there will be negative impacts on the feature in its entirety.

Environmental Impact Study (EIS)

4. The assessment of the wetland form and function have been restricted to the area within the subject lands. The feature should be assessed in its entirety, as the wetland extends north onto City of London lands which are available to the proponent to complete the assessment. It is noted in Section 4 of the EIS that the 'study area' includes the subject lands and the public owned lands within 30 m of the subject lands, and in Section 5.2.1 that the wetland could be >2 ha if the contiguous woodland is assumed to be SWD/SWT. Please revise to study and capture the entirety of the feature(s).

5. The report states that the Hydrogeological Assessment will be completed. While the assessment has been completed, the findings have not yet been integrated into the final EIS to complete the assessment of the feature and proposed impacts, and to inform the proposed mitigation recommendations. Please revise to integrate the findings and adequately provided recommendations that speak to the hydrogeology as well as the ecology.

6. UTRCA policies state that no development or site alteration is permitted within wetlands or associated buffers. The applicant was direct to locate development outside of the feature and its' buffers. The proposal includes the removal of 0.05ha of Mineral Deciduous Swamp (SWD4) and a buffer of 5 metre for the remaining 0.27ha that is located on the subject lands.

a) The report does not consider the overall or indirect impacts of removal a portion of this feature such as edge impacts. Please consider.

b) Removal of the woodland and wetland will alter the microclimate of the feature (sunlight, temperature, humidity, wind, exposure, etc.) which can result in changes to the water storage function of the wetland.

7. The proposed wetland removal would result in 0.27ha of wetland remaining on the subject lands. The report suggests that a 5 metre buffer is sufficient to protect the feature and its function.

a) Generally, a 30 metre buffer is recommended from the edge of the wetland. Previous discussions with City staff noted that a 10 metre setback should be the minimum requirement considered based on the previous Environment Management Guideline (EMG) document. Since this time, new EMGs have been implemented that require additional buffer sizes. Please review the new EMGs and provide revised recommendations.

b) Based on the current site plan, vegetation removal, grading and snow storage is proposed within the 5 metre buffer. The UTRCA is not supportive of these activities within a buffer. Please revise to ensure all works are located outside of an adequate buffer.

8. The mitigation measures note that the hydrological function of the wetland is to be maintained through Low Impact Development measures for Stormwater Management, however it has not been demonstrated through the Hydrogeological Assessment and EIS that this is feasible based on existing site conditions.

9. The report recommends compensation for the removal of the wetland, however the proposed compensation plan only includes plantings and does not consider replacement of wetland. Should compensation be determined to be an appropriate route forward on these lands, replication of the features and functions of a wetland are required at a 3:1 rate. Compensation shall be provided in areas that can support the re-creation of a wetland and can be appropriately buffered.

10. While UTRCA supports invasive species removal, it will need to be addressed through a detailed plan how the proposed timeline will be sufficient to ensure that the management of the invasive species is successful and that the disturbance caused will not result in the establishment of more invasive species within the disturbed area. Additionally the methods of invasive species control within a sensitive wetland feature will need to be addressed (e.g. relating to the use of herbicide over water, etc.)

Hydrogeological Assessment

11. Section 1.2 identifies that the existing woodland and wetland (Mineral Deciduous Swamp, SWD4) are planned to be maintained and protected with appropriate tree protection barriers implemented during site development. Furthermore, Section 6.3 states that this area will be maintained and is not expected to be influenced by site construction activities; and recommends that a 30 metre buffer be provided around wetland areas to limit impacts. Based on the concept plan provided, these recommendations are not being implemented as the parking lot encroaches into the feature and only includes a 5 metre buffer from the portion of the feature being retained.

12. Please provide additional information on water quantity and water quality for the overland flow, specifically the flow being directed towards the open watercourse (UT-PC-43).

13. Section 3.3 provides a brief characterization of the vegetation community for the wetland. Please provide additional information of the vegetation found on site including their groundwater or surface water dependency.

14. Please provide rationale for the discrepancies between groundwater levels recorded by the datalogger and those measured manually during the three monitoring events in Surface Water Station #2 (P2).

15. Site specific groundwater elevations and flow are discussed in Section 4.2. Please include the interpretations of the observed trends and groundwater and surface water interaction.

16. Please include vertical and horizontal hydraulic gradient on the subject lands.

17. Please provide a position and supporting justification on if the woodland and wetland features are surface water or groundwater dependent.

18. Is the watercourse losing or gaining stream in the flow direction? It appears that the watercourse is contributing to the features. How will the quality and quantity of the flow to the watercourse be maintained?

19. Please comment on the potential source of metal exceedances in the surface water samples noted in Section 4.4.

20. Please include potential impacts of construction dewatering and site development on the hydrogeologic function of the wetland, woodland and watercourse.

a) Please consider including precipitation received in open excavation in your groundwater dewatering calculations.

21. Please include a figure illustrating depth of proposed basements, proposed linear infrastructure, and radius of influence for the worst case scenario to identify features that may be impacted by construction dewatering.

22. Is there a basement level proposed for the apartment building? If so, given the shallow groundwater across the site, the basement will intercept the water table and may require year-round dewatering via basement sump pumps. The dewatering through the basements will reduce groundwater discharge to the wetland, woodland and water course.

23. Please include the depth of the wells in the water well records summary in Appendix F for this report as well as the future reports.

Water Balance

24. Based on the limited information provided, it appears as though the watercourse may be a source of base flow to the receiving wetland and woodland. Please provide additional information as to how the base flow quantity and quality will be maintained.

25. Appendix J of the Hydrogeological Assessment does not show the total area contributing runoff to the wetland. Please provide drawings that identify the pre-development areas that contribute to the wetland supported by contour information.

26. Table 5 of the Hydrogeological Assessment reports a deficiency in the infiltration under the proposed conditions. The servicing report does not consider how this will be addressed under the final development design. Please ensure runoff and infiltration are maintained to the wetland during post-development.

Servicing Brief

27. The letter does not provide sufficient information to gain an understanding of the existing conditions of the subject lands. Please provide additional drawings that identify pre and post development catchment areas supported by local contour information.

28. Please provide additional information on the flow increase to the watercourse (UT-PC-43). This may result in erosion and water quality issues, please consider. The UTRCA strongly recommends only clean runoff be directed to the receiving wetland and watercourse.

29. The proposal speaks to re-aligning the watercourse to be located on the eastern portion of the road allowance. The UTRCA does not permit the re-alignment of watercourses that will negatively impact adjacent property owners by subjecting them to further regulation. Should a re-alignment be considered, the feature and its' regulatory setbacks will need to be maintained on the subject lands.

30. Please provide cross sections of the watercourse identifying the 100 and 250 year flood elevations. Should a re-alignment be considered, the recreated feature shall be designed to contain the flows from the 250-year event.

31. The Hydrogeological Assessment noted shallow groundwater across the subject lands. Please confirm that the proposed SWM infrastructure can be appropriately implemented and will not have any effects on the groundwater quality.

32. During the site plan phase, please provide a salt management plan.

Upper Thames Conservation Authority – Revised June 20, 2024

Further to our comments provided on November 14, 2022, the Upper Thames River Conservation Authority (UTRCA) has received the revised Zoning By-law Amendment application and associated Consent application (B.010/24). The previous Consent application (B.049/20) was approved subject to conditions and has since lapsed. The details of the revised Zoning By-law Amendment application are as follows:

- Re-zoning from Light Industrial LI1/LI7 and Restricted Service Commercial RSC2/RSC3/RSC4/RSC5 to Residential R9 Special Provision R9-3(_);
- A six (6) storey residential apartment building containing 77 or 78 residential units at a density of approximately 87 units per hectare;
- Reduced setbacks for front yard and interior side yard (west and south);
- 89 surface parking spaces including four (4) barrier-free spaces; and,
- Proposed access road via an unopened road allowance owned by the City of London.

It is our understanding that in addition to the residential zoning requested above, the City of London

is also proposing to re-zone a portion of the subject lands Open Space (OSX).

The revised circulation of the Zoning By-law Amendment application package included:

- Revised Concept Plan prepared by Nicholson Sheffield Architects Inc., dated April 4, 2024;
- and,
- Revised Environmental Impact Study prepared by MTE Consultants Inc., dated April 25, 2024.

In addition to these formal documents, the UTRCA also received HEC-RAS Results (dated June 1, 2023), Preliminary Drainage Area Plan (dated May 31, 2023), and Preliminary Engineering Plan and Profile Information (dated May 12, 2023) prepared by MTE Consultants Inc., to aid in understanding the flows through the watercourse located on the City-owned unopened road allowance. In addition to this technical documentation, landowner authorization from the adjacent lands to the east was also required to ensure there were no objections to the relocation of the watercourse and associated regulation limit; this written confirmation was provided via a letter from Drewlo Holdings Inc., dated September 15, 2023. The UTRCA discussed the information contained within these documents with MTE staff on October 3, 2024. In between receiving the original circulation and the revised circulation, UTRCA staff have engaged in discussions with the City of London and applicant to converse on the numerous concerns raised throughout the review process; these meetings occurred on February 1, 2023 and October 4, 2023.

At a high level, the concerns from the UTRCA were in relation to access to the subject lands, alterations to a watercourse, and interference with and removals to a wetland. The UTRCA's role regarding flooding associated with the watercourse on the City-owned unopened road allowance has been modified since the original circulation. Generally, the UTRCA reviews flooding for all watercourses. Where requested, the City can lead the management of flooding for local issues where the catchment area is less than 125ha, as is the case with the catchment area of the watercourse on the subject lands. As a result, the UTRCA will defer matters of local flooding to the City of London, however UTRCA staff will continue to regulate alterations to the watercourse on the City-owned unopened road allowance (see Appendix 3).

MUNICIPAL PLAN REVIEW FEES

Consistent with UTRCA Board of Directors approved policy; Authority Staff are authorized to collect fees for the review of *Planning Act* applications. For the review of the revised Zoning By-law Amendment application and associated documents, the applicant will be invoiced under separate cover as follows:

Zoning By-law Amendment (Major) \$1,380

Environmental Impact Study (Major) \$2,330

TOTAL \$3,710

COMMENTS

The UTRCA has undertaken a review of the revised Site Plan and EIS submitted alongside this application. The UTRCA's role in review this information is to ensure regard is had for matters of Provincial interest identified under the *Planning Act*, consistency with the Provincial Policy Statement (2020), conformity with the London Plan, as well as the UTRCA's Environmental Planning Policy Manual (2006). To remain consistent the comments that were provided on the original application (see Appendix 2), the comments below have been numbered to continue on from that list. The majority of the comments that were previously provided were not addressed, nor were revised technical reports prepared in relation to the other disciplines aside from ecology. Based on our review of the documents submitted alongside this application, we offer the following comments:

33. The revised Site Plan includes a site data table. The following errors have been noted within the table:

- a. The right-hand column labeled "Existing" should be labeled "Proposed."
- b. The minimum parking spaces listed as required is incorrect. The City's Zoning By-law (Z.-1) Section 4.19 10) (deleted and replaced by Z.-1-223046) states that the minimum parking requirements for residential apartment buildings is 0.5 spaces per

unit, and for senior citizen apartment buildings is 0.125 spaces per unit.

34. The Planning Justification Report prepared by Zelinka Priamo Ltd., dated August 5, 2022 and submitted alongside the original application proposed 78 residential units and 78 associated parking spaces. At the time of this submission, the parking requirements in the City's Zoning By-law (Z.-1) were more restrictive than those in place at the time of the revised submission, 1.25 spaces per unit versus 0.5 spaces per unit respectively. Despite this, the applicant is requesting more parking spaces in the revised proposal versus the original. It is our understanding that the City's reduction in parking requirements were based on feedback from the development industry and the demand from various projects. The applicant has not provided justification to exceeding the minimum requirements of the Zoning By-law and proposed more spaces in the revised submission versus the original. Further, the proposed parking area encroaches into the wetland, as well as the buffer. Given the lack of justification for the proposed increase in parking spaces, encroaching into the wetland and the buffer is inappropriate when parking may be able to meet the minimum standards outside of these areas. To ensure protection of the features identified on these lands, the UTRCA will require the parking spaces/area be revised and located entirely outside of the features and buffers.

35. As previously identified in our review comments for the original application, the UTRCA attended a site visit on August 16, 2021 with staff from the City of London and MTE Consultants Inc. The purpose of this site visit was to determine the presence of various environmental features and delineate their extent. Attendees confirmed the presence of a wetland, woodland, and a watercourse. As a result of changes in regulation, specifically Ontario Regulation 596/22, the UTRCA will defer matters pertaining to the natural heritage features, woodlands and select components of the wetland, to the City of London.

a. Buffers: High-level discussions ensued to review the requirements of the Environmental Management Guidelines (EMGs, 2007), such as buffers distances. The EMG's at that time stated that a 15m buffer was an appropriate distance for wetlands from residential development. MTE staff requested flexibility in buffers distances with consideration for a 10m buffer, which would need to be determined upon study. Both the original and revised EIS request a buffer of 5 to 5.5m which is not appropriate or justified within the report; furthermore, the buffer is applied where wetland removal is proposed.

b. Compensation: It is both the City's and UTRCA's approach to identify, delineate and protect features prior to considering compensation (see London Plan policy _1303). Compensation for the wetland removal was also discussed at the site visit and during meetings in advance of this application. MTE staff requested that compensation be considered on the City-owned parklands to the north in the area that is presently grassed. Confirmation from the City of London Parks Department is required for authorization to use their lands for this purpose, as well as confirmation from supporting technical studies to determine that the area is a viable location to support a wetland. Since these discussions, it is our understanding that permission from the City's Park Department has not been granted, nor have the appropriate studies been undertaken to support compensation at this location (see Appendix 6 for the borehole and monitoring well locations studied within the original Hydrogeological Assessment, 2022). As a result, should the proponent wish to proceed with a proposal for compensation, suitable lands shall be obtained at the expense of the owner and adequately studied to determine validity for wetland compensation. Compensation also requires an adequate buffer from existing and future land uses to ensure longterm protection and a greater chance of successful relocation. Until such a time that these exercises have been completed, compensation is not a viable option to move forward.

36. **New (EIS).** Figures 11 and 12 identify a "drain re-alignment area in the ROW" that extends the entire northerly portion of the ROW adjacent to the subject lands. The proposed realignment extends beyond the proposed access works within the City-owned unopened road allowance and a Section 28 permit will not be granted for the extent proposed at this time. The proponent is required to revise the proposed re-alignment works to extend only to the area needed to accommodate the access road. See Appendix 4 and Appendix 5 for the location of the area requested to be revised.

37. **New (EIS).** Within the revised submission, the proposed building has been relocated to the southern extent of the proposed severed lot. This relocation provides greater buffering from the feature to the north, however results in some encroach into the buffer of Wetland Community 1, and as well direct encroach into the feature itself to accommodate the internal pedestrian connections. Impacts from this encroachment and the grading/construction works required for this shall be considered.

38. **New (EIS).** The document notes that an EIS may be requested as part of the UTRCA's permit process. Please note that wetlands are Conservation Authority regulated features and the completed EIS is required as part of a complete application for a permit to interfere with a wetland, and therefore must be reviewed through the *Planning Act* process that proceeds in advance of permit approvals to ensure the principle of development is established. Best practice ensures planning approvals are not granted where a Section 28 permit cannot be obtained.

39. **New (EIS).** The proposed monitoring plan in the EIS recommends long-term vegetation monitoring in Years 2 and 3. The UTRCA recommends a minimum 5-year monitoring period for wetland compensation/creation to monitor the establishment of vegetation and appropriate hydrological conditions to support the wetland.

SUMMARY

The subject lands are regulated by the UTRCA due to the presence of a regulated watercourse as well as a regulated wetland and the surrounding area of interference. UTRCA staff completed a site visit in August 2021 with staff from the City of London and MTE Consultants Inc. to confirm the presence and delineation of these regulated features, and a significant woodland that is not regulated by the UTRCA.

The original and revised development concept proposed development in the form of a residential apartment building and associated parking within various environmental features. As mentioned throughout our review comments on this file, the UTRCA's review is focused on the regulated watercourse and the regulated wetland, deferring matters of natural heritage to the City of London. Early in the consultation process on this file, the owner and consulting team were advised of the potential environmental constraints present on these lands through the original Consent application (B.049/20). These discussions involved some agreement that there may be potential to re-locate the watercourse within the road allowance and allow for a potentially reduced buffer to the wetland feature, at a minimum of 10m to 15m buffer, subject to technical studies. The application continues to show encroachment beyond what was discussed early in the consultation process. In addition, responses or revisions to the technical information associated with the application have not been provided and are crucial to informing a decision on this application (see Appendix 3). While compensating for removal/relocation of the features was discussed, there has been no scientific support provided, nor authorization from the adjacent landowner, the City of London. With only having regard for the watercourse and wetland, once a 10m buffer is applied there appears to be a potential development envelope on these lands for a building sized approximately as proposed, and a parking area that is reduced closer to the minimum zoning requirements. The UTRCA does not object to some form of residential development occurring on these lands, however the current proposal does not meet the various policies and requirements to be a suitable development proposal for these lands. As it stands, a Section 28 permit application cannot be issued by staff at the UTRCA, and therefore our planning staff cannot recommend that the application proceeds to establish a principle for development where a permit cannot be granted.

RECOMMENDATION

Given the outstanding concerns outlined above that are contrary to various levels of policy, the UTRCA offerings the following recommendation options for City staff and Council to consider:

Option 1: That the application as presented, without adequate Open Space zoning, be refused; or,

Option 2: That the application be deferred back to staff and agencies to continue working with the

applicant to revise the technical reports and details of the application to meet the minimum

requirements of policy and other approvals; or,

Option 3: That the following modifications be made to the application to ensure the UTRCA has no objections to the application:

- i. Protect the entirety of the wetland feature and set an minimum 10m to 15m buffer, with the feature and buffer to be zoned Open Space (OS5);
- ii. Reduce the amount of watercourse re-alignment, and rezone the remainder of the unaltered feature to an appropriate Open Space zone (OS4 or OS5);
- iii. Set a site-specific special provision for a maximum number of parking spaces or parking rate determined based on the required buffers/OS zoning, which will allow for a stream-lined site plan process;

We remind the applicant to contact UTRCA staff prior to initiating works within the regulated area as written permissions through a Section 28 permit application or clearance are required.

Site Plan – October 26, 2022

In addition to establishing use permissions and regulations the requested zone should address the lack of frontage for the proposed site via a special provision and/or changes to the proposal.

Appendix D – Public Engagement

On September 28, 2022, Notice of Application was sent to property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 28, 2022. A “Planning Application” sign was also placed on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit a 6-storey residential apartment building on the northerly vacant portion of the subject site with 78 residential units at a density of 87 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** ‘Light Industrial (LI1/LI7)’ and ‘Restricted Service Commercial (RSC2/RSC3/RSC4/RSC5)’ **TO** a ‘Residential R9 Special Provision (R9-3(_)) Zone. Special Provisions are requested to permit a reduced minimum front yard setback of 4.5m, whereas a minimum of 8.0 is required; a reduced minimum (south) side yard setback of 6.0m, whereas 8.4m is required; an increased maximum building height of 21.0m, where no maximum height is currently prescribed; and a reduced minimum vehicle parking requirement of 78 spaces (1.0 spaces per units), whereas 98 spaces are required (1.25 spaces per unit).

There was 1 response received during the public consultation period.

A revised notice was sent out April 25, 2024.

Nature of Liaison: The purpose and effect of this zoning change is to permit a 6-storey residential apartment building on the northerly vacant portion of the subject site with 78 residential units at a density of 87 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** ‘Light Industrial (LI1/LI7)’ and ‘Restricted Service Commercial (RSC2/RSC3/RSC4/RSC5)’ **TO** a ‘Residential R9 Special Provision (R9-3(_)) Zone. Special Provisions are requested to permit: a reduced lot frontage of 0.0m, whereas a minimum lot frontage of 30.0m is required(applyes to portion of lands for proposed Residential R9 Zone); a reduced minimum front yard setback of 4.5m, whereas a minimum of 8.0 is required; a reduced minimum (east) interior side yard setback of 4.5m, whereas 8.4m is required; a reduced minimum (south) interior side yard setback of 6.0m, whereas 8.4m is required; a reduced minimum (west) interior side yard setback of 6.5m, whereas 8.4m is required; a reduced minimum lot depth of 51.2m, whereas 60.0m is required(applyes to portion of lands zoned Restricted Service Commercial RSC2/RSC3/RSC5); and an increased maximum building height of 21.0m, where no maximum height is currently prescribed. The City may also consider the use of holding provisions, and additional special provisions to facilitate the proposed development.

Glynis McGuigan – November 10, 2022

Hi Alanna,

I am writing in regards to my questions and concerns on the notice of planning application for 2060 Dundas Street.

Severance

- Has the application for severance been finalized/approved?
- If not, what are the outstanding requirements?

Frontage

- The property fronts on a unopened road allowance, correct? Lorn Street or referred to as Sydorko Road

I do not agree with the request of the R9 Residential zone or the proposed height of the building.

The building is facing Sydorko Road (Lorn Street), which is being opened as a private road but could be a city street in the future. It is clearly shown as the neighbourhood place type on the London Plan maps, not Urban corridor as referenced in Zelinka Priamo Ltd Planning and Design report. From what I have read, the Neighbourhood place type restricts the height allowed for the building to a maximum of three stories. Three stories would be a better fit with the existing neighbourhood.

The planning should not allow for the request to provide less than the required amount of parking spaces. There is no overflow parking available on Dundas Street to accommodate. The number of units should be reduced to meet the available parking.

Drainage, I am very concerned regarding the draining planned for this property. The report indicates that significant drainage is planned to go into the wood lot on the west side. This portion of the property is already frequently flooded, and with increased land coverage from the parking lot and building it will increase the flooding. Additionally, Mountbatten street is not equipped with storm sewers and also drains to this area. This risks flood damage to neighbouring properties on Mountbatten street.

The Zelinka Priamo Ltd report also indicates that special controls need to be in place for drainage during the build process until all drainage plans are in place.

Who is responsible for ensuring the controls during the build process are sufficient to not incur damage to neighbouring properties?

Who is responsible for approving the final drainage plans and ensuring they are sufficient?

I would like to participate in the future City Planning meeting.

Thank you for your time,

Glynis McGuigan