

Agenda Including Addeds

Planning and Environment Committee

7th Meeting of the Planning and Environment Committee

April 16, 2018, 4:00 PM

Council Chambers

Members

Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park, Mayor M. Brown

The Committee will recess at approximately 6:30 PM for dinner, as required.

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5. Deferred Matters/Additional Business

- 5.1 *(ADDED) 5th Report of the London Advisory Committee on Heritage* 241
- a. *(ADDED) Beth Emanuel Church - Fugitive Slave Chapel Update* 260

6. Confidential

6.1 Solicitor-Client Privileged Advice/Litigation/Potential Litigation

This report can be considered in a meeting closed to the public as the subject matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Conservation Review Board, and for the purpose of providing instructions and directions to officers and employees of the Corporation.

6.2 Solicitor-Client Privileged Advice/Litigation/Potential Litigation

This report can be considered in a meeting closed to the public as the subject matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Ontario Municipal Board, and for the purpose of providing instructions and directions to officers and employees of the Corporation.

7. Adjournment

Advisory Committee on the Environment

Report

5th Meeting of the Advisory Committee on the Environment
April 4, 2018
Committee Room #4

Attendance PRESENT: S. Ratz (Chair), K. Birchall, M. Bloxam, S. Brooks,
S. Hall, M.A. Hodge, J. Howell, L. Langdon, N. St. Amour and D.
Szoller and H. Lysynski (Acting Secretary)

ABSENT: R. Harvey, G. Sass, T. Stoiber and A. Tipping

ALSO PRESENT: T. Arnos

The meeting was called to order at 12:18 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 4th Report of the Advisory Committee on the Environment

That it BE NOTED that the 4th Report of the Advisory Committee on the Environment, from its meeting held on March 7, 2018, was received.

3.2 2nd Report of the Trees and Forests Advisory Committee

That the Manager, Urban Forestry and the Manager, Forestry Operations, BE REQUESTED to attend a future meeting of the Advisory Committee on the Environment (ACE) to provide information with respect to the practices relating to the watering of trees, the cutting down of trees and the planting of trees near hydro lines; it being noted that the 2nd Report of the Trees and Forests Advisory Committee, from its meeting held on February 28, 2018 was received.

3.3 2nd Report of the Agriculture Advisory Committee

That the Municipal Council and the Agricultural Advisory Committee BE ADVISED that the Advisory Committee on the Environment expressed its support for contacting The Honourable Jeff Leal, Minister of Agriculture, Food and Rural Affairs, with respect to the consultations relating to the *Bees Act*; it being noted that the 2nd Report of the Agricultural Advisory Committee, from its meeting held on March 21, 2018 was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Green Standards for Light Pollution and Bird Friendly Development - S. Hall

That it BE NOTED that the Advisory Committee on the Environment heard a verbal presentation from S. Hall, with respect to the Green Standards for Light Pollution and Bird Friendly Development Guidelines that were presented at the Planning and Environment Committee on Tuesday, April 3, 2018 as a part of the 4th Report of the Environmental and Ecological Planning Advisory Committee, on behalf of the Advisory Committee on the Environment and the Animal Welfare Advisory Committee.

5.2 2018 Advisory Committee on the Environment Workplan

That the following actions be taken with respect to the 2018 Advisory Committee on the Environment (ACE) Work Plan and proposed Budget:

a) the proposed Budget items identified on the approved 2018 ACE Work Plan BE APPROVED; it being noted that the ACE has sufficient funds in its 2018 Budget and,

b) it BE NOTED that a general discussion was held with respect to the 2018 ACE Work Plan.

5.3 ACE Summer Meeting Schedule

That it BE NOTED that the Advisory Committee on the Environment will meet over the summer on July 4, 2018 and then resume normal meetings dates as of September 5, 2018.

6. Deferred Matters/Additional Business

7. Adjournment

The meeting adjourned at 1:13 PM.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P.ENG
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Applicant/Appellant: Sunningdale Golf & Country Ltd. OMB
Final Decision Draft Plan of Subdivision, Official Plan and
Zoning By-law Amendment

Meeting on: APRIL 16, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following report on the Ontario Municipal Board decision of the appeal by Corlon Properties on behalf of Sunningdale Golf and Country Ltd., relating to draft plan of subdivision, Official Plan and Zoning By-law Amendment for the lands located at 379 Sunningdale Road West **BE RECEIVED** for information.

Executive Summary

On June 3, 2016 the applicant submitted an application for Draft Plan of Subdivision approval, an Official Plan Amendment and a Zoning By-law Amendment including all required reports/studies identified during pre-consultation. Staff reviewed and accepted the applications as complete on June 6, 2016.

On May 24, 2017, the City Clerk's Office received appeals to the Ontario Municipal Board (OMB), from the Applicant on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application; and a non-decision by Municipal Council within 120 days relating to a Zoning By-law and Official Plan Amendment applications concerning lands located at 379 Sunningdale Road.

On October 30, 2017, Council resolved:

That, on the recommendation of the Senior Planner, Development Services in response to appeals to the Ontario Municipal Board, dated May 24, 2017 submitted by Corlon Properties – Dave Schmidt on behalf of Sunningdale Golf & Country Ltd. (attached Appendix "D") on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application; and a non-decision by Municipal Council within 120 days relating to an Official Plan Amendment and Zoning By-law Amendment applications concerning a portion of lands located at 379 Sunningdale Road:

- a) *the Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend the Official Plan from Multi-Family Medium Density Residential to Multi-Family, High Density Residential **BE REFUSED** as the requested change for Multi-Family, High Density designation over the entire site is unwarranted and generally not consistent with the policies within the Plan;*
- b) *the Ontario Municipal Board **BE ADVISED** that Municipal Council supports draft approval (as red-lined amended) of the proposed plan of subdivision and the draft conditions attached as Appendix "A", submitted by Sunningdale Golf & Country Ltd. (File No. 39T-16504), which shows four residential blocks (Blocks 1, 2, 3 and 4), an open space block (Block 5), and office/residential block (Block 6) with local public streets (including the extensions of Callaway Road to the west and Meadowlands Way to the north);*
- c) *the Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the proposed by-law attached hereto as Appendix "B" for the Official Plan **BE***

AMENDED to add a Specific Area Policy(Chapter 10) to permit a maximum density of 35 units per hectare on Blocks 1,2 and 6; a maximum density of 150 units per hectare and maximum height of ten(10) stories on blocks 3 and 4; street oriented development to be encouraged to provide for a strong street edge and to eliminate the need for noise walls; a graduated “step down” of the building height for Block 3; surface parking discouraged along Sunningdale Road with street frontages to establish a strong building/street interface; and holding provisions to guide the layout and form of future development;

d) the Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the proposed by-law attached hereto as Appendix “C” of Zoning By-law No. Z-1 **BE AMENDED** in conformity with the Official Plan as amended in part (c) above **FROM** an Open Space (OS1) Zone, a holding Open Space (h-4.OS1) Zone and an Urban Reserve (UR4) Zone **TO**:

- a Holding Residential R9 Special Provision (h.h-100.h-53.R9-7(_)) Zone to permit apartment buildings with ten (10) storeys at a maximum density of 150 units per hectare;
- a Holding Residential R5/R6 Special Provision (h.h-100.h-53.R5-3(_)/R6-5(_)) Zone to facilitate vacant land condominiums and to support medium density residential uses such as cluster single detached dwellings, semi-detached dwellings, stacked townhouses, apartment buildings and senior citizen apartment buildings at a maximum density of 35 units per hectare, and a maximum building height of 13 metres (42.6 feet);
- a Holding Office/Residential Special Provision (h.h-100.h-53.R5-3(_)/R6-5(_)/OF1) Zone to permit an office building and or medium density residential uses at a maximum density of 35 units per hectare, and a maximum building height of 13 metres (42.6 feet);
- an Open Space OS1 Special Provision (OS1()) Zone to permit a block for access to the golf course to the north with a reduced lot frontage and lot area; and
- an Open Space (OS4) Zone for the Medway Valley lands being dedicated to the City.

The holding provisions will address the following:

- (h) - holding provision is implemented to address servicing, including sanitary, stormwater and water, to the satisfaction of the City Engineer, and the entering of a subdivision agreement.
- (h-100) - holding provision is implemented with respect to water services and appropriate access that no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access is available, to the satisfaction of the City Engineer.
- (h-53) - to encourage street oriented development and discourage noise attenuation walls along arterial roads; and,

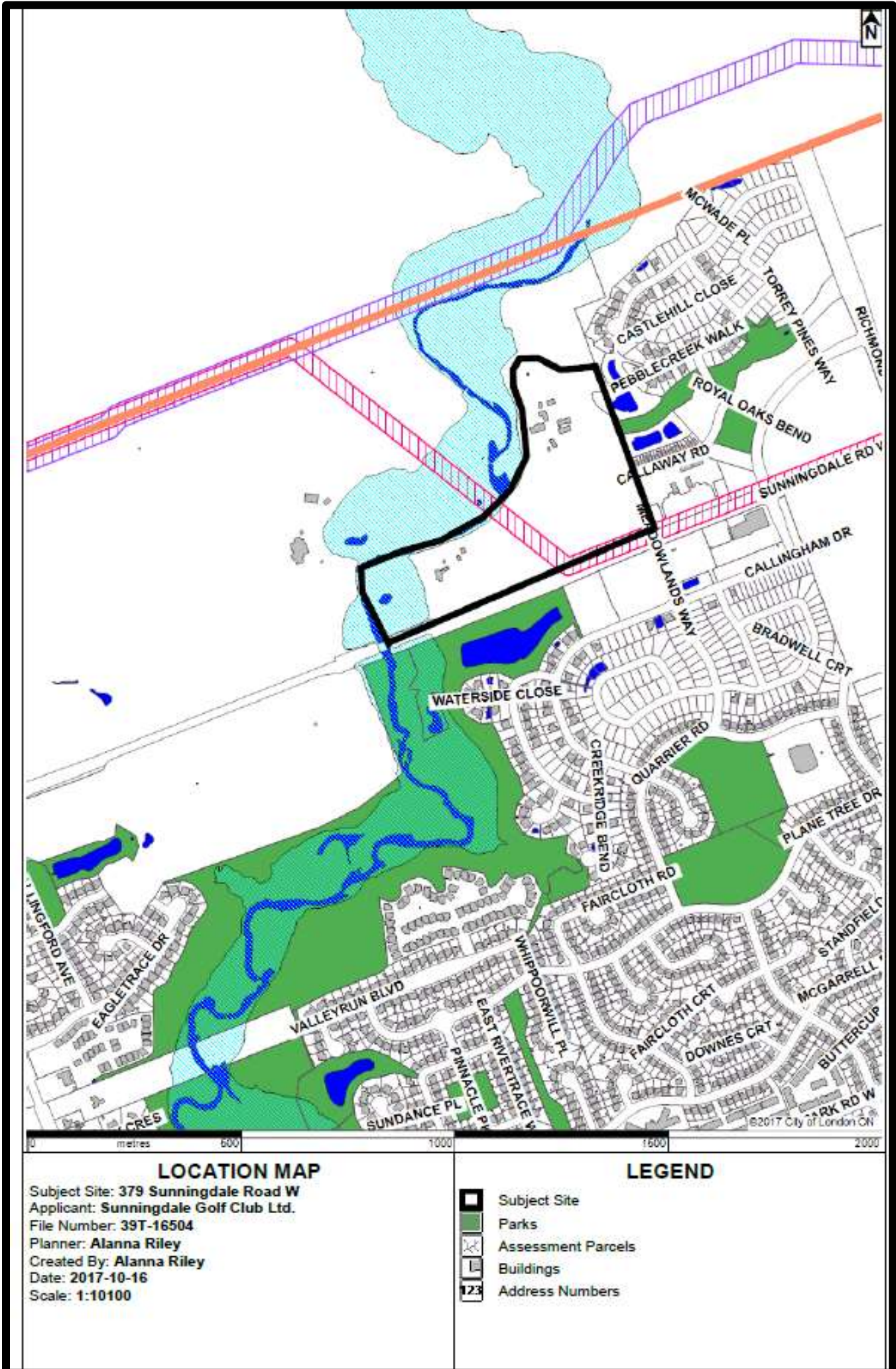
e) that the City Solicitor **BE DIRECTED** to provide legal and planning or expert witness representation at the Ontario Municipal Board hearing in support of Municipal Council’s position.

The OMB hearing was held on November 8, 2017. On November 15, 2017 the OMB issued its decision to approve the Official Plan, Zoning, and Subdivision Draft Plan Approval that allows the lands to be developed with ten storey apartment buildings, six storey apartment buildings, cluster residential in a vacant land condominium form, offices and park uses subject to the completion of conditions as directed by the Board (Attached Appendix A).

As per Section 51 (34) of the Planning Act, the draft approval lapse date is November 15, 2020

The full OMB decision is available in Appendix A of this report.

Location Map



Prepared and Recommended by:	C. Smith MCIP, RPP Senior Planner, Development Planning
Reviewed by:	Lou Pompili, MCIP, RPP Manager, Development Planning
Reviewed by:	Matt Feldberg Manager Development Services (Subdivisions)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official

April 9, 2018
CS/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2016\39T-16504 - 379 Sunningdale Road West
(AR)\OMB\PECombDecisionReport.docx

Appendix "A" - Ontario Municipal Board Decision

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 15, 2017

CASE NO(S): PL170629

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Corlon Properties Inc.
Subject:	Request to amend the Official Plan - Failure of City of London to adopt the requested amendment
Existing Designation:	Multi-family Medium Residential
Proposed Designated:	Multi-Family High Density Residential
Purpose:	To permit four (4) ten storey apartment buildings and two (2) six storey apartment buildings
Property Address/Description:	379 Sunningdale Road W
Municipality:	City of London
Approval Authority File No.:	OZ-8639
OMB Case No.:	PL170629
OMB File No.:	PL170629
OMB Case Name:	Corlon Properties Inc. v. London (City)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Corlon Properties Inc.
Subject:	Proposed Plan of Subdivision - Failure of City of London to make a decision
Purpose:	To permit four (4) ten storey apartment buildings and two (2) six storey apartment buildings
Property Address/Description:	379 Sunningdale Rd W
Municipality:	City of London
Municipality File No.:	39T-16504
OMB Case No.:	PL170629
OMB File No.:	PL170631

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Corlon Properties Inc.
Subject:	Application to amend Zoning By-law No. (Z.-1) - Neglect of City of London to make a decision
Existing Zoning:	Open Space (OS1) & Holding Open Space (h-4.OS1)
Proposed Zoning:	Residential R9 (R9-7.H10), Residential R5/R6 (R5-3/R6-5), Office OF1 (R5-3/R6-5/OF1) and OS1 Special Provision
Purpose:	To permit four (4) ten storey apartment buildings and two (2) six storey apartment buildings
Property Address/Description:	379 Sunningdale Rd W
Municipality:	City of London
Municipality File No.:	OZ-8639
OMB Case No.:	PL170629
OMB File No.:	PL170630

Heard: November 8, 2017 in London, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
Sunningdale Golf and Country Ltd. and Corlon Properties Inc. ("Applicant / Appellant")	Alan Patton
City of London ("City")	Nicole Hall

MEMORNADUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON NOVEMBER 8, 2017 AND ORDER OF THE BOARD

[1] This hearing was scheduled as a Pre-hearing Conference but became a Settlement Hearing upon the Board being advised that agreement had been reached by the parties. The Board approved the applications as set out below.

[2] The Applicant had appealed its applications to this Board for the City's failure to

make a decision within the timeframes set out in the *Planning Act* (the "Act"). With substantial effort from both parties, the development plans were revised and City Council supported the amended instruments now before the Board.

DISPOSITION

[3] The Applicant proposes a plan of subdivision on 9.2 hectares of land at 379 Sunningdale Road West (the "site"). The site is located west of the intersection of Richmond Street at Sunningdale Road in the northwest quadrant of the City. The site is bounded by Sunningdale Road, an arterial road, to the south, the Medway Creek and existing golf course to the north and west, and residential development underway to the east. To the south of Sunningdale Road across from the site are recent and ongoing residential developments and associated storm water management facilities with landscaping and walking paths.

[4] Public input had been solicited and received by the City earlier in the review process, and one member of the public attended the hearing to express concerns. Sherry Collier resides on Callingham Drive in the subdivision to the south of the site. Her property backs onto a storm water management facility. Ms. Collier expressed concerns over the number of apartment buildings permitted in the area, potential overlook from those apartments into yards and houses, pedestrians trespassing over her property between the public pathway and the street, and vehicle lights reaching her property when exiting the site onto Sunningdale Road.

[5] Alanna Riley is a Registered Professional Planner and a Senior Planner with the City who was qualified to give opinion evidence in the area of land use planning. Ms. Riley explained that the Official Plan Amendment ("OPA") sets density and height limits for the various blocks in the subdivision and urban design policies to effect graduated building height and streetscape considerations. Ms. Riley explained that these policies augment the medium density residential policies in the London Official Plan ("LOP") for this site and the proposed overall density of the site conforms with the existing land use

designation in the LOP. Ms. Riley further explained that the Zoning By-law Amendment ("ZBA") establishes zones and provisions for density and height pertaining to the proposed residential and local office uses. Apartments would be permitted to the north and west of the internal street, and lower forms of housing from detached dwellings to townhouses would be permitted on the east portions of the site. Local office uses would be permitted along with residential uses in the centre of the site along Sunningdale Road with access from the internal street. Open Space zones are provided along the Medway Valley to protect this natural heritage feature and to provide for public pathways.

[6] Ms. Riley testified that the OPA, ZBA and draft plan of subdivision with conditions are consistent with the Provincial Policy Statement, conform with the LOP, satisfy the requirements of s. 51(24) of the Act, and represent good planning.

[7] To Ms. Collier's concerns, Ms. Riley testified that building heights, densities and separations are similar to surrounding subdivisions, and that Ms. Collier's property is located approximately 200 metres south of the site with intervening uses being the arterial road and a storm water management facility. Ms. Riley considered the issue of overlook to be a normal urban condition and concluded that there would be no unacceptable impacts to surrounding properties resulting from the proposed development. She further advised that no transportation concerns had been identified by the City's transportation department and that trees, although currently small, have been established between Sunningdale Road and Ms. Collier's property around the storm water management facility. Ms. Riley also explained how each of the issues raised during previous public input had been addressed in the proposed amendments and subdivision design.

[8] The Board accepted the uncontradicted evidence of Ms. Riley and found the OPA, ZBA and draft plan of subdivision with conditions to be suitable for approval. The documents and draft plan satisfy the requisite tests in the Act and have taken into account public input. Further, the Board has had regard to London Council's approval

of the documents and its request of the Board to approve same. Ms. Collier stated that she was considering erecting a fence around her rear yard which would address some of her concerns. Based on the evidence, the Board did not find an undue effect on neighbouring properties resulting from this development.

ORDER

[9] The Board Orders that the appeal is allowed and the Official Plan Amendment is approved as submitted in Exhibit 2B and contained in Attachment 1 hereto.

[10] The Board Orders that the appeal is allowed and the Zoning By-law Amendment is approved as submitted in Exhibit 2C and contained in Attachment 1 hereto.

[11] The Board Orders that the appeal is allowed and the draft plan submitted in Exhibit 4 is approved subject to the fulfillment of the conditions submitted in Exhibit 2A and contained in Attachment 1 hereto.

[12] The Board Orders that pursuant to s. 51(56.1) of the Act, the City of London shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of s. 51(58) of the Act. Pursuant to s. 51(56.2) of the Act, the Board may be spoken to if any changes are required to conditions of draft plan approval or if changes are required to the draft plan.

"S. Tousaw"

S. TOUSAW
MEMBER

If there is an attachment referred to in this document
please visit www.elfo.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elfo.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Agenda Item # Page #

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File: OMB-39T-16504/ OZ-8639
Planner: Alanna Riley

Appendix "B"

Bill No. ~~000000~~ (to be inserted by Clerk's Office)
2017

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

A by-law to amend the Official Plan for the City of London, 1989 relating to a portion of 379 ~~Sunningdale~~ Road West

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

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

PASSED in Open Council on

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading -
Third Reading -

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File: OMB-39T-16504/ OZ-8639
Planner: Alanna Riley

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to include a Special Policy in Chapter 10 (Policies for Specific Areas) of the Official Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to portion of lands located at 379 ~~Sunningdale~~ Road West in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendments are consistent with the policies of the Provincial Policy Statement, 2014.

The recommended amendments are consistent with the Natural Heritage policies of the City of London Official Plan. The recommended amendments will protect the existing identified Natural Heritage Features (Medway Valley)

The recommended Chapter 10, Policies for Specific Area provide the necessary guidance for future developers and Staff, and would direct the tallest and more intense residential uses to the north and west limits of the property adjacent to the golf course with a transition to less intensive forms of uses adjacent to the existing low density residential and medium density residential neighbourhoods to the south and east. The overall density of this parcel would be in keeping with the Multi-Family, Medium Density Residential density targets for a parcel of this size.

The recommended amendments encourage the development of a plan of subdivision that includes densities and built form regulations that are compatible and provide a good transition with surrounding land uses. This represents good planning.

D. THE AMENDMENT

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

In addition to the Multi-Family Medium Density ~~Residential~~ policies of Section 3.3 of this Plan, the following policies apply to the lands at 379 ~~Sunningdale~~ Road West, Blocks 1-6 which form part of the ~~Sunningdale~~ Subdivision (39T-16504).

- I. Blocks 1, 2, and 6 may be permitted to develop at a maximum density of 35 units per hectare;*
- II. Blocks 3 and 4 may be permitted to develop at a maximum density of 150 units per hectare and a maximum height of ten (10) stories;*
- III. Street oriented development will be encouraged in order to provide a strong street edge and to eliminate the need for continuous noise walls in this area;*
- IV. A graduated "step down" of building height will be encouraged between any proposed buildings on Block 3 that implement the maximum height provision of ii) above and the interface of ~~Sunningdale~~ Road;*
- V. Surface parking will be discouraged along the ~~Sunningdale~~ Road street frontages in order to establish a strong building/street interface in this area. Should surface parking be considered necessary, the parking area must be appropriately screened from the street; and,*
- VI. Holding provisions will be applied to all zones in this area to guide site layout and building form.*

ATTACHMENT 2

Agenda Item # Page #

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File: OMB-39T-16504/ OZ-8639
Planner: Alanna Riley

APPENDIX "C"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 379 ~~Sunningdale~~ Road West.

WHEREAS ~~Sunningdale~~ Golf & Country Ltd as applied to rezone an area of land located at 379 ~~Sunningdale~~ Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at , as shown on the attached map, from an Open Space (OS1) Zone and a holding Open Space (h-4.OS1) to a Holding Residential R9 Special Provision (h.h-100.h-53.R9-7()) Zone; a Holding Residential R5/R6 Special Provision (h.h-100.h-53.R5-3()/R6-5()) Zone; a Holding Office/Residential (h.h-100.h-53.R5-3/R6-5/OF1) Zone; an Open Space OS1 Special Provision (OS1()) Zone; and an Open Space (OS4) Zone for the Medway Valley lands being dedicated to the City.
- 2) Section 13.4 of the Residential R9 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:
13.4 g) ___ R9-7(**)
(a) Regulations
 - i) Density (Maximum): 150 units per hectare
 - ii) Height (Maximum): 10 storeys
- 3) Section 9.4 of the Residential R5 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:
9.4 c) ___ R5-3(*)
(a) Regulations
 - i) Density (Maximum): 35 units per hectare
 - ii) Height (Maximum): 13 metres (42.6 feet)
- 4) Section 10.4 of the Residential R6 Zone to By-law No. Z.-1 is amended by adding the following Special Provision:
10.4 e) ___ R6-5(*)
(a) Regulations
 - i) Density (Maximum): 35 units per hectare



File: OMB-38T-16504/ OZ-8639
Planner: Alanna Riley

ii) Height (Maximum): 13 metres (42.6 feet)

5) Section 36.4 of the Open Space OS Zone to By-law No. Z-1 is amended by adding the following Special Provision:

36.4 a) OS1(*)

(a) Regulations

i) Lot Frontage (Minimum): 9 metres (29.53 feet)

ii) Lot Area (minimum): 0.080 hectares (0.20 acres)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

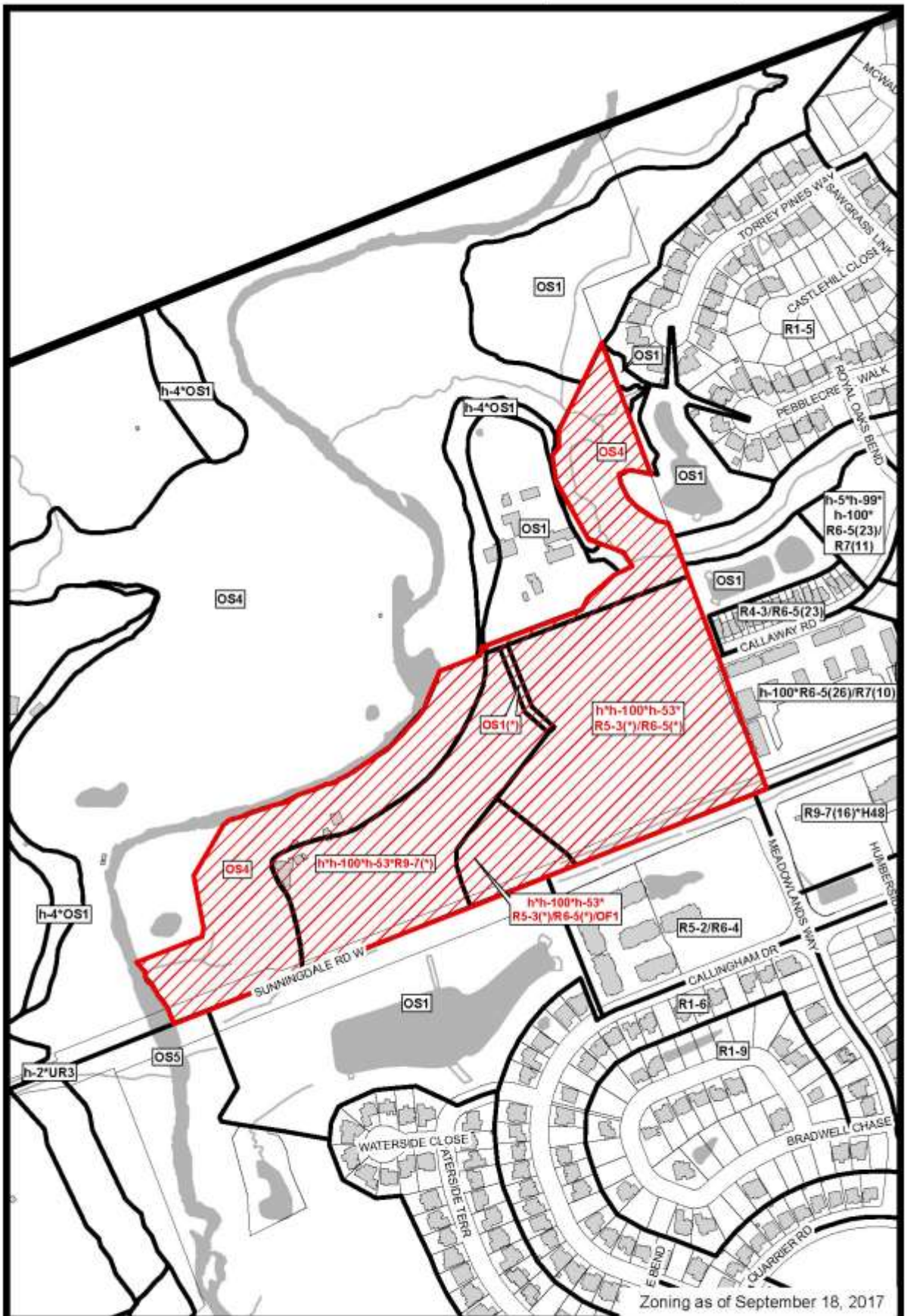
PASSED in Open Council on

Matt Brown
Mayor


Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: 39T-16504
 Planner: AR
 Date Prepared: 2017/10/12
 Technician: WR
 By-Law No: Z.-1-

SUBJECT SITE 

1:5,000

0 25 50 100 150 200 Meters





1400 FLORENCE AVENUE
LONDON ONTARIO
www.stantec.com

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The Client or Applicant acknowledges that the information contained herein is confidential and that it is not to be disclosed to any third party without the written consent of Stantec.

**DRAFT PLAN
OF SUBDIVISION**

LOT 12,
REGISTERED COMPILD PLAN 1028
IN THE
CITY OF LONDON
COUNTY OF MIDDLESEX

INFORMATION REQUIRED UNDER SECTION 5(1) OF THE CONTOUR ACT

- 1. NAME OF THE PROJECT
- 2. DATE OF THE PLAN
- 3. NAME OF THE APPLICANT
- 4. ADDRESS OF THE APPLICANT
- 5. ADDRESS OF THE PROJECT
- 6. NAME OF THE PROJECT
- 7. DATE OF THE PLAN
- 8. NAME OF THE APPLICANT
- 9. ADDRESS OF THE APPLICANT
- 10. ADDRESS OF THE PROJECT
- 11. NAME OF THE PROJECT
- 12. DATE OF THE PLAN
- 13. NAME OF THE APPLICANT
- 14. ADDRESS OF THE APPLICANT
- 15. ADDRESS OF THE PROJECT

SECTION	AREA (sq. m)	PERCENTAGE
SECTION 1	1,100	1.10%
SECTION 2	1,100	1.10%
SECTION 3	1,100	1.10%
SECTION 4	1,100	1.10%
SECTION 5	1,100	1.10%
SECTION 6	1,100	1.10%
SECTION 7	1,100	1.10%
SECTION 8	1,100	1.10%
SECTION 9	1,100	1.10%
SECTION 10	1,100	1.10%
SECTION 11	1,100	1.10%
SECTION 12	1,100	1.10%
SECTION 13	1,100	1.10%
SECTION 14	1,100	1.10%
SECTION 15	1,100	1.10%

CONTOUR AUTHORIZATION - IN ACCORDANCE WITH SUBSECTION 5(1) OF THE CONTOUR ACT, THE APPLICANT HAS OBTAINED THE NECESSARY CONTOUR AUTHORIZATION FROM THE APPLICANT'S SURVEYOR.

SUBDIVISION CERTIFICATE

CLIENT'S CERTIFICATE

DATE OF THE PLAN

DATE OF THE PLAN

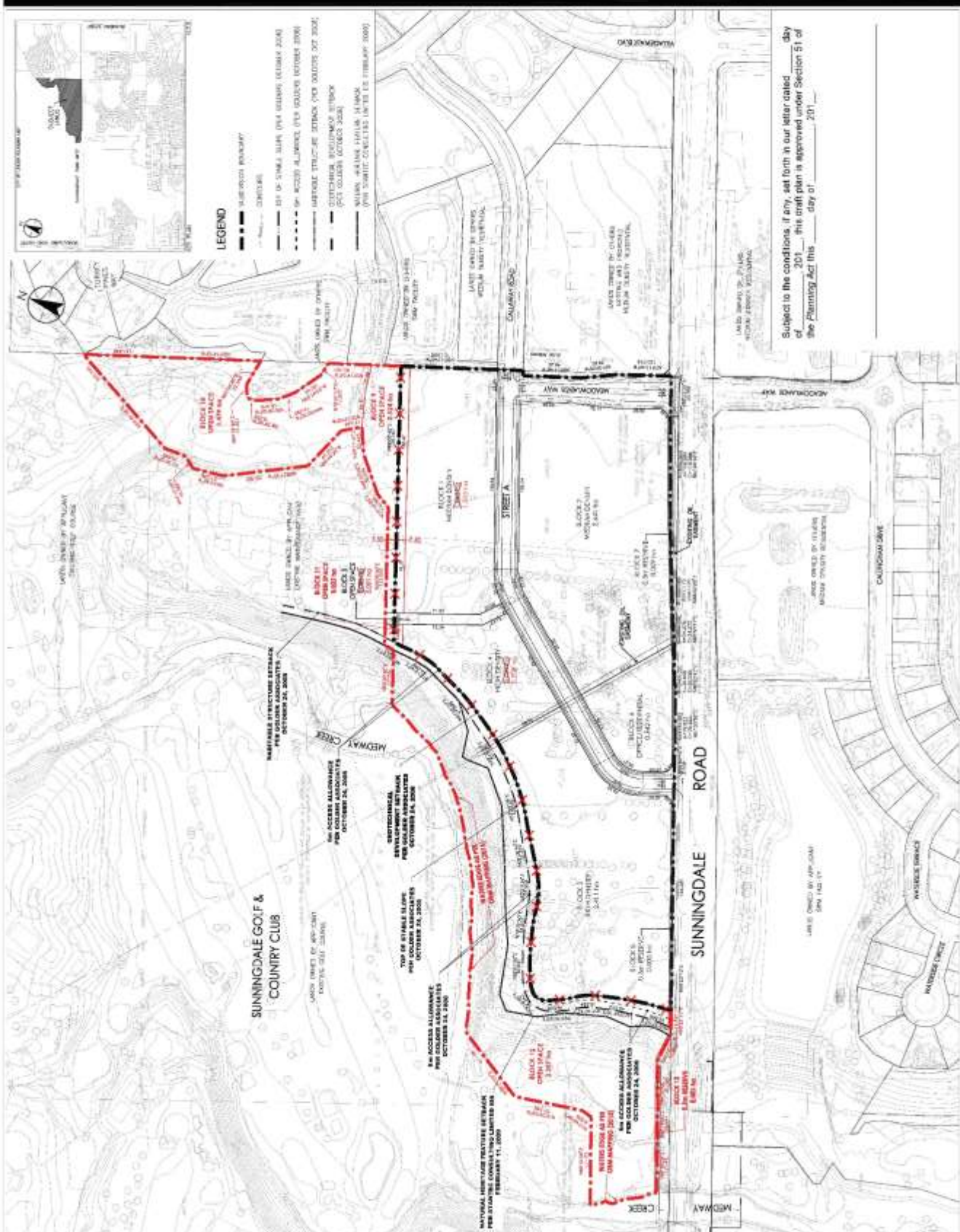
DATE OF THE PLAN

DATE OF THE PLAN

DATE OF THE PLAN

DATE OF THE PLAN

DATE OF THE PLAN



Subject to the conditions, if any, set forth in our letter called of _____ day of _____, 2017, this draft plan is approved under Section 5(1) of the Planning Act this _____ day of _____, 2017.

Client/Proprietor
SUNNINGDALE GOLF & COUNTRY CLUB LTD.
SUNNINGDALE SUBDIVISION
London, ON Canada

The
DRAFT PLAN OF SUBDIVISION
REVISED CHANGE PLAN
JULY 27, 2017

Project No. 3006
14-10382
Drawing No. Sheet 1 of 1

ATTACHMENT 4

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-16504 ARE AS FOLLOWS:

NO. CONDITIONS

1. This draft approval applies to the draft plan as submitted by Sunningdale Golf & Country Ltd. (File No. 39T-16504), prepared by Stantec and certified by Jeremy Matthews (Project No. 161403302, dated April 20, 2016, as red-lined, which shows four residential blocks (Blocks 1, 2, 3 & 4), five (5) open space blocks (Block 5 and 9-12), and office/residential block (Block 6) with local public streets (including the extensions of Callaway Road to the west and Meadowlands Way to the north).
2. This approval applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall request that street(s) shall be named to the satisfaction of the City.
5. The Owner shall request that the municipal address shall be assigned to the satisfaction of the City.
6. Prior to final approval, the Owner shall submit to the City a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAO83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall enter into a subdivision agreement and shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies once the plan of subdivision has been registered.
10. In conjunction with registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
11. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the City a complete submission consisting of all required clearances, fees, and final plans, and advise the City in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
12. Prior to final approval for the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.

Planning

13. The Owner shall carry out an archaeological survey and rescue excavation of any significant archaeological remains found on the site to the satisfaction of the Southwestern Regional Archaeologist of the Ministry of Culture; and no final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.

14. In conjunction with the Design Studies submission, the Owner shall submit a Noise Impact Study which recommends noise mitigation measures in accordance with the Ministry of the Environment Guidelines and the City of London policies and guidelines that excludes the requirement for a continuous berm/barrier along the Sunningdale Road frontage, all to the satisfaction of the City.

Upper Thames River Conservation Authority (UTRCA) and Parks Planning

15. In conjunction with the Design Studies submission the Owner shall submit a final consolidated hydrogeological report /slope assessment to the satisfaction of the UTRCA.
16. In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the proponent shall obtain the necessary permit/approvals from the UTRCA.
17. In conjunction with the Design Studies submission, the Owner shall submit a slope assessment report to address all slope issues with respect to construction, grading and drainage of this subdivision and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability associated with open watercourses that services an upstream catchment, all to the satisfaction of the City Engineer and the UTRCA. The Owner shall provide written acceptance from the UTRCA for the final setback.

Environmental & Parks Planning

18. The Owner shall dedicate Blocks 9, 10, 11 and 12 as redlined to cover a portion of the required parkland dedication. The remaining parkland dedication will be taken as cash-in-lieu as per By-law CP-9.
19. The owner shall provide an 8 metre wide easement in favour of the City along the west and northern limits of Blocks 3 and 4, adjacent to the Medway Creek natural heritage system and outside of the approved 6 meter UTRCA access allowance as a multi-use pathway easement. Lands within the easement may be considered towards parkland dedication and calculated once the easement is provided. In the event that the UTRCA grants a Section 28 permit for a multi-use pathway within the access allowance block, the above noted easement will not be required.
20. As part of Design Studies submission, the owner shall prepare and submit a conceptual plan delineating a pathway alignment and tree planting to the satisfaction of the City Planner.
21. In the event that the multi-use pathway system is to be incorporated within a portion of Street A, then a revised road standard, for that portion of Street A will be required as a part of the design studies submission.
22. As part of Design Studies, the owner shall prepare and submit a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the City Planner. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation as per the Council approved Tree Preservation Guidelines.
23. As part of Design Studies, the owner shall prepare and submit an Implantation plan identifying the timing of implantation of the recommendations within the EIS prepared by Stanec (2016).
24. Within one (1) year of registration of this plan of subdivision, all lots/blocks abutting park blocks shall be fenced with 1.5 meter high chain link fence without gates in accordance with current City park standards (SPO 4.8) or approved alternate.
25. All park blocks lands shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the park block limits to the satisfaction of Development Services and the City Planner.
26. No grading shall occur within proposed parkland blocks except where determined to be

appropriate by the City Planner.

27. As part of Design Studies submission, the Owner shall prepare an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The education package shall be provided to all units owners/tenants.
28. The owner shall provide an 8 metre wide easement in favour of the City with the Union Gas easement from Sunningdale Road to the Medway Creek natural heritage system for the purposes of a multi-use pathway easement.

Engineering - Sanitary

29. In conjunction with the Engineering Drawing submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
 - i. Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City;
 - ii. Propose a suitable routing for the sanitary sewer to be constructed through this plan.
 - iii. Identify the proposed servicing of the existing golf maintenance facility to the north of this plan;
 - iv. To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, provide a hydrogeological report that includes an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken; and
30. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i. Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 525 mm diameter sanitary sewer located on the south side of Sunningdale Road West via the Maintenance Hole S24 as per the ultimate alignment of the Medway Trunk Sanitary Sewer Phase 2 (Project No. 1614-03109, Stanec 2011);
 - ii. Construct a sanitary private drain connection to Block 5 to service the existing golf maintenance facility to the north of this plan, external to the plan, as per the accepted Design Studies and in accordance with approved engineering drawings.
 - iii. Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City;
 - iv. Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - v. Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.
31. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
 - i. Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii. Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer.
 - iii. Install Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan or subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
 - iv. Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407: and

- v. Implementing any additional measures recommended through the Design Studies stage.
32. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Adelaide/Greenway Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

Storm and Stormwater Management (SWM)

33. In conjunction with the Engineering Drawing submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
- i. Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii. Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii. Identifying all overland flow routes and provide modelling of the conveyance capacities of both internal and external overland flow routes to the existing Sunningdale SWM Facility # 4. The overland flow route modelling shall include analysis to demonstrate overland flow route conveyance up to and include the 250 year event traversing Sunningdale Road to Sunningdale SWM Facility# 4;
 - iv. Ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.
 - v. Identifying any modifications within the existing Sunningdale SWM Facility # 4 which may be required due to the proposed major and minor storm drainage servicing outlets design for this plan;
 - vi. Identify the proposed servicing of the existing golf maintenance facility to the north of this plan and provide details of servicing;
 - vii. Providing a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to construction, grading and drainage of this subdivision and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback;
 - viii. Developing an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction; and
 - ix. Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence or adequate geotechnical conditions within this Plan and the approval of the City Engineer.
34. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:
- i. The SWM criteria and environmental targets for the Medway Creek Subwatershed Study and any addendums/amendments;
 - ii. The Schedule 'B' Municipal Class Environmental Assessment Report entitled Sunningdale Area Storm Drainage and Stormwater Management Servicing for Undeveloped Lands (AECOM April 2009) and any addendums/amendments;
 - iii. The approved Functional Design Report for the Sunningdale SWM Facility # 4 and Compensation Area (Delcan April 2011) or any updated Functional Stormwater Management Plan;
 - iv. The City's Design Requirements for Permanent Private Stormwater Systems

approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;

- v. The Stormwater and Storm Drainage Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the File Manage process;
 - vi. The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - vii. The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - viii. The Ministry of the Environment and Climate Change (MOE CC) SWM Practices Planning and Design Manual, as revised; and
 - ix. Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
35. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
- i. Construct storm sewers to serve this plan, located within the Medway Creek Subwatershed, and connect them to the existing municipal storm sewer system namely, the 1500 mm diameter storm sewer stub located on the south side of Sunningdale Road ultimately outletting the major and minor storm drainage flows for this plan to the existing Sunningdale SWM Facility# 4 located on the south side of Sunningdale Road at 330 Sunningdale Road West.
 - ii. Construct a storm private drain connection to Block 5 to service the existing golf maintenance facility to the north of this plan, external to the plan, as per the accepted Design Studies and in accordance with approved engineering drawings.
 - iii. Modify the existing Sunningdale SWM Facility # 4, if necessary, due to the proposed major and minor storm drainage servicing outlets design for this plan. The revised SWM Facility shall be constructed/reconfigured in accordance with the approved functional design and all applicable prior approvals for this development;
 - iv. Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan:
 - v. Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith: and
 - vi. Address forthwith any deficiencies of the stormwater works and/or monitoring program.
36. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
- i. For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii. Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iii. Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City; and
 - iv. If necessary, the modified SWM Facility and related works must be constructed and operational in accordance with approved design criteria and accepted engineering drawings, to the specifications of the City Engineer, at no cost to the City. If applicable, a technical amendment will be required for any ECA for the MOECC. The Owner shall have its professional engineer certify to the City Engineer that the said facility was reconstructed and shall operate in accordance with the approved design criteria.
37. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
38. In conjunction with the Engineering Drawing submission, the Owner shall have a report

prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine, including but not limited to, the following:

- i. the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
 - ii. identify any abandoned wells In this plan
 - iii. assess the impact on water balance in the plan
 - iv. any fill required in the plan
 - v. provide recommendations for foundation design should high groundwater be encountered
 - vi. identify all required mitigation measures including Low Impact Development (LIDs) solutions
 - vii. address any contamination impacts that may be anticipated or experienced as a result of the said construction
 - viii. provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site, all to the satisfaction of the City.
39. Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
40. The Owner shall ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for permanent Private Stormwater Systems.
41. The Owner acknowledges that any modifications within the existing Sunningdale SWM Facility # 4 Block (330 Sunningdale Road West) which may be required due to the proposed major and minor storm drainage servicing outlet(s) design for this plan of subdivision, shall be co-ordinated and reviewed in accordance with current City of London policies. All associated costs are to be borne entirely by the Owner and may include but not be limited to; design, construction, as well as maintenance, cleaning and repairing for a one (1) year period post construction. The Owner is responsible to facilitate any permittint and alterations thereto, by the relevant authorities, all to the specifications and satisfaction of the City Engineer.

Watermains

42. In conjunction with the Engineering Drawing submission, the Owner shall have his consulting engineer prepare and submit the following water servicing design Information, all to the satisfaction of the City Engineer:
- i. A water servicing report which addresses the following:
 - a) Identify external water servicing requirements;
 - b) Identify fireflows available from each hydrant proposed to be constructed and identify appropriate hydrant colour code markers;
 - c) Confirm capacity requirements are met;
 - d) Identify need to the construction of external works;
 - e) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - f) Water system area plan(s)
 - g) Water network analysis/hydraulic calculations for subdivision report;
 - h) Phasing report and identify how water quality will be maintained until full builtout;
 - i) Oversizing of watermain, if necessary and any cost sharing agreements.
 - j) Water quality
 - k) Identify location of valves and hydrants
 - l) Identify location of automatic flushing devices as necessary
 - m) Looping strategy
 - n) Adherence to the North London Water Servicing Strategy
 - ii. an engineering analysis to determine the extent of external watermains required to serve Blocks within this plan, at no cost to the City.
 - iii. Identify the proposed servicing of the existing golf maintenance facility to the north of this plan and provide details of servicing;

43. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City. The requirements or measure which are necessary to meet water quality requirements shall also be shown clearly on the engineering drawings.
44. Prior to the issuance of any Certificate of Conditional Approval and in accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:
- i. Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 200 mm diameter watermain on Callaway Road, the 200 mm diameter watermain on Meadowlands Way and the 300 mm diameter watermain on Sunningdale Road West;
 - ii. Construct a water stub, appropriately sized adjacent to Block 5 in this plan to service the existing golf maintenance facility to the north of this plan, external to the plan, as per the accepted Design Studies and in accordance with approved engineering drawings and allowing for the abandonment of the well currently servicing the external lands;
 - iii. Extend the existing 300 mm watermain on Sunningdale Road West at Meadowlands Way across the frontage of this Plan to the proposed Street 'A' in this plan;
 - iv. Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
 - v. The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings; The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval;
45. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall install and commission temporary automatic flushing devices and meters at all dead ends and/or other locations as deemed necessary by the hydraulic modelling results to ensure that water quality is maintained during build out of the subdivision. These devices are to remain in place until there is sufficient occupancy use to maintain water quality without their use. The location of the temporary automatic flushing devices as well as their flow settings are to be shown on engineering drawings. The Owner is responsible to meter and pay billed cost of the discharged water from the time of their installation until assumption. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.
46. With respect to the proposed blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.
- If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements
47. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.

STREETS, TRANSPORTATION & SURVEYS

Roadworks

48. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City Engineer, all to the specifications of the City, as follows:
- i. align Meadowlands Way in this plan with Meadowlands Way to the south, external to this plan
 - ii. align Callaway Road in this plan with Callaway Road in Plan 33M-633, external to this plan

49. In conjunction with the submission of detailed design drawings, the Owner shall have his consulting engineer provide a proposed layout of the tapers for streets in this plan that change right-of-way widths with minimum 30 metre tapers (eg. from 20.0 metre to 19.0 metre road width), all to the satisfaction of the City Engineer. The roads shall be tapered equally aligned based on the alignment of the road centrelines. It should be noted tapers are not to be within an intersection.
50. In conjunction with the Engineering Drawing submission, the Owner shall provide a conceptual layout of the roads and rights-of-way of the plan to the City Engineer for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, pavement marking plan, including all tum lanes, etc., and include any associated adjustments to the abutting lots.
51. The Owner shall construct Meadowlands Way to secondary collector standards on a right of way width of 21.5 metres, to the satisfaction of the City.
52. In conjunction with the Engineering Drawing submission, the Owner shall have its professional consulting engineer confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions:"
53. The Owner shall have its professional engineer design and construct the roadworks in accordance with the following road widths:
 - i. Meadowlands Way has a minimum road pavement with (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
 - ii. Street 'A' has a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20 metres.
 - iii. The Owner shall construct a gateway feature on Meadowlands Way at the intersection of Sunningdale Road West with a right of way width of 28.0 metres for a minimum length of 45.0 metres tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres, to the satisfaction of the City. .
54. The Owner shall ensure access to lots and blocks adjacent to gateway feature will be restricted to rights-in and rights-out only.

Sidewalks/Bikeways

55. The Owner shall construct a 1.5 metre sidewalk on both sides of the following streets:
 - i. Meadowlands Way
 - ii. Street 'A'

Street Lights

56. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended, which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the London Hydro for the City of London.

Boundary Road Works

57. In conjunction with the Engineering Drawing submission, the Owner shall update the decision sight distance in accordance with the City's Design Specifications and Requirements Manual, to the satisfaction of the City Engineer.
58. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall complete any required road works to address the sight line requirements, to the satisfaction of the City Engineer, at no cost to the City.
59. The Owner shall be required to make minor boulevard improvements on Sunningdale Road West adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
60. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install

temporary street lighting at the intersection of Street 'A' with Sunningdale Road West. To the specifications of the City, at no cost to the City.

61. In conjunction with the Engineering Drawing submission, the Owner shall have its professional consulting engineer submit design criteria for the left turn and right turn lanes on Sunningdale Road West at Meadowlands Way for review and acceptance by the City.
62. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct left and right turn lanes on Sunningdale Road West at Meadowlands Way, to the satisfaction of the City Engineer, at no cost to the City.
63. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct Street 'A' as a rights-in/rights-out only access, in accordance with the City's Access Management Guidelines (AMG), to the satisfaction of the City Engineer, at no cost to the City.
64. The Owner shall reconstruct or relocate any surface or subsurface works (e.g. hydro poles, catchbasins, etc.) or vegetation necessary to connect Street 'A' and Meadowlands Way to Sunningdale Road West, to the satisfaction of the City and at no cost to the City.

Road Widening

65. The Owner shall be required to dedicate sufficient land to widen Sunningdale Road West as per the Sunningdale Road Environmental Assessment.
66. The Owner shall be required to dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Meadowlands Way with Sunningdale Road West and Street 'A' with Sunningdale Road West in accordance with the Z-1 Zoning By-law.

Vehicular Access

67. The Owner shall ensure that no vehicular access will be permitted to any blocks fronting Sunningdale Road West. All vehicular access is to be via the internal subdivision streets
68. The Owner shall provide and construct an access to external lands to the north through Block 5, all to the satisfaction of the City.

Construction Access/Temporary/Second Access Roads

69. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Sunningdale Road West via Meadowlands Way or other routes as designated by the City.
70. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have its contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
 -
71. The Owner shall remove the temporary turning circle on Callaway Road and adjacent lands, in Plan 33M-633 to the east of this Plan, including restoration of adjacent lands, and removal of the temporary sanitary maintenance access to Sunningdale Road West, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-633 for the removal of the temporary turning circle and the construction of this section of Callaway Road and all associated works, including the removal of the temporary sanitary maintenance access to Sunningdale Road West, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work. In the event that Callaway Road in Plan 33M-633 is constructed as a fully serviced road by the Owner of Plan 33M-633, then the Owner shall be relieved of this obligation.

GENERAL CONDITIONS

72. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be

satisfactory to the City.

73. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
74. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
75. In conjunction with the Engineering Drawing submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:
 - i. servicing, grading and drainage of this subdivision
 - ii. road pavement structure
 - iii. dewatering
 - iv. foundation design
 - v. removal of existing fill (including but not limited to organic and deleterious materials)
 - vi. the placement of new engineering fill
 - vii. any necessary setbacks related to slope stability for lands within this plan
 - viii. identifying all required mitigation measures including Low Impact Development (LIDs) solutions,and any other requirements as needed by the City, all to the satisfaction of the City.
76. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
77. The Owner shall have the common property line of Sunningdale Road West graded in accordance with the City of London Standard "subdivision Grading Along Arterial Roads", at no cost to the City.

Further, the grades to be taken as the centreline line grades on Sunningdale Road West are the future ultimate centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the ultimate elevations along the common property line which will blend with the ultimate reconstructed road, all to the satisfaction of the City.

78. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i. In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City;
- ii. The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

79. 79. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:
 - i. commence upon completion of the Owner's service work, connections to the existing unassumed services; and
 - ii. continue until the time of assumption of the affected services by the City.
80. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by

outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

The connection into and use of the subject services by an outside Owner will be conditional upon the outside Owner satisfying any requirements set out by the City, and agreement by the outside Owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

81. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

82. Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A- Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site, in accordance with the requirements of latest Ministry of Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate, removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.

In the event no evidence of contamination is encountered on the site, the geotechnical engineer shall provide certification to this effect to the City.

83. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
84. In conjunction with the Engineering Drawing submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.
85. The Owner shall have its professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
86. The Owner shall not commence construction or installations of any services (e.g. Clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits,

approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (e.g. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, and approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.)

87. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
88. In conjunction with the Engineering Drawing submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
89. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
90. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.
91. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
92. The Owner shall decommission any abandoned infrastructure at no cost to the City, all to the specifications and satisfaction of the City.
93. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
94. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
95. The Owner shall submit confirmation that they have complied with any requirements of Imperial Oil Pipeline with regards to the 20 metre buffer within this plan of subdivision and for the crossing of Street 'A' over the pipeline in this plan, to the satisfaction of the City.
96. Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from development charges as defined in the DC By-law, and further, where such works are not oversized pipe works (sanitary, storm or water - the reimbursement of which is provided for in subsidy tables in the DC By-law), then the Owner shall submit through their consulting engineer an engineering work plan for the proposed works satisfactory to the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:
 - i. no work subject to a work plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed work plan; and
 - ii. in light of the funding source and the City's responsibility to administer development charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.
97. The following works required by this subdivision shall be subject to a work plan:
 - iii. internal road widening
 - iv. channelization
98. Where the proposed development calls for the construction of a stormwater management facility or works, and where the Owner is of the opinion that such works are eligible to be

funded in whole or in part from development charges as defined in the DC by-law, then the Owner shall submit through their consulting engineer an engineering work plan including works completed to date and future works to be undertaken for the proposed works, satisfactory to the City Engineer (or designate) and City Treasurer (or designate). In light of the funding course and the City's responsibility to administer development charge funds collected, the City retains the right to request proposed for the work from an alternative consulting engineer.

99. Where Sunningdale Road West requires restoration due to the installation of services (sewers, water), the Owner shall construct Sunningdale Road West to the satisfaction of the City Engineer, at no cost to the city.

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	CITY SERVICES RESERVE FUND CLAIMABLE WORKS - 2150 OXFORD STREET SITE PLAN DEVELOPMENT AGREEMENT MEETING ON APRIL 16, 2018

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the attached Source of Financing Report outlined in Appendix 'A' **BE APPROVED** with respect to the site plan development agreement between The Corporation of the City of London and Dancor Oxford Inc. for the development charge claimable work located at 2150 Oxford St. E.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

N/A

COMMENTARY

Dancor Oxford Inc. entered into a development agreement with the City of London that was registered on July 17, 2017. The development is an industrial site is located at 2150 Oxford St. E., which was facilitated through the City's Industrial Land Development team.

Unlike subdivisions, the special provisions of a site plan development agreement are handled administratively through delegated authority and most site plans do not involve the construction of development charge (DC) claimable infrastructure. Generally, most of the services required with site plan development are considered 'local services' which are borne by the developer as outlined in the local servicing standards contained in Schedule 8 of the City's Development Charges By-law.

Some of the services to the site are not 'local services'. City staff have identified stormwater management servicing costs that are eligible to be claimed from DC reserve funds. These costs are required to facilitate the development and serve a regional growth benefit. Council must approve and commit funding to enable a future claim associated with the works, as provided in Appendix A, noting that claim payment will be subject to a full claim review to ensure eligibility consistent with the 2014 Development Charges By-law. The anticipated reimbursement from the DC reserve funds are:

- (a) for the construction and engineering of the existing floodway berm for the purpose of altering the floodplain associated with the approved Pottersburg Creek EA. The estimated cost of which is \$129,664, excluding HST.
- (b) for the installation and engineering of oil and grit separators at storm sewer outlets in Phase 1 and Phase 4 of the plan. The estimated cost of which is \$174,773, excluding HST.

Provisions have been made in the 2014 DC Background Study for stormwater projects facilitating industrial land development.

CONCLUSION

Although site plan development agreements are handled administratively, there are DC claimable works associated with the site plan at 2150 Oxford St. E. Civic Administration will amend the registered development agreement to contain the clauses necessary to permit payment of the eligible works, which have Capital Budget implications.

Staff are recommending that Council approve the attached Source of Financing in Appendix 'A' to enable a future claim payment to Dancor Oxford Inc.

PREPARED BY:	SUBMITTED BY:
JASON SENESE, CGA, CPA MANAGER, DEVELOPMENT FINANCE DEVELOPMENT AND COMPLIANCE SERVICES	PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT FINANCE DEVELOPMENT AND COMPLIANCE SERVICES
CONCURRED IN BY:	RECOMMENDED BY:
CHRIS MCINTOSH, P. ENG MANAGER, ENGINEERING PLANNING (INDUSTRIAL LAND)	ANNA LISA BARBON, CGA, CPA MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER

Cc.: Jason Davies, Manager, Financial Planning & Policy,
Dancor Oxford Inc.

Appendix 'A': Source of Financing Report

APPENDIX 'A'

#18069

April 16, 2018

Chair and Members
Planning & Environment Committee

(Development Charge Claimable Work)

RE: City Services Reserve Fund Claimable Works
2150 Oxford Street East
(WO2429489)
Capital Project ID2095 - Industrial Land Stormwater Management Servicing
Dancor Oxford Inc. - \$304,437 (excluding H.S.T.)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCE OF FINANCING:

Finance & Corporate Services confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the detailed source of financing for this project is:

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
<u>ID2095 - Stormwater Mgmt Servicing</u>				
Engineering (ID2095OXF-Oxford Business Park Servicing)	\$48,654	\$30,938	\$17,716	\$0
Balance of Engineering Available	1,451,346	367,802		1,083,544
Construction (ID2095OXF-Oxford Business Park Servicing)	292,079		292,079	0
Balance of Construction Available	4,812,177	1,538,271		3,273,906
City Related Expenses	65,000	5,200		59,800
NET ESTIMATED EXPENDITURES	<u>\$6,669,256</u>	<u>\$1,942,211</u>	<u>\$309,795</u> 1)	<u>\$4,417,250</u>

SOURCE OF FINANCING:

<u>ID2095 - Stormwater Mgmt Servicing</u>				
Drawdown from City Services-Major SWM Reserve Fund (Development Charges)	\$1,667,314	\$1,667,314		\$0
Debenture Quota (Serviced through City Services-Major SWM Reserve Fund) (Development Charges) (ID2095OXF-Oxford Business Park Serv.)	3&4) 340,733	30,938	309,795	0
Balance of Debenture Quota Available	4,661,209	243,959		4,417,250
TOTAL FINANCING	<u>\$6,669,256</u>	<u>\$1,942,211</u>	<u>\$309,795</u>	<u>\$4,417,250</u>

1) <u>Financial Note (by cost code):</u>	<u>Engineering ID2095OXF</u>	<u>Construction ID2095OXF</u>	<u>TOTAL</u>
Contract Price	\$17,410	\$287,027	\$304,437
Add: HST @13%	2,263	37,314	39,577
Total Contract Price Including Taxes	19,673	324,341	344,014
Less: HST Rebate	1,957	32,262	34,219
Net Contract Price	<u>\$17,716</u>	<u>\$292,079</u>	<u>\$309,795</u>

2) <u>Financial Note (by claimable works):</u>	<u>Existing Floodway Berm</u>	<u>Oil and Grit Separators</u>	<u>TOTAL</u>
Contract Price	\$129,664	\$174,773	\$304,437
Add: HST @13%	16,856	22,720	39,576
Total Contract Price Including Taxes	146,520	197,493	344,013
Less: HST Rebate	14,574	19,644	34,218
Net Contract Price	<u>\$131,946</u>	<u>\$177,849</u>	<u>\$309,795</u>

3) **NOTE TO CITY CLERK:**

Administration hereby certifies that the estimated amounts payable in respect of this project does not exceed the annual financial debt and obligation limit for the Municipality of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02 made under the Municipal Act, and accordingly the City Clerk is hereby requested to prepare and introduce the necessary authorizing by-laws.

An authorizing by-law should be drafted to secure debenture financing for project ID2095OXF- Storm Water Management Servicing-Oxford Business Park for the net amount to be debentured of \$340,733.

4) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.

ms

 Jason Davies
 Manager of Financial Planning & Policy



London
CANADA

Development and Compliance Services Building Division

To: G. Kotsifas, P. Eng.
Managing Director, Development & Compliance Services
& Chief Building Official

From: P. Kokkoros, P. Eng.
Deputy Chief Building Official

Date: March 22, 2018

RE: Monthly Report for February 2018

Attached are the Building Division's monthly report for February 2018.

Permit Issuance

By the end of February, 543 permits had been issued with a construction value of \$198.4 million, representing 535 new dwelling units. Compared to last year, this represents a 2.3% increase in the number of permits, a 79.7% increase in the construction value and a 77.1% increase in the number of dwelling units.

To the end of February, the number of single and semi-detached dwellings issued was 117, which was a 19.8% decrease over last year.

At the end of February, there were 780 applications in process, representing approximately \$564 million in construction value and an additional 1,100 dwelling units, compared with 729 applications having a construction value of \$282 million and an additional 1,148 dwelling units for the same period last year.

The rate of incoming applications for the month of February averaged out to 13.9 applications a day for a total of 264 in 19 working days. There were 52 permit applications to build 52 new single detached dwellings, 10 townhouse applications to build 10 units, of which 10 were cluster single dwelling units.

There were 280 permits issued in February totalling \$86.8 million including 231 new dwelling units.

Inspections

BUILDING

Building Inspectors received 1,926 inspection requests and conducted 2,385 building related inspections. 1 inspection was completed relating to orders. Based on a staff compliment of 11 inspectors, an average of 199 inspections were conducted this month per inspector.

Based on the 1,926 requested inspections for the month, 92% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 909 inspection requests and conducted 1,156 plumbing related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 193 inspections were conducted this month per inspector.

Based on the 909 requested inspections for the month, 98% were achieved within the provincially mandated 48 hour time allowance.

NOTE:

In some cases, several inspections will be conducted on a project where one call for a specific individual inspection has been made. One call could result in multiple inspections being conducted and reported. Also, in other instances, inspections were prematurely booked, artificially increasing the number of deferred inspections.

AD:cm
Attach.

c.c.: A. DiCicco, T. Groeneweg, C. DeForest, O. Katolyk, D. Macar, M. Henderson

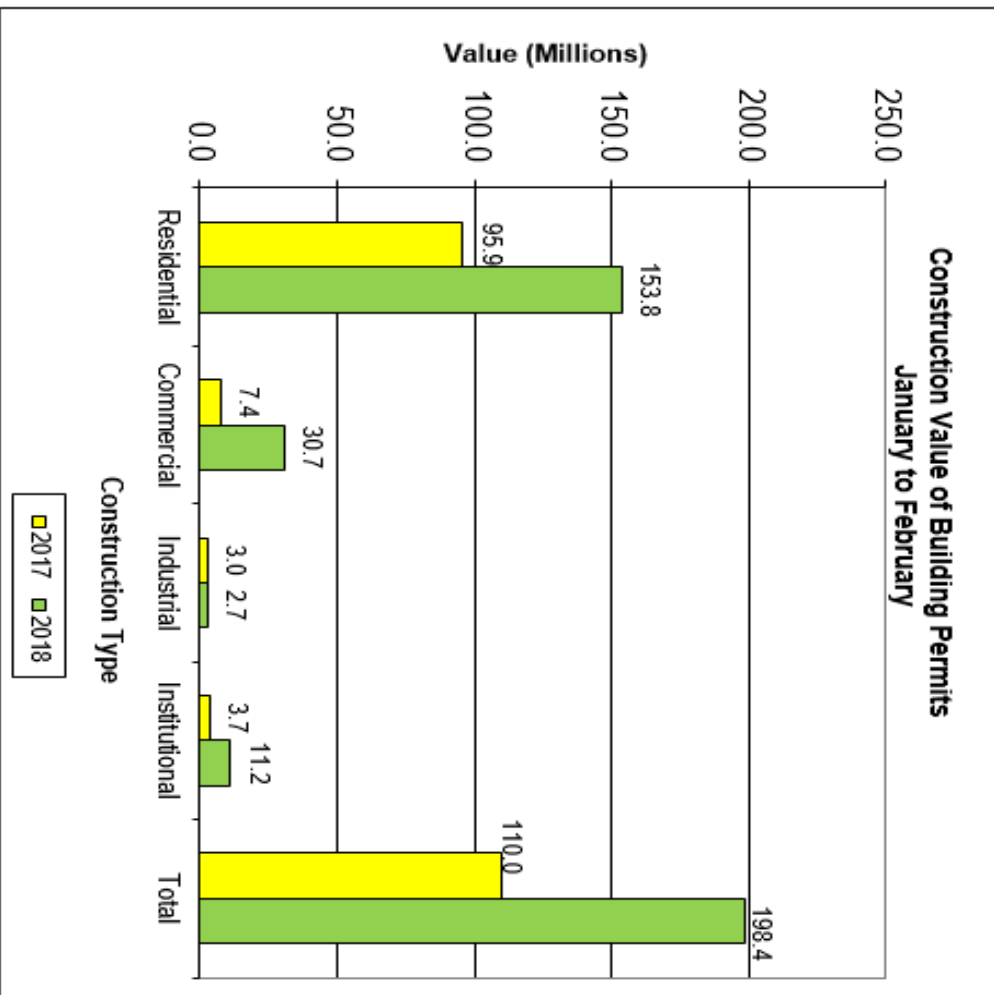
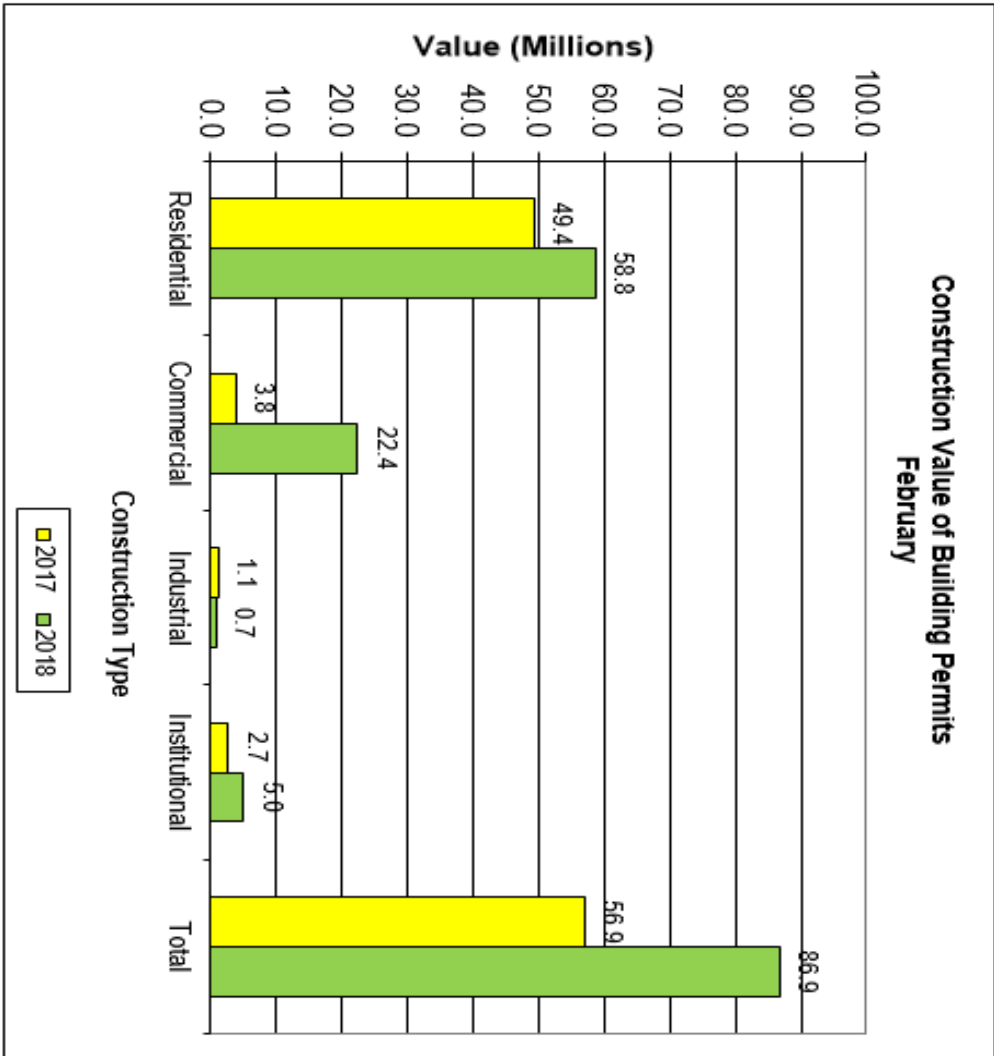
CITY OF LONDON

SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF February 2018

CLASSIFICATION	February 2018		to the end of February 2018		February 2017		to the end of February 2017	
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE
SINGLE DETACHED DWELLINGS	57	23,019,318	117	48,551,007	117	25,635,767	65	58,859,454
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0
TOWNHOUSES	10	4,771,450	21	12,047,747	45	11,652,740	25	20,295,400
DUPLEX, TRIPLEX, QUAD, APT BLDG	1	27,517,920	2	87,517,920	363	9,484,200	1	9,484,200
RES-ALTER & ADDITIONS	96	3,459,537	177	5,729,287	10	2,603,595	192	7,258,515
COMMERCIAL -ERECT	2	18,032,000	3	20,232,000	0	0	1	648,000
COMMERCIAL - ADDITION	0	0	1	215,000	0	5,000	2	705,000
COMMERCIAL - OTHER	31	4,345,149	64	10,262,317	0	3,767,800	49	6,033,300
INDUSTRIAL - ERECT	0	0	0	0	0	0	0	0
INDUSTRIAL - ADDITION	0	0	0	0	0	1,026,000	3	2,053,100
INDUSTRIAL - OTHER	3	743,000	10	2,665,949	0	35,700	8	970,700
INSTITUTIONAL - ERECT	0	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	0	0	1	2,800,000	0	0	0	0
INSTITUTIONAL - OTHER	15	4,984,400	47	8,364,350	0	2,715,000	18	3,735,100
AGRICULTURE	0	0	0	0	0	0	0	0
SWIMMING POOL FENCES	1	10,000	2	13,500	0	124,080	9	157,080
ADMINISTRATIVE	9	0	13	10,000	0	3,000	11	168,000
DEMOLITION	5	0	7	0	5	0	15	0
SIGNS/CANOPY - CITY PROPERTY	0	0	1	0	0	0	7	0
SIGNS/CANOPY - PRIVATE PROPERTY	50	0	77	0	0	0	44	0
TOTALS	280	86,882,774	543	198,409,077	535	57,052,882	185	110,367,849

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Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.
 2) Mobile Signs are no longer reported.



**City of London - Building Division
Principal Permits Issued From February 01, 2018 to February 28, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
London City CVO Manager Of Realty Services	101 Windermere Rd	Alter-Offices-Comm - Alter Interior And Exterior Of Elsie Perrin	0	280,000
	106 Woodholme Close	Erect-Townhouse - Cluster Sdd-Erect New Townhome Cluster Sdd, 1 Storey, 2 Car Ga	1	367,000
Rembrandt Inc Rembrandt Developments (London) Inc.	1061 Eagletrace Dr 175	Erect-Townhouse - Cluster Sdd-Erect - New Cluster Sdd, 2 Storey, 2 Car Garage, 3	1	405,000
White Oaks Mall Holdings Ltd C/O Bentall Kennedy (Canada)	1105 Wellington Rd	Alter-Retail Store-Cm - Interior Alter To Units, 241, 243 & 245	0	204,094
Thames Valley District School Board Thames Valley District School Board	121 Ashley Cres	Alter-Schools Elementary, Kindergarten-Interior Alteration To Add Universal Bathroom	0	175,000
London Hunt & County Club	1431 Oxford St W	Alter-Clubs, Non Residential-Alter Interior Of Tennis Chalet Washroom Relocatio	0	200,000
3163059 Canada Limited	150 Simcoe St	Alter-Warehousing-Alter - Install Overhead Door And Pour New Concrete	0	250,000
Sifton Limited Sifton Properties Limited	1560 Moe Norman Pl	Erect-Townhouse - Cluster Sdd-Erect 1 Storey, 1.5 Car Garage, 2 Bedrooms, Unfin	1	306,000
Sifton Limited Sifton Properties Limited	1564 Moe Norman Pl	Erect-Townhouse - Cluster Sdd-Erect 1 Storey, 1 1/2 Car Garage, 2 Bedrooms, Unfin	1	316,800
Sifton Limited Sifton Properties Limited	1660 Ed Ervasti Cres D	Erect-Townhouse - Condo-Erect 2 Unit Townhouse Condo, 1 Storey, 2 Car Gara	2	380,400
Sifton Limited Sifton Properties Limited	1660 Ed Ervasti Cres F	Erect-Townhouse - Condo-Erect 3 Unit Townhouse Bk F, One Storey, 2 Car Ga	3	576,000
Richmond And Fanshawe Centre Inc.	1673 Richmond St	Alter-Retail Plaza-Comm - Alter For Barre 3 Fitness Studio Frt	0	225,000
C/Realty Holdings Inc C/O Cadillac Fairview Corp	1680 Richmond St	Alter-Retail Store-Cm - Alter For Vogue Optical Store In Unit U070 -	0	200,000
London City	1710 Ironwood Rd 49	Erect-Townhouse - Cluster Sdd-Erect - 1 Storey, 2 Car Garage, 5 Bedroom, Finishe	1	629,000
	1731 Churchill Ave	Erect-Recreation Centre-Cm- Erect New Community Centre Shell Only - Misc.	0	18,000,000
	2040 Shore Rd U	Erect-Townhouse - Condo-Erect - Block U, 4 Unit 81, 82, 83, 84, Dpn 76, 78	4	894,450
Limited				
Foxhollow North Kent Developments Inc.	2491 Tokala Trail A	Install-Street Townhouse - Condo-Install Site Services For The Whole Site.	0	1,000,000
Sifton Limited Sifton Properties Limited	255 Queens Ave	Alter-Offices-Cm - Interior Alteration For CIBC Office On 8th Fl	0	1,101,000
	2910 Tokala Trail C	Erect-Street Townhouse - Condo-Erect New 3 Unit Townhouse, Building C, Units 8,9,	3	590,800
	3040 Pomeroy Lane	Erect-Apartment Building-Ra - Erect 11 Storey Apartment Building With One S	147	27,517,920
	3270 Singleton Ave 49	Erect-Townhouse - Cluster Sdd-Erect 2 Storey, 1 Car Garage, 3 Bedrooms, Unfinish	1	306,000
Ontario Inc.)				
London Health Association	339 Windermere Rd	Alter-Hospitals-Instit - Alt. Orthopedic Teaching Room, Level A9 R	0	189,500
	339 Windermere Rd	Alter-Hospitals-Instit-Core Lab Room Upgrade On Level Three Ftr/F	0	560,000
Old Oak Properties Inc	3392 Wonderland Rd S	Alter-Automobile Repair Garage-Alter To Repair Fire Damage	0	160,000
	695 Sovereign Rd	Alter-Lacquar Factories-Tenant Improvements For Beer Brewing Facility Con	0	480,000
	800 Commissioners Rd E	Alter-Hospitals-Core Lab Room Upgrades	0	980,000
	800 Commissioners Rd E	Alter-Hospitals-Interior Alter For Mental Health Rooms, Ftr Fpo	0	2,400,000
	800 Commissioners Rd E	Alter-Hospitals-Interior Alter To Replace Breast Milk Freezer, Lev	0	342,500
2415120 Ontario Limited	89 King St	Alter-Restaurant -Cm - Alter Interior For Restaurant Shell Only 2 S	0	800,000
Western Fair Association Western Fair Association	900 King St	Alter-Amusement Games Establishment-Cm - Interior Renovation Of Gaming Area Of Casino.	0	240,000

Total Permits 30 Units 165 Value 60,076,464

March 19, 2018 1:50 PM

**City of London - Building Division
Principal Permits Issued From February 01, 2018 to February 28, 2018**

Owner

Project Location

Proposed Work

**No. Of
Units**

**Constr
Value**

Includes all permits over \$100,000, except for single and semi-detached dwellings

**Commercial building permits issued - subject to Development Charges under By-law C.P.-1496-244
Owner**

City Of London

1301265 Ontario Limited

Commercial permits regardless of construction value.

Report to Planning & Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Demolition Request of Heritage Designated Property at 660
Sunningdale Road East By: Peter Sergautis
Public Participation Meeting on: Monday April 16, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, the request for the demolition of the heritage designated property located at 660 Sunningdale Road East **BE REFUSED**.

Executive Summary

Summary of Request

The property owner has requested consent of Municipal Council to demolish the remaining two red clay tile barns located at 660 Sunningdale Road East.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to refuse the demolition request. The effect of the recommended action is retain the two red clay tile barns located at 660 Sunningdale Road East, which are significant cultural heritage resources.

Rationale of Recommended Action

No new information was submitted which affects the evaluation of the property undertaken in July 2017 which recommended designation of the property pursuant to Section 29 of the *Ontario Heritage Act*. Despite ongoing resolution discussions between staff and the Applicant, once a demolition request has been received, the *Ontario Heritage Act* does not provide any mechanism to withdraw a request. Even if a settlement were achieved whereby the Applicant's intent was to abandon the demolition request, Municipal Council would still have to either consent or reject the request, or the *Ontario Heritage Act* deems the request to be consented. Therefore, this demolition request should be refused.

Analysis

1.0 Background

1.1 Property Location

The property at 660 Sunningdale Road East is on the northwest corner of Sunningdale Road East and Adelaide Street North (Appendix A). The property is located at the northern boundary of the City of London and abuts the Municipality of Middlesex Centre. The property is part of the former London Township that was annexed by the City of London in 1993.

1.2 Cultural Heritage Status

The property has been included on the *Inventory of Heritage Resources* since 1997. The *Inventory of Heritage Resources* was adopted as the Register pursuant to Section 27 of the *Ontario Heritage Act* in 2007. 660 Sunningdale Road East is identified as a Priority 2 resource and is considered to have potential cultural heritage value or interest.

On August 24, 2017, Municipal Council published its Notice of Intent to Designate the

property to be of cultural heritage value in *The Londoner*. The Notice of Intent to Designate was subsequently appealed to the Conservation Review Board (CRB) by the property owner. Pursuant to Section 30(1) of the *Ontario Heritage Act*, the property is treated as if it were designated until the appeal is resolved.

1.3 Previous Reports

March 2, 1999. Municipal Council resolved that the lands be excluded from the Uplands Community Plan and be added to the Stoney Creek Community Plan be refused.

May 12, 1999. 6th Report of the LACH, Report of the Stewardship Sub-Committee of the LACH, re: discussion of 660 Sunningdale barns.

January 30, 2002. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

February 27, 2002. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

June 12, 2002. Monthly Report of the Heritage Planner to LACH Members, re: 660 Sunningdale Road East.

April 30, 2003. Report of the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

May 7, 2003. Memorandum from the Stewardship Sub-Committee of the LACH, re: Uplands North Area Plan.

June 9, 2003. Report to the Planning Committee recommending adoption of the Uplands North Area Plan.

August 7, 2007. Report to Planning Committee regarding 660 Sunningdale Road East (39T-99513/Z-5723).

March 11, 2009. 4th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

May 6, 2009. Report to the Planning Committee regarding tree cutting on the property.

June 22, 2009. Report to the Planning Committee regarding the status of the subdivision/file.

October 10, 2010. 3rd Report of the LACH. Re: Notice, 660 Sunningdale Road East.

October 8, 2013. Report to the PEC. 39T-09501/OZ-7683.

March 12, 2014. 4th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

April 9, 2014. 5th Report of the LACH. Re: Notice, 660 Sunningdale Road East.

July 28, 2014. Report to the PEC. 39T-09501/OZ-7638.

July 12, 2017. Report to the LACH. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East by: Peter Sergautis.

July 17, 2017. Report to the PEC. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East by: Peter Sergautis.

January 22, 2018. Report to the PEC: Application by Extra Realty Limited, 660 Sunningdale Road East, Applewood Subdivision, Public Participation Meeting.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.” “Significant” is defined in the *Provincial Policy Statement* (2014) as, in regards to cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people.”

2.2 Ontario Heritage Act

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Appeals to the Notice of Intent to Designate a property pursuant to Section 29 of the *Ontario Heritage Act* are referred to the Conservation Review Board (CRB).

Interim protection is afforded to properties that are subject to a Notice of Intent to Designate, but which designations have been appealed to the CRB. Section 30(2) of the *Ontario Heritage Act* states:

Sections 33 and 34 apply with necessary modifications to property as of the day notice of intent to designate the property is given under subsection 29 (3) as though the designation process were complete and the property had been designated under section 29. 2005, c. 6, s. 18.

Therefore the provisions of the *Ontario Heritage Act* that protect properties designated under Section 29 of the *Ontario Heritage Act* also apply to those properties subject to a Notice of Intent to Designate. This requires Heritage Alteration Permit approval for alterations that are “likely to affect the property’s heritage attributes” of the property (pursuant to Section 33 of the *Ontario Heritage Act*), as well as the provisions under Section 34 of the *Ontario Heritage Act* regarding demolition requests for heritage designated properties.

Pursuant to Section 34(1) of the *Ontario Heritage Act*,

No owner of property designated under Section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal. 2002, c. 18, Sched. F, s. 2 (18); 2005, c. 6, s. 22 (1).

Municipal Council has 90-days to respond to a demolition request for a heritage designated property (Section 34(2), *Ontario Heritage Act*). Within those 90-days, and following consultation with its municipal heritage committee, Municipal Council may:

- i) Consent to the demolition application;
- ii) Consent to the demolition application, subject to terms and conditions as may be specified; or
- iii) Refuse the application.

Notice to the property owner and Ontario Heritage Trust is required, and the municipality is required to publish its decision in a newspaper.

Should Municipal Council not respond within the legislated 90-day timeline, the application is deemed to have been consent (Section 34(4), *Ontario Heritage Act*). The refusal or terms and conditions attached to a consent may be appealed to the Ontario Municipal Board (OMB). The OMB was replaced by the Local Planning Appeals Tribunal (LPAT) on April 3, 2018.

2.3 Official Plan/The London Plan

Chapter 13 (Heritage of the City of London’s *Official Plan* (1989, as amended) recognizes that properties of cultural heritage value or interest:

Provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the City. These properties, both individually and collectively, contribute in a very significant way to the identity of the City. They also assist in instilling civic pride, benefitting the local economy by attracting visitors to the City, and favourably influencing the decisions of those contemplating new investment or residence in the City.

The objectives of Chapter 13 (Heritage) support the conservation of heritage resources, including encouraging new development, redevelopment, and public works to be sensitive to, and in harmony with, the City's heritage resources (Policy 13.1.iii). This direction is also supported by the policies of *The London Plan* (adopted 2016); *The London Plan* has greater consideration for potential cultural heritage resources that are listed, but not designated under the *Ontario Heritage Act*, through planning processes.

3.0 Demolition Request

3.1 Previous Demolition Request

Action to demolish the largest of the three barns at 660 Sunningdale Road East commenced in early May 2017. A complaint from the community made the City aware of the demolition activities at the property. A letter advising the property owner of their obligations of Section 27(3) of the *Ontario Heritage Act*, to provide Municipal Council 60 days' notice of the property owner's intention to demolish the building or structure on the heritage listed property, was sent to the property owner on May 11, 2017. Demolition activities subsequently ceased, but a substantial portion of Barn 1 has already been removed. A demolition permit is not required to demolish a barn under the *Ontario Building Code Act*; however, this does not change the obligations of property owners regarding Section 27(3) of the *Ontario Heritage Act* for heritage listed properties.

Following a meeting with the property owner, a request for the demolition of the (then) heritage listed property was received on June 9, 2017. The London Advisory Committee on Heritage (LACH) was consulted at its meeting on July 12, 2017, and a public participation meeting was held at the Planning & Environment Committee meeting on July 17, 2017. At its meeting on July 25, 2017, Municipal Council resolved to issue its Notice of Intent to Designate the property to be of cultural heritage value or interest for the two red clay tile barns pursuant to Section 29(3) of the *Ontario Heritage Act*. Notice was served on the property owner and Ontario Heritage Trust, and published in *The Londoner* on August 24, 2017. The property owner appealed the Notice of Intent to Designate the property at 660 Sunningdale Road East to the Conservation Review Board (CRB) on August 31, 2017.

The largest red clay tile barn has been subsequently demolished.

3.2 Demolition Request

As the property at 660 Sunningdale Road East is treated as if it were designated (per Section 30(1) of the *Ontario Heritage Act*), consent from Municipal Council is required to demolish a building or structure on the property.

Through their solicitor, the property owner submitted a demolition request for the remaining two red clay tile barns at 660 Sunningdale Road East on February 14, 2018. Municipal Council must respond to this current demolition request within 90-days or the demolition request is deemed consented. The 90-day timeline will expire on May 15, 2018.

4.0 Analysis

4.1 Appeal to the Conservation Review Board

The property owner appealed Municipal Council's Notice of Intent to Designate the property to the Conservation Review Board. Both the City and the property owner have made efforts to resolve the appeal. A proposed settlement will be considered by the

Planning & Environment Committee at its meeting on April 16, 2018 and Municipal Council at its meeting on April 24, 2018.

4.2 Demolition Request

The *Ontario Heritage Act* does not articulate a process by which a demolition request pursuant to Section 34 of the *Ontario Heritage Act* may be withdrawn. Therefore, it is essential that the normal processes be followed to ensure that there are no grounds which could result in the loss of the two red clay tile barns. Even if a settlement were achieved whereby the Applicant's intent was to abandon the demolition request, Municipal Council would still have to either consent or reject the request, or the *Ontario Heritage Act* deems the request to be consented.

No new information was presented as part of the demolition request that could affect the evaluation of the property's cultural heritage value or interest as articulated in the July 2017 staff reports to the LACH and to the PEC, which were used by Municipal Council to issue their Notice of Intent to Desigate. The two remaining red clay tile barns are significant cultural heritage resources that have met the mandated criteria for designation per O. Reg. 9/06. The demolition request for the two remaining red clay tile barns should be refused.

4.3 Heritage Community Improvement Plan

The Heritage Community Improvement Plan (Heritage CIP) offers two grant programs to address some of the financial impacts of heritage conservation by offering incentives that promote building rehabilitation in conjunction with new development. The Tax Increment Grant provides the registered owner a refund on the increase in the municipal portion of the property tax ensuing from a reassessment as a result of a development or rehabilitation project related to an intensification or change of use which incorporates a designated heritage property. The second incentive is a Development Charges Equivalent Grant which is issued when a designated heritage property is preserved and rehabilitated in conjunction with a development project relating to an intensification or change of use.

A property must be designated under the *Ontario Heritage Act* to be able to access the grant programs of the Heritage CIP. Both the Development Charges Equivalent Grant and Tax Increment Grant could be leveraged to assist with heritage conservation work for the two red clay tile barns at 660 Sunningdale Road East, once designated. These programs are only applicable to the two red clay tile barns and the real property on which they are located.

5.0 Conclusion

The cultural heritage evaluation of 660 Sunningdale Road East, completed in July 2017, found the two (remaining) red clay tile barns met the criteria for designation under the *Ontario Heritage Act*. As Municipal Council's Notice of Intent to Designate the property was appealed to the Conservation Review Board, the property is treated as if it were designated until the appeal is resolved. No new information was submitted which affects the evaluation of the cultural heritage value or interest of the barns, and therefore this demolition request should be refused.

This report was prepared with the assistance of A. Anderson, Solicitor.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted by:	Gregg Barrett AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

April 10, 2018
KG/

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Appendix A – Maps

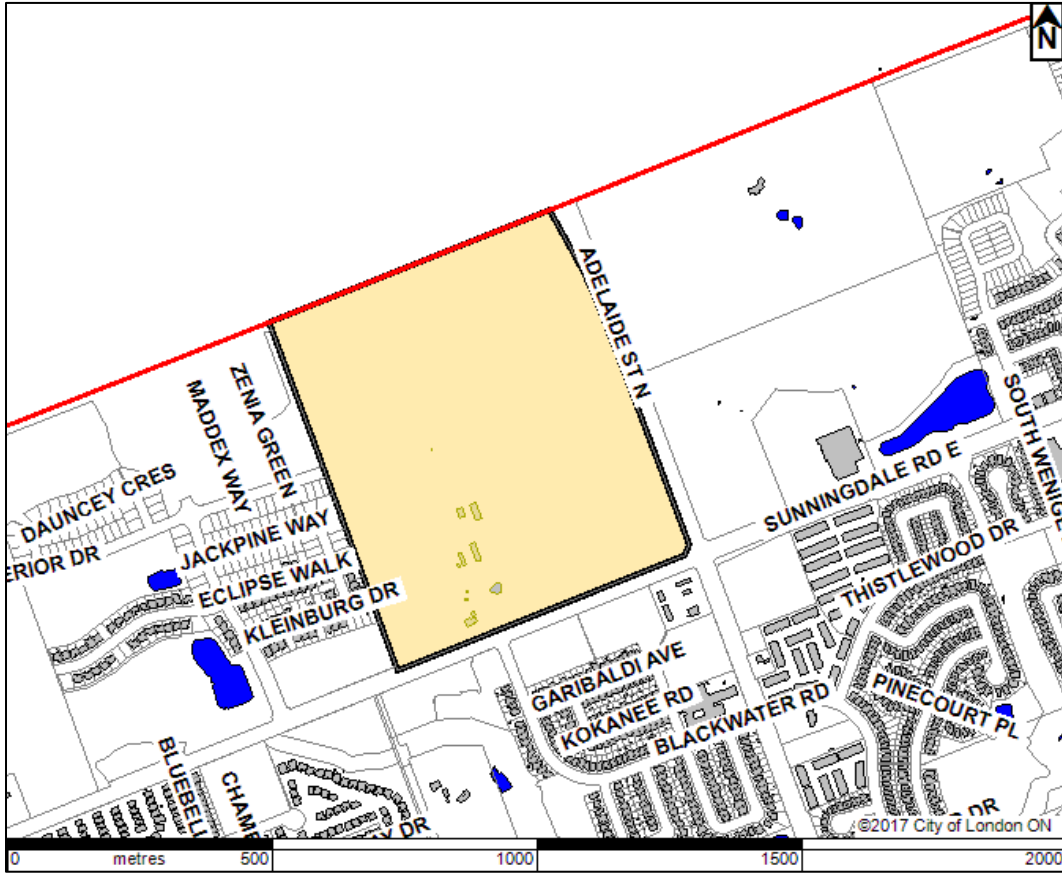


Figure 1: Property location of 660 Sunningdale Road East.



Figure 2: Detail of the property located at 660 Sunningdale Road East identifying Barn 1, Barn 2, and Barn 3. Note: Barn 1 has been demolished.

Appendix B – Images



Image 1: View of Barn 2 located at 660 Sunningdale Road East looking northeast. Barn 2 has three ventilators along the ridge of its roof.



Image 2: View of Barn 3 located at 660 Sunningdale Road East looking southwest. Barn 3 has two ventilators along the ridge of its roof.



Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge
1017 Western Road
London, ON N6G 1G5

Sunday, April 8, 2018

Members of the Planning and Environment Committee:

Stephen Turner (Chair) – sturner@london.ca
Maureen Cassidy – mcassidy@london.ca
Jesse Helmer – jhelmer@london.ca
Anna Hopkins – ahopkins@london.ca
Tanya Park – tpark@london.ca

Members of the London Advisory Committee on Heritage (LACH)
through the LACH Committee Secretary

**Re: REQUEST FOR DEMOLITION OF BARNES
LOCATED AT 660 SUNNINGDALE ROAD EAST**

Dear Councillors and Members of LACH,

The London Region Branch of Architectural Conservancy Ontario (ACO) wishes to state its views on the application to demolish three red clay barns situated on the property at 660 Sunningdale Road East. We recommend denying the demolition request of the two remaining barns.

Our reasons to oppose the proposed demolition are as follows:

- These two remaining barns are listed as Priority 2 in the City of London Inventory of Heritage Resources. According to information provided to us, the Stage 1 Archaeological and Built Heritage Assessment Uplands Area Plan, prepared in 2002, recommended that the barns be elevated to Priority 1 status. Although this did not occur, the recommendation serves as a reminder of the importance of these structures. We do not know why the change in classification was not implemented.
- The Stewardship sub-committee of the London Advisory Committee on Heritage (LACH) recommended in late June 2017 that the barns be designated under the Ontario Heritage Act. We ask that PEC review and consider that recommendation prior to making its decision.
- According to the Heritage Inventory, the three barns were built circa 1925. They are built of hollow clay tile, a common building material for barns and silos at that time. It is our understanding that few such barns remain in Ontario. The barns in question are therefore rare representations of this early 20th century building technique. They are significant for that reason.



According to the March 30, 2017 edition of the Norwich Gazette, this is how clay tiles were manufactured:

“The clay was fed into a crusher which removed the rocks from the clay and worked it into a putty form. Water was added to achieve the right consistency. Then the clay was fed into an extruder pipe which forced the clay into the proper mold and an automatic cutter cut the tile into measured lengths. The tiles were put into sheds to dry for a week to 10 days. Then they were moved into kilns to burn at 1,840 degrees Fahrenheit for four days. It took an additional three days to cool the tiles, then they were stacked in the yard. The kilns were originally run by burning wood, then by burning coal.”

With regards to the city’s role in the ongoing stewardship of these barns, we note the following:

- The recommendation of city staff in advance of a July 22, 2014 PEC public participation meeting on the rezoning of 660 Sunningdale Road East noted the existence of the barns, and stated (incorrectly, we believe) that the above-mentioned Uplands Area Plan had recommended that the barns be listed as Priority 2. The 2014 staff recommendation notes the potential future demolition of the barns, but there is no recommendation that input (from the Heritage Planner and/or from LACH) be sought regarding the significance of the structures. Were city policies followed in this regard? It would have been preferable, in our opinion, for discussions regarding the value of these barns to have occurred at the time of the 2014 rezoning request.
- The largest of the three barns has already been completely demolished, without a demolition permit having been obtained prior to beginning work. It is unfortunate that such actions appear to carry no meaningful repercussions.

We recommend that the two remaining barns be designated under the Ontario Heritage Act so that they can be preserved.

We further recommend that the PEC and City Council direct city staff to write to the property owner to publicly express the city’s disappointment and disapproval of the property owner’s failure to preserve and protect the heritage resources under its control.

It is reasonable to question the practicality of preserving historic agricultural structures situated on the fringes of a growing city. A brief prepared by the Technical Preservation Services, National Park Service, U.S. Department of the interior (<https://www.nps.gov/tps/how-to-preserve/briefs/20-barns.htm>) addresses this issue. From that document (our emphasis):

“Unfortunately, historic barns are threatened by many factors. On farmland near cities, barns are often seen only in decay, as land is removed from active agricultural use. In some regions, barns are dismantled for lumber, their beams sold for reuse in living rooms. Barn raisings have given way to barn razings. Further threats to historic barns and other farm structures are posed by changes in farm technology, involving much larger machines and production facilities, and changes in the overall farm economy, including increasing farm size and declining rural populations.

Yet historic barns can be refitted for continued use in agriculture, often at great savings over the cost of new buildings. This Brief encourages the preservation of historic barns and other agricultural structures by encouraging their maintenance and use as agricultural buildings, and by advancing their sensitive rehabilitation for new uses when their historic use is no longer feasible.”

Where there's a will, there's a way. Under the London Plan, we are supposed to grow "up not out". The proposed subdivision is inconsistent with this vision. At the very least, why not require the developer to include the barns as a centerpiece of the development? There are a number of potential commercial, institutional, or residential uses for these historic structures.

According to the Autumn 2002 Heritage Ottawa newsletter (https://heritageottawa.org/sites/default/files/newsletter-pdfs/HerOttNews_2002_09.pdf), "old barns are seldom used for their original purposes. But, they were often built so sturdy, having a grace that is not often found in today's utilitarian agricultural structures, that they are being put to new uses. Some have been renovated into homes, often leaving the inner framing timbers visible to provide architectural interest. In the Ottawa Valley, a number of old barns have been turned into artist's studios, providing the high open spaces artists often require. And at least one in this region has been turned into a museum."

Inspiration for the potential adaptive reuse of the Sunningdale Road barns can be derived from the City of Oshawa's Fire Station 6, which was constructed in 2016. It was built on former farmland (Windfields Farm, the birthplace of Northern Dancer). Although the barn-like structure is new, it is conceivable that a historic barn could have been incorporated into the new fire station had one been available.



City of Oshawa Fire Station 6

Across the United States, there are many examples of historic barns that have been adapted to new uses. Round barns, considerably less practical than the rectangular barns on Sunningdale Road, have been converted to conference and banquet facilities. Examples of this can be found in Champaign, Illinois (Round Barn Banquet Center) and in Waitsfield, Vermont (Inn at Round Barn Farm).



Wedding/conference facility – Inn at Round Barn Farm, Waitsfield Vermont

The rectangular shape of the barns on Sunningdale Road make them amenable to more traditional retail conversion (stores, restaurants, etc.).

In the United Kingdom, old barns have been converted to homes – a trendy alternative to more traditional residential structures. The size and shape of the two smaller barns make this an attractive option. Examples of such residential conversions can be viewed at <http://www.homedit.com/11-amazing-old-barns-turned-into-beautiful-homes/>.

These are just a few examples of how these barns might be put to good use for the next 100 years. We respectfully ask the PEC and city staff to:

- Refuse the demolition application;
- Expedite the heritage designation process; and
- Make further approval related to this property conditional on integrating the barns into the proposed development.

Sincerely,

Mike Bloxam
President, London Region Branch
Architectural Conservancy Ontario

CC:

Cathy Saunders, City Clerk – csaunders@london.ca
 Kyle Gonyou, Heritage Planner – kgonyou@london.ca
 Jerri Bunn, LACH Committee Secretary – jbunn@london.ca
 Heather Lysynski, PEC Committee Secretary – hlysynsk@london.ca

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: Conservation Master Plan for the Medway Valley Heritage Forest Environmentally Significant Area (South)

Public Participation Meeting on: April 16, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Conservation Master Plan for the Medway Valley Heritage Forest Environmentally Significant Area (South):

- (a) The Conservation Master Plan for the Medway Valley Heritage Forest Environmentally Significant Area (South) attached as Appendix 'A', **BE APPROVED** in accordance with Section 15.3.8. of the Official Plan and policies 1421 and 1422 of the London Plan;
- (b) Staff **BE DIRECTED** to work with our community partners in the implementation of the Conservation Master Plan with regards to external funding opportunities; and,
- (c) The members of ACCAC, EEPAC and the Local Advisory Committee and the community **BE THANKED** for their work in the review and comments on the document.

Executive Summary

- The Conservation Master Plan (CMP) was completed through the leadership of Dillon Consulting, the Local Advisory Committee, and City Planning Staff. The plan was developed following the Council approved, award winning, Guidelines for Management Zones and Trails in Environmentally Significant Areas (the Guidelines) which ensures ecological protection and inclusive trail use.
- A five year engagement process provided extensive opportunities for community input that shaped the CMP and improved local knowledge about the Medway Valley Heritage Forest Environmentally Significant Area (MVHF ESA) and how to protect it.
- The majority of ecological restoration work, including all the top and highest priorities are underway or completed and being monitored as invasive species are the biggest threat to ecological integrity and Species at Risk in the ESA.
- Sustainable Trail Plan complies with the Guidelines and with the Accessibility for Ontarians with Disabilities Act (AODA) requirements. The Trail Plan directs use away from sensitive habitats and protects the ESA.
- The CMP includes the most rigorous ecological monitoring framework to date for any ESA in the City.
- The most thorough monitoring and adaptive management program of any ESA in the City is already in place in the MVHF ESA, including permits and requirements from the Province and recognition from the Federal Government for best practices for the protection of False Rue-anemone.
- The CMP recommendations developed by Dillon Consulting and concurred with by City Staff ensure the MVHF ESA will continue to be a provincially and federally recognized, award winning example of best practices for the protection of ecological integrity, biodiversity and species at risk in an urban natural area.

- The CMP supports many of Council’s strategic plan priorities and London Plan policies.
- The Accessibility Advisory Committee of Council (ACCAC) endorsed the March 2018, MVHF ESA CMP at their meeting on March 22, 2018. Consultation with ACCAC is required under AODA legislation.

Analysis

1.0 Previous Reports Pertinent to this Matter

February 6, 2017 - Planning and Environment Committee Report for Phase I Medway VHF ESA CMP Report and Addendum

June 20, 2016 - Planning and Environment Committee Report for Guidelines for Management Zones and Trails in Environmentally Significant Areas

2.0 Purpose

2.1 Councils Strategic Plan

Completion of this CMP is one of Council’s strategic priorities under:

“Building a Sustainable City – Strong and Healthy Environment”,
and linked to:

“Strengthening our Community – Healthy and safe and accessible city”

2.2 Official Plan/ London Plan

Under **Section 15.3.8** of the Official Plan, and, **Policy 1421** of the London Plan, “City Council may request the preparation of conservation master plans for environmentally significant areas and other natural heritage areas. Conservation master plans may be adopted by Council, and will function as guideline documents for the purposes of providing direction on the management of these areas.”

Under **Section 15.3.8 ii(c)** “Matters which may be addressed through conservation master plans include: “Programs for site and facility development, including descriptions of recreational programs and facilities to be provided if applicable, and details of access permitted to and within the area, including formalized pathways and trail systems;”

Under **Policy 1422_3** of the London Plan “The identification of management zones based on ecological sensitivity, including descriptions of recreational uses and opportunities for eco-tourism to be provided if applicable, and details of access permitted to and within the area, including formalized pathways and trail systems.”

The CMP reflects a number of other policies in The London Plan including:

- Planning for Change and Our Challenges Ahead / A Growing Seniors Population (Policies 6 and 8)
- City Building for Economic Prosperity and Growth (Policy 23)
- Key Directions / Direction #8 Make wise planning decisions (Policy 62)
- City Owned Lands in the Green Space Placetype (Policy 420)
- Green and Healthy City (Policies 687, 688, 695, 698, 699, and 700)
- Green Space / How Will We Realize Our Vision (Policies 761 and 767)

London Plan Policy 62, #11 identifies that we will:

“Ensure that all the planning we do is in accordance with the Accessibility for Ontarians with Disabilities Act, so that all of the elements of our city are accessible for everyone.”

By ensuring that the CMP complies with the Guidelines for Management Zones and Trails in ESAs and includes the accessible trails and linkages recommended

by ACCAC in the areas of lower sensitivity (Natural Environment Zones), primarily over the existing sewers (Utility Overlays), we can satisfy this requirement, and achieve long-term ecological integrity of the ESA consistent with the goal of the CMP.

2.3 City of London Accessibility Plan

London's Accessibility Plan identifies moving forward that: "Though we are obligated to meet the standards of the Accessibility for Ontarians with Disabilities Act (AODA), we recognize that creating a city where everyone can participate fully is necessary to respect the rights and dignity of all citizens."

Under AODA as of January 1, 2016 municipalities by law must make recreational trails accessible when building new public recreational trails or making major changes to existing ones and planning to maintain them. Exceptions to this include cases where making the trail accessible would have a "negative effect on water, fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values." There are also exceptions "where making the trail or beach access route accessible would be impossible or inappropriate – for example, where rocks bordering the route make it impossible to meet minimum width requirements."

Municipalities must also consult with their accessibility advisory committees when building or making major changes to recreational trails. Consultation with ACCAC was a key part of the CMP process and the Sustainable Trail Plan was revised in early 2018 to address ACCAC's comments on the draft CMP in order to comply with AODA and align with the Council approved Guidelines for Management Zones and Trails in ESAs. All proposed trail modifications comply with the Guidelines.

3.0 Conservation Master Plan Process

3.1 Following the Guidelines for Management Zones and Trails in ESAs, 2016

The CMP process is undertaken in two phases. Phase 1, approved by Council in 2017 provided a detailed life science inventory allowing us to formalize and refine the ESA boundaries, identify management zones and overlays consistent with the ecology first approach in the Council approved Guidelines.

Phase 1

- Community Engagement and Participation
- Life Science Inventory and Evaluation
- Boundary Delineation
- Application of Management Zones and Review of Existing Trails
- Identification of Management Issues

Phase 2

- Community Engagement and Participation
- Goals, Objectives and Recommendations
- Ecological Enhancement and Restoration
- Trail Planning and Design Process
- Priorities for Implementation
- Final Conservation Master Plan

In Phase 2, an **Environmental Management Strategy (EMS)** including prioritized, recommendations for ecological restoration, naturalization and trail planning was formed through the community engagement process, and through consultation with ACCAC as required by AODA. Trail planning following the Guidelines and continued implementation of the EMS ensures the protection of the ESA, Species at Risk (SAR) and Significant Wildlife Habitats (SWH) while providing inclusive, accessible trails for compliance with AODA requirements.

The Sustainable Trail Plan in the CMP is part of the EMS and complies with Council's Guidelines developed with input from and endorsed by EEPAC and ACCAC for protection of ESA ecosystems. The award winning Guideline document is based on the latest science to ensure trail planning protects the natural heritage system in a sustainable way. This principle of sustainability is at the core of the Guidelines and the CMP. While ensuring sustainability, the CMP provides for accessible and inclusive trail use, consistent with AODA requirements. As demonstrated through the recent and ongoing implementation of the Coves ESA CMP, protection of ESAs and inclusive trail use can co-exist in an urban setting.

3.2 The Community Engagement Process

The two phase, multi-year CMP process includes formation of a Local Advisory Committee (LAC), presentations to Advisory Committees of Council, presentations to local community groups, public open houses, mail-outs to all homes within 200 meters of the ESA, notices in the Londoner, information signs in the ESA, information on the City website and collection of information from the public.

Comments received during the engagement process from the public and the LAC were used to identify items for consideration and community members were encouraged to provide feedback on "Ideas, Issues, Opportunities, and Observations" as noted in the CMP and in the LAC minutes. The community's ideas were reviewed with the Guidelines, AODA and other considerations including the goal for the CMP. Further information about the CMP engagement process is outlined in the CMP, and in **Appendix B** of this report.

4.0 Key Recommendations in the CMP

4.1 CMP Goal, Recommendations and Implementation

- The **Goal** of this CMP developed in consultation with the LAC, is: To develop a comprehensive multi-year Conservation Master Plan that presents recommendations for achieving long-term ecological integrity and protection of the ESA through the implementation of an environmental management strategy.
- The **Environmental Management Strategy** in the CMP includes detailed recommendations to continue and expand on the very successful restoration work to date to protect the ESA and Species at Risk, and begin to implement the naturalization and sustainable trail plan actions to meet the goal.
- The proposed **Sustainable Trail Plan** complies with the Guidelines for ecological protection and implements the City's obligations under AODA. The Trail Plan supports ecological protection and restoration.
- The **Implementation Plan** for recommended management actions in the CMP identifies the priority for action, sources for funding as well as direction in regard to measures of success for each management action, and an approximate cost.
- The **Adaptive Management and Monitoring** section includes detailed recommendations to continue and expand on the successful monitoring and adaptive management work to date to ensure the implementation of restoration, naturalization and sustainable trail plan actions in the CMP continues to protect the ESA and achieve long-term ecological integrity. The most thorough monitoring program of any ESA in the City is already in place in the ESA, including permits and requirements from the Province and recognition from the Federal Government for best practices for protection of the False Rue-anemone, SAR habitat.

4.2 Sustainable Trail Plan and AODA

- The majority of the managed, existing Level 1 trails (narrow, dirt, not firm and stable) including all trails located in more sensitive locations, will not be upgraded to Level 2 or 3 Trails (consistent with the Guidelines) but will continue to be maintained to meet AODA to the extent possible following the Guidelines. For example, as sections of boardwalk are replaced for lifecycle renewal they are now designed to meet AODA standards regardless of the connecting trail type or topography. AODA compliant signage at all access points is also recommended in the CMP.
- Greater efforts will be made to close and restore all 5.4 kilometers of unmanaged trails (on City and private ESA lands) and this is prioritized in the CMP to enhance ESA habitats, stop trespassing on private lands and success will be tracked in the monitoring framework in the CMP.
- The Level 2 and Level 3 Trails identified on the Sustainable Trail Plan in the CMP will meet AODA standards and their compliance with Guidelines means the trails were determined to be compatible with the significant ecological features, as the goal of the CMP is to ensure the long-term ecological integrity of the ESA. Upgraded trails can be constructed to reduce the potential for erosion, support a higher level of use and provide improved accessibility in the more culturally influenced, less sensitive areas in the ESAs.
- Subject to the process in the Guidelines, upgraded trails can be installed in these less sensitive areas of the ESAs, and with the advice of the ACCAC there is an obligation to do so where ecologically appropriate under the new AODA requirements.
- Also, 4 meter wide Utility Overlays over existing sewers are already present along the proposed trail enhancements between Access 5 and 10 including creek crossing A, and for most of the trails between Access 11 and creek crossing D. Access for sewer maintenance and repair are already required along these trails and coincide with the majority of the locations where Level 2 trails (firm and stable, 2m wide) and connections are recommended to enhance accessibility as required under AODA and the Guidelines.
- Improvements to trail surfaces, along stretches of existing, Level 1 dirt trails, known to flood or become muddy were requested by the public and are identified on the Sustainable Trail Plan for an “Improved Trail Surface”. If trails are not appropriately surfaced, trail users typically walk around wet areas, creating wider trails. Table 2 and Section 7.1.1 of the Guidelines provide direction for sustainable trail surface options to prevent this. As overviewed in the Council approved Addendum (Dillon 2016), existing managed trails were determined to be compatible with significant ecological features in the MVHF ESA (South); no existing managed trails would be recommended for closure or relocation. Therefore, Chart 2 of the Guidelines, improvements to trail surfaces would follow the option to “*Keep the existing trail and include design features to preserve ecological integrity*”.
- The “Improved Trail Surface” for sections of existing, Level 1 dirt trails identified on the Sustainable Trail Plan would be implemented in compliance with the Guidelines, and, with the Recovery Strategy for the False Rue-anemone (*Enemion biternatum*) in Canada, 2017 in Appendix C of this report, which identifies in Table 5 that; “*Activities restricted to the surface of existing, authorized roadways/access roads and recreational trails would not result in the destruction of critical habitat.*”
- The Ecologist who authored the initial draft of the Recovery Strategy for the False Rue-anemone (*Enemion biternatum*) in Canada, 2017 reviewed the CMP (letter in **Appendix D** of this report) and confirms: “*I have reviewed relevant sections and plans within the CMP and I believe it is consistent with the actions proposed in the recovery strategy for this federally Threatened plant species.*” The review concludes with this summary: “*In my opinion, the Medway ESA CMP and supporting work by the City of London will help to protect and restore the False Rue-anemone population within this densely populated urban area.*”

4.3 Trail Usage and ESA Protection following the Guidelines

- The Guidelines, identify that a properly designed and managed trail system limits impacts by concentrating trail use on resistant trail surfaces. Appropriate trail surfacing prevents environmental impacts associated with compaction, trail widening, informal trail formation and alteration of drainage.
- In the Medway VHF ESA north of Fanshawe Park Rd. W., a trail counter installed on the accessible trail found that on average 123 people per day pass the trail counter. The data also shows compliance with ESA rules - all visits were between 6am and 10pm.
- Even if all 123 of the average, daily trail-users in the north, continue south onto the improved, accessible trails from Access 5 to Access 10, the ESA would be protected as trails will be appropriately designed to withstand concentrated trail-use following the Guidelines.
- Increased use of managed trails provides social benefits to all Londoners. Trail use will continued to be monitored for management and habitat protection.
- The experience in London, consistent with Crime Prevention and Environmental Design (CPTED) principles, is that as trail use increases on well-designed trails that comply with the Guidelines, compliance with the rules also increases through natural surveillance.
- Consistent with the Guidelines, a wood rail entrance corral would be installed at the transition point to the existing Level 1 dirt trail south of Access #10 to clearly demarcate the change in trail type and level of accessibility. Interpretive signage posted at the corral would inform trail users about the significant features in the ESA and how to protect them. Given that the sensitive species area is over 250 meters south of this corral, we are not anticipating a great increase in use of the Level 1 dirt trails. The Recovery Strategy for the False Rue-anemone (*Enemion biternatum*) in Canada, 2017 identifies in Table 5 that; *“Activities restricted to the surface of existing, authorized roadways/access roads and recreational trails would not result in the destruction of critical habitat.”*
- In addition, to ensure any existing and new trail users stick to the trail, a minor Trail Improvement consistent with the Guidelines is proposed on the Sustainable Trail Plan. Considering the significance of the species and efforts to date to protect, restore and enhance the False Rue-anemone and other habitats from the biggest threat, invasive species, the City will be monitoring trail use (and continue to monitor the False Rue-anemone) in this area.
- From 2015-2017 the City reviewed and monitored trails through site visits within MVHF ESA (North) and Kilally Meadows ESA and found through comparison and review of historical aerial photos that all informal trails present along the Level 3 Trails, existed before the Level 3 Trails were installed (in 2006-2014, generally over existing sewers), and, no new informal-trails had formed. A well-designed trail system, with resistant trail surfacing, following the Guidelines can help to minimize or eliminate formation of new, informal trails.

5.0 Current State of MVHF ESA (South)

- **Protection of ESA**

The MVHF ESA is a provincially and federally recognized, award winning example of best practices for the protection of ecological integrity, biodiversity and species at risk in an urban natural area.

The City funds a \$500,000 annual contract with the UTRCA ESA Team to manage the City's 10 ESAs (732 hectares) including the Medway VHF ESA and this work includes:

1. Monitoring and enhancing the ESA (ecological restoration)
2. Enforcing ESA rules and municipal bylaws (with support from City by-law staff)
3. Implementing risk management and encroachment reduction programs
4. Maintaining the trail network
5. Educational programs, events and community projects

In addition to this the City funds \$200,000 a year for capital projects to maintain and protect ESAs. Local donors and Adopt an ESA groups also assist with stewardship, invasive species control, observation reports and funding. In the MVHF ESA (south) a private donor funded over \$10,000 in ecological restoration work in 2016/17 through the London Community Foundation.

Additional funding of \$75,000/year for invasive species control in ESAs is now available for 2018 and 2019 as supported by Council through the 2018 Budget Update (Budget Amendment #9).

- **Environmental Management Strategy**

The City's strong focus on enhancing ecological integrity in the ESA is evident as the majority of the restoration work including all the top, high and most of the moderate priority items are already underway or complete and under a rigorous monitoring program. Control of invasive Goutweed and Japanese Knotweed has successfully addressed the biggest threat to False Rue-anemone (a Threatened SAR), Green Dragon (a species of Special Concern), and Striped Cream Violet (a species of Conservation Concern) in MVHF ESA (south).

The City's leadership in habitat protection is provincially and nationally recognized and has improved the knowledge of False Rue-anemone abundance, distribution, biology and successful implementation of best practices to protect the species is noted in the Federal Species at Risk Act Recovery Strategy Series, Recovery Strategy for the False Rue-anemone (*Enemion biternatum*) in Canada, 2017. The CMP and the Sustainable Trail Plan align with the Recovery Strategy which identifies in Table 5 that; **“Activities restricted to the surface of existing, authorized roadways/access roads and recreational trails would not result in the destruction of critical habitat.”** No new trails are proposed in the False Rue-anemone habitat, and, additional signage is in place as part of the trail-closure process described in the Guidelines and the CMP to close and restore, un-managed trails leading to private property in the False Rue-anemone habitat.

A good example of an existing bridge and trail protecting ecosystems and False Rue-anemone habitat is the one in Medway south near Metamora. The bridge over the tributary went in nearly 20 years ago funded by the community and is surrounded by False Rue-anemone. ESA visitors stay on the managed trail that directs trail-users over the bridge to successfully protect this population of SAR east of Access 17. The direction provided by the Guidelines and the existing measures in place for the ESA are protecting sensitive species.

Given it took only 4 years to address the majority of the restoration work it is very realistic to expect that the remaining, lower priority work and proposed naturalization work will be addressed over the ten year CMP timeframe.

The most thorough monitoring program of any ESA in the City is already in place in the ESA, including permits and requirements from the Province and recognition from the Federal Government for best practices. Annual invasive species control reports outlining the positive results of active management are circulated to EEPAC and the Ministry of Natural Resources and Forestry (MNR) and are listed in the CMP.

The Guidelines include a definition of Ecological Integrity from The Provincial Parks and Conservation Reserves Act, 2006 and the full definition from the act is as follows:

“Ecological integrity refers to a condition in which biotic and abiotic components of ecosystems and the composition and abundance of native species and biological communities are characteristic of their natural regions and rates of change and ecosystem processes are unimpeded.

Ecological integrity includes, but is not limited to,

- (a) healthy and viable populations of native species, including species at risk, and maintenance of the habitat on which the species depend; and
- (b) levels of air and water quality consistent with protection of biodiversity and recreational enjoyment.”

By implementing the CMP the ecological integrity of the MVHF ESA (south) is expected to continue to improve over the next 10 years. This will be reviewed and continue to be tracked over the ten year period of this CMP as per the extensive, ongoing monitoring recommendations in the CMP.

- **Unique to MVHF ESA – Utilities, Maintenance Access and AODA, Private Lands**

A main trunk sewer line was installed over the last 70 years crossing the Medway Creek in over twenty locations. There are several other underground and aboveground utility lines including watermains, forcemains, and, electrical transmission lines which are identified with a Utility Overlay following the Guidelines. The primary goal for a Utility Overlay is to protect the overall integrity of the ESA, and minimize impact of the utility corridor while ensuring operational access to maintain all these utilities.

The Council approved Guidelines identify that, ***“Where maintenance access is required, trails should be located along the same route to minimize impacts to the surrounding ESA while achieving a social benefit by designing the trails to accommodate persons with disabilities wherever possible.”*** This is required by AODA.

Many private landowners and residents own portions of the MVHF ESA (south) including Western and Huron University College. While existing trails do extend from City lands onto Western’s lands the City does not maintain trails or ESA designated lands on Western’s lands, Huron’s lands or on private property, nor are they subject to the City’s Guidelines for example. The City is working closely with Western who have advised that access points leading to and from their lands be identified as “potential future access points” while they complete their Open Space Strategy.

- **Trails Advisory Group - Metamora Staircase Repair / Ecological Restoration**

In 2016 the Trails Advisory Group recommended that portions of the large wooden-staircase near the Metamora Access #17 be repaired, and boardwalks and ecological restoration implemented to protect the slope and provide sustainable access to the ESA. Completed in 2016, this work required approximately \$70,000 of Medway capital funds previously earmarked for MVHF ESA (south) CMP implementation.

- **Stewardship Opportunities**

Three local groups have adopted portions of the MVHF ESA, these groups had representatives on the LAC and are actively participating in the City’s Adopt an ESA stewardship program. Members of the LAC and the Community will be invited to participate in stewardship opportunities identified the CMP.

- **Financial Considerations of the new Conservation Master Plan**

Recommendations in the new CMP will be implemented over a 10 year period. It has been estimated by our consultant that the full CMP will cost approximately \$2.1M. As with other ESAs, many of the smaller invasive species control, ecological restoration and trail improvement projects can be completed within the existing 5 year ESA management contract with the UTRCA. Larger projects rely on annual capital funding. For 2018, Council has approved \$100,000 for Medway Valley ESA which will be used to continue the on-going ecological restoration works, the relocation of a key hiking trail from a sensitive valley slope and continue the work to close and restore

unmanaged trails (leading to private property) in the False Rue-anemone habitat. An additional \$50,000 has been identified in the 2019 budget.

To fully implement the recommendations within the CMP, including AODA accessibility upgrades, additional funding will be required. This will be considered and prioritized, along with other funding requests, through the next multi-year budget process. Staff will also continue to explore external funding opportunities with community partners.

6.0 Conclusion

The CMP follows and complies with the Guidelines for Management Zones and Trails in ESAs document and planning process. The CMP provides direction for ecological protection and inclusive trail use as part of the Environmental Management Strategy and a monitoring framework to achieve long-term ecological integrity of the ESA consistent with the CMP goal.

Prepared by:	Linda McDougall, MES, OALA, RPP Ecologist, Environmental and Parks Planning
Submitted by:	Andrew Macpherson, OALA Manager, Environmental and Parks Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

April 9, 2018
LM/lm

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Appendix A

Conservation Master Plan for the Medway Valley Heritage Forest ESA (south) March 2018, Dillon Consulting Inc. – hyperlink to electronic document **do not print in PEC Report**

Appendix B – Public Engagement

CMP Community Engagement

The City's CMP process allows for a level of consultation that far exceeds what the federal and provincial governments are required to undertake for management of Provincial and National Parks. The two phase, multi-year process includes formation of a Local Advisory Committee (LAC), presentations to Advisory Committees of Council, presentations to local community groups, public open houses, notices in the Londoner, mail-outs to all homes within 200 meters of the ESA, information signs in the ESA, information on the City website and collection of information from the public.

The 18 member **Local Advisory Committee (LAC)** included representatives and alternates from each group and was facilitated by staff and Dillon Consulting Inc. The Terms of Reference for the LAC and minutes of the meetings are included in the CMP. A table outlining the steps taken in the CMP Process including LAC meeting dates and Community Open Houses is included later in this section. Consultation with ACCAC was a key part of the engagement process and it is legally required under AODA legislation.

Two Open Houses for the CMP were held at (and promoted to their membership by) the Museum of Ontario Archaeology. Dr. Rhonda Bathurst the LAC representative for the Museum of Ontario Archaeology provided feedback on the CMP which ensured indigenous and First Nation's peoples and traditional territories are recognized in the Introduction, and fact checked the Cultural Heritage section information about the pre-contact Neutral Iroquoian village, known as the Lawson site.

Local Advisory Committee Membership

Accessibility Advisory Committee (AACAC)

Environmental & Ecological Planning Advisory Committee (EEPAC)

Upper Thames River Conservation Authority (UTRCA)

MVHF ESA Adopt an ESA

Sunningdale West Residents Association Adopt an ESA

Friends of Medway Creek Adopt an ESA

Orchard Park/ Sherwood Forest Ratepayers Adopt an ESA

Orchard Park/ Sherwood Forest Ratepayers

Sunningdale West Ratepayers

Old Masonville Ratepayers

Sunningdale North Residents Association

Attawandaron Residents Association

Western University

Huron University College

Nature London

Thames Valley Trail Association (TVTA)

Heritage London Foundation

Museum of Ontario Archeology

Two Community Open House Events at the Museum of Ontario Archaeology

The community consultation and participation process provided many opportunities for feedback and education about the ESA. The first Community Open House was also the kick-off for a month long (June 1 to July 1, 2017) public engagement period where community members were encouraged to provide feedback on “Ideas, Issues, Opportunities, and Observations”.

The community feedback received helped to guide the following:

- Ecological Protection, Enhancement & Restoration
- Trail System Planning & Design Process
- Priorities for Implementation
- Final Conservation Master Plan

Feedback was obtained through the use of hard copy surveys, comment cards, an online survey and mapping tool as well as feedback from LAC members, representing community groups and other stakeholders. The survey made available to the public had 117 total respondents. The questions included multiple choice questions but also allowed for additional comments to be provided.

The review and compilation of comments was not done quantitatively or statistically as there were no limits on how often someone could comment. For example 23% of the comments on the mapping tool part of the survey came from one Internet Protocol (IP) address. The comments received during the engagement process from the public, and the LAC to date, were used to identify items for consideration in the CMP for review with the Guidelines, AODA and other considerations including the goal for the CMP.

Public Feedback and Frequently Asked Questions

The feedback from the public were generally in the form of comments which were categorized into topics and grouped according to the comment. The comments received were compiled, reviewed and incorporated for consideration in the CMP for review with the Guidelines, AODA and other considerations including the goal for the CMP. A Frequently Asked Questions (FAQ) summary is included in the CMP in response to public comments.

LAC Comments and Responses

Detailed, written responses to the LAC’s comments on the CMP through the process were circulated back to the LAC. The detailed, written responses to ACCAC’s and EEPAC’s technical comments were also circulated directly through their committee agendas and included in the CMP in the Appendix.

Outline of Steps Taken in the MVHF ESA (south) CMP Process (Phases 1 and 2)

Date	Conservation Master Plan Process
Phase I	
February 21, 2013	Phase 1 CMP Draft Terms of Reference circulated to EEPAC
March 8, 2013	Conservation Master Plan (CMP) – Phase 1 launched
March – September 2013	Ecological Data Collection
July 25, 2013	Community Open House #1 for Phase I CMP <ul style="list-style-type: none"> • Explanation of CMP process • Overview of studies being completed / initial findings to date • Collection of community input
October 2013 - January 2015	Report Writing – final Phase 1 report released January 2015

Date	Conservation Master Plan Process
January 15, 2014	First Draft Phase 1 CMP Presented and Circulated to EEPAC
January 27, 2014	Community Open House #2 for Phase I <ul style="list-style-type: none"> • Overview of Phase I CMP results • Opportunity for feedback on Phase I CMP
December 11, 2014	Second Draft of Phase 1 report presented and circulated to EEPAC with responses to EEPAC and Nature London comments
April 16, 2015	Responses to EEPAC's Second Round of Comments and Presentation of Final Phase I CMP to EEPAC
October 2015	Council directed staff to update the Planning and Design Standards for Trails in ESAs (2012)
May 2016	Council approved the <i>Guidelines for Management Zones and Trails in ESAs</i> (2016)
November 2016	Addendum to Final Phase I CMP (January 2015) report based on the new <i>Guidelines for Management Zones and Trails in ESAs</i> (May 2016) circulated to EEPAC and Trails Focus Group
February 14, 2017	Council approval of Phase I Report and Addendum
Phase II	
February 14, 2017	Phase II of the Conservation Master Plan initiated by City Council
March 8, 2017	Invitations sent to Local Advisory Committee (LAC) stakeholders
March 2017	Formation of the LAC / Roles for the Medway VHF ESA CMP Process circulated to LAC/EEPAC/ACCAC
April to November 2017	Development of a ToR for the LAC (in CMP) which also outlines the five LAC meetings held throughout Phase II. <ul style="list-style-type: none"> • April 27 - Meeting 1 – Introduction of CMP • May 4 - Meeting 2 – Consultation and Engagement • July 27 - Meeting 3 – Public Engagement Results • September 7 - Meeting 4 – Review of Draft CMP • November 2 - Meeting 5 – Endorsement of Final CMP Minutes of the meetings of the LAC are included in the CMP.
May 12, 2017	Notice of CMP Community Open House was circulated to the public. Circulation included an advertisement in the Londoner, mail-out to all homes within 200 m of the entire MVHF ESA, letters and / or emails to those who participated in Phase I and the LAC, signs at every ESA access inviting residents to attend the open house and complete the survey, and a notice on the City website.
May 25, 2017	CMP Update presented to the Orchard Park/ Sherwood Forest Ratepayers at their Annual General Meeting. Information on the CMP has been posted on the community website by the Orchard Park/Sherwood Forest Ratepayers continuously through the consultation process.
June 1, 2017	Community Open House #1: <ul style="list-style-type: none"> • Overview of Phase I results with presentation boards • Explanation of the Phase II process with presentation boards

Date	Conservation Master Plan Process
	<ul style="list-style-type: none"> • Opportunity for feedback via hard-copy surveys and an online survey • City staff and consultants on-hand to answer questions
June 1 to June 30, 2017	Web survey and interactive mapping tool open for public input and feedback.
August 24, 2017	First draft CMP distributed to ACCAC, EEPAC, LAC, for review and comment
August 24, 2017	Draft CMP presented to ACCAC and EEPAC for discussion and comment
October 19, 2017	Dillon/Staff presentation to EEPAC in response to EEPAC's comments on the August 2017 Draft CMP (memo with responses to EEPAC provided in the CMP)
October 23, 2017	Revised CMP and responses to comments distributed to ACCAC, EEPAC, LAC
November 15, 2017	<p>Community Open House #2:</p> <ul style="list-style-type: none"> • Notice for the Open House was circulated to the public. Circulation included an advertisement in the Londoner, mail-out to all homes within 200 m of the entire MVHF ESA, letters and / or emails to those who participated in Phase I and/or II and the LAC, and, a notice on the City website. • Overview of the Phase II outcomes with presentation boards • City staff and consultants on-hand to answer questions
November 16, 2017	Meeting with staff and ACCAC Chair and two committee members regarding trail plan and accessibility
November 23, 2017	Staff ACCAC presentation and responses to ACCAC's comments on the August 2017 Draft CMP (memo with responses to ACCAC provided in the CMP)
December 21, 2017	EEPAC endorsed their statement and recommendations on the October 2017 Draft CMP (EEPAC statement provided in the CMP)
January 8, 2018	Letter from the Chair of AACAC outlining their stance on the October 2017 Draft CMP (ACCAC letter provided in the CMP)
January 8, 2018	EEPAC presented their statement and recommendations on the CMP to PEC, to refer them back to PEC when the CMP and Staff report are presented at PEC. (EEPAC statement provided in the CMP)
February 21, 2018	ESA CMP Planning Process and AODA Information Meeting with LAC and ACCAC Chair to review changes to CMP consistent with the Guidelines, to meet AODA requirements.
March 22, 2018	Staff were asked to attend ACCAC to respond to the January 8, 2018 ACCAC letter. The Accessibility Advisory Committee of Council (ACCAC) endorsed the March 2018, MVHF ESA Conservation Master Plan at their meeting on March 22, 2018. Consultation with ACCAC is required under <u>AODA</u> legislation

Appendix C

Recovery Strategy for the False Rue-anemone (*Enemion biternatum*) in Canada, 2017
– hyperlink to electronic document **do not print in PEC Report**

Appendix D

Holly J. Bickerton Consulting Ecologist

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3 April 2018

Linda McDougall
City of London
267 Dundas St.
London, ON N6A 1H2

RE: False Rue-anemone recovery and the Medway ESA Conservation Master Plan (CMP)

Dear Ms. McDougall,

Thank you for contacting me to comment on the recovery of False Rue-anemone and the Medway ESA CMP as above. I am an Ottawa-based consulting ecologist and botanist specializing in species at risk, particularly at-risk plants. I compiled the first draft of the (2017) Environment Canada Recovery Strategy for the False Rue-anemone (*Enemion biternatum*) in Canada, which is available to the public on the federal Species at Risk Act registry (see reference below).

I have reviewed relevant sections and plans within the CMP and I believe it is consistent with the actions proposed in the recovery strategy for this federally Threatened plant species. By discouraging and decommissioning existing informal trails within the habitat of this species (see Fig. 4b of CMP), the CMP will reduce threats of trampling and disturbance to its sensitive habitat (see p.10 and Table 3, p. 13 of recovery strategy). By improving trail surfaces adjacent to its habitat, the CMP will prevent visitors from widening wet and muddy trails, and further encroaching into suitable or even occupied habitat. The proposed trail upgrade (improving trail surface) outside the population and habitat as shown in the Concept Plan of the CMP (Level Two Trail from A11, Fig. 4b) directs visitors away from sensitive habitat toward other areas. By increasing signage (p. 37 of CMP), the public will be made aware of the sensitive nature of this habitat (Table 3 of recovery strategy, p. 13). All of these activities are consistent with and support the actions listed in the recovery strategy.

It is important to emphasize that improving surfaces of existing trails is not inconsistent with recovery of populations where it reduces threats to the species or its habitat. As stated in the recovery strategy, the "surfacing of existing, authorized...recreational trails would not result in destruction of critical habitat" (Table 5, p. 19). In my experience and 20 years of observation, well-planned, managed and signed trails protect sensitive habitat by encouraging visitors to stay on the path. In Ottawa, the National Capital Commission (NCC) created such a path through the Mud Lake Conservation Area, a birding area of national significance, over 10 years ago. The creation of this path has worked extremely well to discourage visitors from extensive wandering and trampling of vegetation. These observations and

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conclusions are supported by both the ecologist who designed the trail route, and by NCC land managers.

The False Rue-anemone population in London is in my opinion, well monitored and managed. The City of London has been active in addressing the most serious threat to this population: invasive Goutweed. By removing this aggressive competitor, monitoring data shows that the native False Rue-anemone populations in Medway Creek are stable to increasing after three years of treatments (see Invasive Species Control Program: Results for the Medway Heritage Forest ESA, January 2018). A clear and detailed plan to mitigate threats and monitor populations is in place (see False Rue-anemone Mitigation Plan: Medway Valley Heritage Forest (South) ESA, July 2014). As stated in the CMP, “on-going monitoring will continue to determine if controlled species re-establish” (p.54). The stable to expanding size of this population suggests that it can persist and even recover when the predominant threat (invasive species) is removed, despite multi-use trails elsewhere in the Medway ESA.

Staff and consultants of the City of London were active contributors to the development of the recovery strategy, freely providing documents and data. In its development, the recovery strategy also underwent extensive review by ecologists and land managers at all levels of government, and was made available for review by the general public for several months.

The Medway Valley False Rue-anemone population is an important one for this species’ recovery. In my opinion, the Medway ESA CMP and supporting work by the City of London will help to protect and restore the False Rue-anemone population within this densely populated urban area.

Please feel to contact me at the number above if I can provide any further information or assistance.

Yours sincerely,



Holly Bickerton

Consulting Ecologist, B.A.Sc., MES

Member of COSSARO, Field Botanists of Ontario, Ottawa Field-Naturalists and Ontario Invasive Plant Council.

Reference:

Environment and Climate Change Canada. 2017. Recovery Strategy for the False Rue-anemone (*Enemion biternatum*) in Canada. Species at Risk Act Recovery Strategy Series. Environment and Climate Change Canada, Ottawa. vii + 27 pp.

http://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_false_rue_anemone_e_final.pdf



P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

January 17, 2018

N. Pasato
Senior Planner

Chair and Members
Environmental and Ecological Planning Advisory Committee

I hereby certify that the Municipal Council, at its meeting held on January 16, 2018 resolved:

14. That the following actions be taken with respect to the 1st Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on December 21, 2018:

- a) the following actions be taken with respect to the One River Master Plan Environmental Assessment Study - Phase 2 Stage 1: Recommended Option for Springbank Dam:
 - i) the September 28, 2017 Environmental and Ecological Planning Advisory Committee recommendation with respect to this matter, adopted by Municipal Council on October 17, 2017, BE SUBMITTED to the Civic Works Committee meeting of January 9, 2018 for consideration;
 - ii) C. Therrien BE REQUESTED to attend the One River Master Plan Environmental Assessment Study - Phase 2 Stage 1: Recommended Option for Springbank Dam Public Participation meeting, at the Civic Works Committee meeting noted in part a) above, on behalf of the Environmental and Ecological Planning Advisory Committee; and,
 - iii) it BE NOTED that the Notice related to the January 9, 2018 Notice of Public Participation Meeting relating to the One River Master Plan Environmental Assessment, from S. Levin, was received;
- b) the revised Working Group comments appended to the 1st Report of the Environmental and Ecological Planning Advisory Committee, related to the Environmental Impact Statement for W3 Farms, located at 3700 Colonel Talbot Road and 3645 Bostwick Road BE FORWARDED to N. Pasato, Senior Planner, for consideration;

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- c) the EEPAC Members BE REQUESTED to review the list of potential Environmental and Ecological Planning Advisory Committee (EEPAC) initiatives appended to the 1st Report to the EEPAC, provided by S. Madhavji, for discussion at the next EEPAC meeting;
- d) the revised Notice of application by Extra Realty relating to the property located at 660 Sunningdale Road East, was received; it being noted that the Environmental and Ecological Planning Advisory Committee (EEPAC) has previously commented on this application and the proposed revision to the application does not affect the Environmentally Significant Area on the property, in the opinion of the EEPAC;
- e) a Working Group consisting of S. Levin (lead), J. Stinziano, R. Trudeau and I. Whiteside BE ESTABLISHED to review the application by Sifton Properties Limited, relating to the properties located at 3614, 3630 Colonel Talbot Road and 6621 Pack Road and to report back at the February 15, 2018 Environmental and Ecological Planning Advisory Committee (EEPAC) meeting; it being noted that the EEPAC received an Environmental Impact Study with respect to this matter;
- f) consideration of clause 14 of the 1st Report of the Environmental and Ecological Planning Advisory Committee (EEPAC) BE POSTPONED to a future Planning and Environment Committee meeting when the above-noted matter is discussed; clause 14 reads as follows:

“the following actions be taken with respect to the Medway Environmentally Significant Area Conservation Master Plan 2017:

- i) K. Moser BE REQUESTED to attend the Planning and Environment Committee (PEC), on behalf of the Environmental and Ecological Planning Advisory Committee, when the above-noted matter is considered by the PEC;
 - ii) based on a serious risk to the ecological integrity and biodiversity of the Medway Valley Heritage Forest Environmentally Significant Area (MVHF ESA), the Municipal Council BE REQUESTED to reject any Conservation Master Plan that includes the hardening of trails or bridge crossings of the Medway Creek;
 - iii) the Managing Director, Planning and City Planner, BE ENCOURAGED to focus the Conservation Master Plan (CMP) more on protecting the ecological integrity of the MVHF ESA and less on recreation use in a revised CMP; it being noted that there should be better development of more detailed plans for monitoring, trail closures and education in a revised CMP in order that EEPAC and others can accurately assess those plans; and,
 - iv) the Managing Director, Planning and City Planner BE ENCOURAGED, in consultation with EEPAC, to create a demonstration site of best practices for the protection of ecological integrity, diversity and species at risk within an urban Environmentally Significant Area;” and,
- g) clauses 1 to 3, 5, 6, 9, 10, 15 and 16, BE RECEIVED. (14/2/PEC)



C. Saunders
City Clerk
/lm

cc. PEC Deferred List

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Medway Valley Heritage Forest (MVHF) (South) ESA Conservation Master Plan (CMP)
March 2018
EEPACs Revised Statement and Recommendations

Explanation for Revised Statement

The original statement submitted to the city from EEPAC was in preparation for the PEC meeting in Feb., 2018, which was cancelled. The original statement was written based on the Oct. 2017 draft CMP. The essence of the two statements from EEPAC is the same, but the revised statement is based on the final CMP and the unexpected Feb. 21, 2018 LAC meeting. Below, three key issues and four recommendations are outlined to explain EEPAC's opposition to the MVHF CMP.

Statement and Recommendations

1. The MHVF CMP violates the council-approved London Plan and the Guidelines for Management Zones and Trails in ESAs, putting at risk the ecological integrity and biodiversity of the ESA.

EEPAC does not support the MVHF (South) ESA CMP because the CMP is counter to London's current Official Plan and violates the Guidelines for Management Zones and Trails in ESAs (May 2016), hereafter referred to as the Trail Guidelines. The City's current Official Plan states, concerning the use of natural heritage features,

15.1.1 (v) Maintain, restore, and improve the diversity and connectivity of natural features, and the long-term ecological function with biodiversity of natural heritage systems.

Based on the City Plan, the Trail Guidelines identify the overarching principle for trail planning and design as:

Pg. 4 "The basic principle for trail planning and design is to protect the natural features and ecological functions for which the ESA has been identified. The ecological integrity and ecosystem health of the ESA shall have priority in any trail use or design-related decisions."

The CMP fails to meet many of the trail planning criteria outlined in the Trail Guidelines (Table 1 attached). This (EEPAC's) position is in conflict with the CMP, which indicates that all recommended trail changes meet the Trail Guidelines and protect the ecological integrity and biodiversity of the ESA. This discrepancy results because the CMP is based on a very narrow view of the trail guidelines and a failure to apply the underlying principles to the entire proposed trail system and its collective impacts to the ESA. This issue was initially brought up at the third LAC meeting (see comment 2.13.12, 2.20, 2.21), *but the current CMP continues to use a segment-by-segment process for trail planning and fails to accurately identify potential threats to species at risk and their habitat.*

It can be argued that maintained trails/bridges will keep pedestrian traffic on proper trails, lowering disturbance, **but** only when there is already high traffic volume on non-maintained trails. This is clearly not the case in the Medway, particularly from Fanshawe Park Road south to the Creek due to the wet conditions and the "barrier" of the Creek itself. Increased use and soil disturbance from construction leads to increased potential for disturbance and potential for non-natives to establish.

Recommendation 1: We recommend, based on serious risks to the ecological integrity and biodiversity of the MVHF ESA that the council reject the March 2018 CMP. A revised MVHF CMP must consider trail design holistically, rather than look at trails segment-by-segment. Taking this approach will eliminate proposed bridges, and limit trail “upgrades” to wet areas where boardwalks or such will reduce trail widening. It is important that naturalization and trail designs are congruent. This is not the case, for example, for the area between A4 and A1 where a level 3 trail is proposed in tandem with naturalization. Adding a 2-3m asphalt surface that requires installation and maintenance with heavy equipment is at odds with naturalizing an area.

2. Acknowledgement of shortcomings with past and present conservation strategies in the MVHF (south) ESA

Critical to the success of the CMP is the success of timely trail closures. Trails recommended to be closed over two decades ago (see MVHF Site Planning Study, 1996) continue to be used, despite recent (within the last three years) City efforts to close them. The present CMP does not: 1) acknowledge that efforts to close trails are failing; 2) consider possible reasons for this, or 3) suggest changes to mitigate these problems and ensure successful trail closure in the future. Similarly, efforts to stop dogs-off-leash and bicycles in the ESA, by-laws to protect species at risk, continue to fail. The CMP notes that increased development in the area will bring more people into the ESA; acknowledgement of existing shortcomings with current strategies is imperative for finding better ways forward to protect this ESA.

Recommendation 2: A revised CMP must identify new strategies to close trails and enforce by-laws. The CMP does not include a comprehensive assessment of previous literature to provide insights for new strategies. If knowledge gaps exist in the literature, the city should use carefully planned research to determine best steps to move forward and improve the present situation. In terms of trail closure and enforcement business-as-usual is not acceptable. This requires a clear implementation schedule and budget prior to adoption of the CMP.

3. Monitoring lacks essential planning and reporting details

For the CMP to successfully protect the ecological integrity and biodiversity of the MVHF, it is critical that restoration and monitoring plans are timely and scientifically rigorous. As an example of previous restoration and monitoring efforts, the CMP highlights restoration efforts to eradicate Goutweed (*Aegopodium podagraria*) to protect False Rue-Anemone (*Enemion biternatum*). Although such efforts should be continued and applauded, monitoring of these and other restoration efforts, including trails, must be timely and scientifically sound. Bowles (1986; 1989) and Austen (1990; 1991) reported populations of False Rue-anemone along Medway Creek. Austen also described potential threats to these populations including proximity to trails and goutweed, and notes “The presence of certain populations on conservation property may prevent development that may be destructive to *Isopyrum biternatum* (*Enemion biternatum*) populations; however, public access into these areas also poses a threat to this species” (Austen, 1990; pg. 21). Nearly two decades after these publications the city took action to protect the False Rue-anemone (Dillon 2014). Photographs (Dillon 2015, 2016, 2018) seem to indicate a reduction in goutweed; however, the effects of restoration on False Rue-anemone are

uncertain because acceptable limits and targeted outcomes, as well as measurements to determine these, were not clearly described before the action. Assuming recent population estimates are accurate (provided in Dillon, 2018), three of the ten colonies included in the restoration have all but disappeared, three have increased in population and four populations have remained unchanged. Is this a success? Although much progress has been made to protect the species at risk in MVHF (south), continued efforts, including carefully planned monitoring strategies, will require funding.

Recommendation 3: We recommend that Council continue restoration and naturalization efforts and provide sufficient budgets for doing so. This requires more detailed and scientifically rigorous plans for “gauging the success of management interventions in keeping conditions within acceptable limits and within the targeted outcome” (CMP, pg. 51; Trail Guidelines, pg. 9). The CMP does not do this. For example, in Table 12 of the CMP the monitoring described to track trail usage at bridge A will be done using a counter between A10 and A12 to collect baseline and ongoing trail data. This will be done annually, and will be compared to abiotic or biotic impacts near linkage A to determine whether linkage A has had an impact. This monitoring plan is seriously lacking and does not address any of the concerns raised by EEPAC regarding the bridge proposed at site A. EEPAC has repeatedly indicated that adding a bridge will increase traffic in the area of the loop trail that encircles False Rue-anemone and habitat for Cream Violet and American Gromwell. How will a single counter between A10 and A12 track traffic from linkage A? Won’t it also include traffic entering at A10 and A12? EEPAC is concerned about abiotic and biotic conditions near the bridge, but also near the trail loop. EEPAC expects an increase of trail usage on the loop trail as a result of bridge A. How will measuring abiotic and biotic impacts near bridge A show this? How will impacts to the abiotic factors and biota, at any location, be measured? What level of measurement will indicate an impact? What will be done to mitigate the situation should an impact be measured? In the future, all monitoring reports on trail projects and restoration efforts should be readily available to the public. In summary, a more detailed monitoring plan is required with budget implications prior to adoption of the Plan.

Final Recommendations: We recommend that the council encourage staff to rethink and revise the MVHF CMP. EEPAC cannot endorse any CMP that includes bridge crossings or fails to minimize trail “upgrades” (i.e., hardening), which will increase risks to species at risk and their habitat (Table 1). Trail design must also consider the Accessibility for Ontarians with Disabilities Act (AODA); EEPAC believes it is possible to both improve access while maintaining long-term ecological integrity of the MHVF ESA, but this has not been achieved in the current CMP. The MVHF is a small, but unique and incredibly diverse environment that has been, to date, preserved within an urban center. We remind council that only 1.6% of the city of London’s area has been set aside as ESA to protect the natural ecosystem of this region. The protection of these remnants must be the priority of any CMP. The onus is on the City to show, with little to no doubt, that their plan will protect the ecological integrity of the ESA; they have failed to do this. The stakes are high; extinction of species and the loss of the last remaining natural environments in London are real possibilities.

References

Austen, M.J.W. 1990. Status Report on the False Rue-Anemone (*Isopyrum biternatum*) in Canada. Committee on the Status of Endangered Wildlife, Ottawa, Ontario.

Austen, M.J.W. 1991. Status of False Rue-anemone, *Isopyrum biternatum* (Ranunculaceae) in Canada, *The Canadian Field Naturalist* 105, 512-516.

Bowles, J.M. 1986. Preliminary Life Science Inventory of the Parts of The Medway Creek Valley and Snake Creek Valley known as Dead Horse Canyon and Fox Hollow. Sponsored by the McIlwraith Field Naturalist of London, London, Ontario. 45pp.

Bowles, J.M. 1989. A Life Science Inventory of the Lower Medway River Valley in London, Ontario: Part II – Inventory Report. Upper Thames Conservation Authority and London Public Utilities Commission. 82pp and appendices.

Dillon Consulting Limited. 2014. Invasive Species Control Program Results: Medway Valley Heritage Forest (South) ESA. 13 pp and appendices.

Dillon Consulting Limited. 2015. Invasive Species Control Program Results: Medway Valley Heritage Forest (South) ESA. 18 pp and appendices.

Dillon Consulting Limited. 2016. Invasive Species Control Program Results: Medway Valley Heritage Forest (South) ESA. 23 pp and appendices.

Dillon Consulting Limited. 2018. Invasive Species Control Program Results: Medway Valley Heritage Forest (South) ESA. 26 pp and appendices.

TABLE 1: Evidence that MVHF CMP violates the trail guidelines.

Trail Guidelines Indicate that CMPs should....	The MVHF CMP meets/does not meet the criteria
<p>Pg. 10 and 11 areas that contain unique and rare examples of botanical, zoological or geological phenomena should be avoided.</p>	<p>DOES NOT MEET – ADDITION OF BRIDGES AND HARDENING OF TRAILS WILL INCREASE ACCESS TO AREAS WITH SPECIES AT RISK AND THEIR HABITATS</p> <ul style="list-style-type: none"> *many of the trails have existed for years and were not part of a formal planning process, therefore, trails are not always located to protect species and habitat *some trails (e.g., the loop between A10 and A11 that includes False Rue-anemone, habitat for Cream Violet, and American Gromwell) are in close proximity to species at risk and sometimes cross their habitat; this risk was identified nearly thirty years ago (Austen, 1990, 1991) * the CMP (pg. 36) and the Addendum (Dillon, 2016) indicate that existing managed trails were determined to be compatible with significant ecological features in the MVHF ESA (south); no existing managed trails would be recommended for closure or relocation; however, this fails to consider plans to upgrade trails between A5 and A10 and construction of a bridge at A, which will increase traffic to this loop *if A5 to A10 is hardened and a bridge added, increased traffic will increase threats to species at risk and their habitat and the loop between A10 and A11 should be closed (EEPAC notes previous trail closures have not been timely or successful; for example, closing trails at the end of the loop (near B on CMP figure 4) has finally taken place, 21 years after it was initially recommended) *alternatively A5 to A10 should not be hardened and the bridge should not be added *aquatic species of risk are not included in the CMP, but as noted in the alternate report submitted by some members of LAC, fish and mussel species at risk and their habitat are found at bridge sites; adding bridges poses risks to these species and brings trails in closer proximity to these species
<p>Pg. 5 minimize the number and magnitude of trails within an ESA</p>	<p>DOES NOT MEET – INCREASES NUMBERS OF TRAILS AND TRAIL WIDTHS</p> <ul style="list-style-type: none"> *The current CMP does not close off any additional trails from the 11km of trails proposed for closure in 1996; much of this 11km continues to be used two decades later *New trails are proposed between A4 and A1, a small section at A10, a new trail to replace the temporarily closed trail between A24 and A20 and two new “trail connections” (i.e., bridges) adding approximately 1 km of new trails *The CMP proposes to change several trails from level 1 to 2, widening many trails and thus increasing the magnitude of trails
<p>Pg. 28 limit access points</p>	<p>DOES NOT MEET – MAINTAINS NUMBERS OF ACCESS POINTS</p> <ul style="list-style-type: none"> *the 1996 CMP resulted in the successful closure of two access points; one at Fanshawe on

TABLE 1: Evidence that MVHF CMP violates the trail guidelines.

	<p>the east side of Medway and one at Bloomfield</p> <p>*there are presently 16 access points to the MVHF (south); none are proposed to be closed (the two leading to university property have been changed to “future access points”)</p> <p>*numerous access points makes it difficult to enforce by-laws and protect the ESA</p>
<p>Pg. 7 size and number of structures will be minimized</p> <p>Pg. 26 structures (e.g., boardwalks, bridges, stairways) may be permitted to reduce impacts to significant ecological features and increase the sustainability of the trail system in the ESA</p> <p>Pg. 35 the use of trail structures will be minimized and used to either provide a higher level of protection to a significant ecological feature</p>	<p>DOES NOT MEET – INCREASES THE NUMBER OF STRUCTURES BEYOND WHAT IS NECESSARY TO PROTECT</p> <p>*adds two bridges, a stepping stone crossing and improves trail surfaces between A12 and B and A11 and C – some of these should be made, most should not</p> <p>* as noted above and below, the addition of bridges at A and D increase traffic to ecologically sensitive areas; this increases the risk of impacts to species at risk and their habitat</p> <p>*if the proposed new trail between Gainsborough and Snake Creek is added, it seems likely stairs will be necessary to prevent erosion on the steep slopes adjacent to Gainsborough, adding more structures</p> <p>*the proposed trail between Gainsborough and Snake Creek runs adjacent to a temporarily closed trail; the original trail resulted in severe erosion along steep banks; what will keep people from accessing the old closed trail from the new trail? The old trail provides a view of the creek and in some places is located only meters away from the new trail. Continued access will only increase erosion that is already severe</p> <p>*the stepping stone crossing at Snake Creek is a good idea as it will help reduce erosion that is presently in evidence</p> <p>*adding boardwalks where improved trail surfaces are indicated in yellow on Figure 4 of the CMP are encouraged as trail widening is occurring at these locations due to wetness, especially in spring</p>
<p>Pg. 7 the use of pedestrian bridges should be for the purpose of protecting ecological features and functions</p> <p>Pg. 26 structures (e.g., boardwalks, bridges, stairways) may be permitted to reduce impacts to significant ecological features and increase the sustainability of the trail system in the ESA</p>	<p>DOES NOT MEET – ADDITION OF BRIDGES WILL INCREASE ACCESS TO ECOLOGICALLY SENSITIVE AREAS AND INCREASE RISKS TO SPCIES AT RISK AND THEIR HABITAT</p> <p>*the CMP suggests that people cross Medway Creek at low water and when ice is on the creek; this is unlikely because even at low water you will get wet feet and during the winter fast moving water makes open water likely; personal observations of winter ice indicates only small animals get across on ice</p> <p>*CMP suggests that bridges will help reduce bank erosion occurring from people crossing; there is little evidence of bank erosion and crossings are unlikely (see above)</p> <p>*addition of any bridges will increase access, both by biker and hikers, to species at risk</p>

April 7, 2018

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
CC: Councillor J. Morgan

**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan - April 16th**

Thank you for the opportunity to provide input into the Medway Valley Trail Discussion. I am a resident of the area and will be directly impacted by the recommendation the Planning and Environment Committee makes on this issue. For this reason, I hope that you will factor my input into your decision making process.

I believe the needs of our community are best served by a fully connected, and accessible paved path system. This is based on three key points:

- 1) **A connected and accessible paved path system meets the various mobility needs of our community now and in the future**
 - This is not just a request from our group but is in fact the law
 - The AODA requires The City to make new trail systems accessible in areas where this will not cause harm to the environment
 - We believe this area meets this criteria given the sewer and utility infrastructure that is installed in the location we would like the path system
- 2) **Well managed trail systems can provide better protection of the environment**
 - Literature supports that areas with well managed trail systems have less impact to the environment
 - People stay on the trail instead of using and creating more informal trails
 - More utilization of the trails create more stewards for the care of the area
 - We have the data that supports this from the trail system in the North
- 3) **The City has spent considerable amounts of money to develop a multi-use system surrounding the trail in question**
 - The City has recently approved a pedestrian crossing over Richmond St (Just north of Sunningdale)
 - The plans for Upper Richmond Village and future Sunningdale Golf course properties include a multi-use path system leading up to the paved system in the North
 - These three systems will funnel people from a large catchment area from a paved multi-use system on to an inadequate system if paved paths are not provided south of Fanshawe in the Medway Valley

While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas.

Sincerely,

Shauna Dagnone

675 Eagletrace Dr. N6G 0E8

Dear Mr. Macpherson,

My Family and I are very concerned about this final MVHF ESA report. We are very much against the opening of access points into our neighborhood and the intensification and urbanization of the Medway Valley Heritage Forest. Although the study mentions what a gem it is in the middle of our city, an ecological paradise with rare plants and animal species, it also speaks about asphalt paths, intensification, and many bridges over the river. This is the placing of a parking lot in the middle of paradise. The only reason for the existence of this valley is that it has been left natural and that humans have had limited access. If access points and paths are widened, paved or spread with compact granular chips or mulch, and bridges are installed over the river, the floodgates will be open for your Disney-like version of a forest. Anyone walking through in the future will be disappointed as the heritage forest we have today will be a thing of the past.

The natural forest will be destroyed by:

- the increased traffic of people that will bring more disturbance to the environment and who might leave behind their trash (see photo of Sunningdale path attached)
- the possibility of people bringing bicycles into the forest and disturbing the plants and wildlife
- the 7 to 12 feet wide paved pathways or hardened surfaces winding back and forth down to the valley to achieve the desired slope for wheelchairs
- the steel and concrete bridges that will need to be constructed
- the machinery to build the bridges and paths that will have a permanent detrimental effect on the fragile ecosystem
- the increase in off-lease dogs that will roam around everywhere, disturbing or killing small animals (picture of dogs off leash at Sunningdale path attached) and trampling rare plants
- Signs won't keep people from consuming alcohol in the park at all hours, won't keep dogs on leashes, won't keep people from leaving their trash behind, won't keep people and pets on the paths, etc. Marijuana smoking in the valley will be a major fire liability. The City will not enforce any of these rules and should be held accountable for all of the violations that the increase traffic will create.

The proposal to open the second entry point into the neighborhood between 74 and 84 Green Acres Dr. will increase the traffic into our dead end neighborhood immensely and unnecessarily. Changing the access point between 1607 and 1597 Gloucester Road to a level 2 will potentially create a parking nightmare for the narrow curb-less streets. Since these streets don't have any curbs, they are not salted in the winter and are slow to get plowed making for an already challenging drive in and out of the neighborhood. Adding parked cars along these narrow streets would create an even greater risk to safety and liability.

If there must be a level 2 or 3 entry point into the valley it can easily be accommodated at the west end of Windermere Road or on the south side of the Elsie Perrin-Williams Estate which are already owned by the city, one with an already paved parking lot and both located **only half a block away** from the existing access point. To create all these access points through an existing closed end subdivision so close together does not make any sense when access already exists in the form of the bridle path which runs behind Green Acres Drive and connects Ambleside Drive to the valley and then to the end of Windermere Road. The continuous connection of the path from Sunningdale to Western University is not necessary. If the city is adamant about connecting these paths they will achieve this once the bridges are done (if the city accepts the destruction of the forest as necessary). Opening these paths is unnecessary and detrimental to the environment and destroys neighborhoods like this one.

My family and I have lived on Gloucester Road since 1991. When we first moved into the neighborhood we used to have about 500 trillium plants in our backyard. I recall the year we purchased the house, there were so many toads in our backyard, we used to see turtles in the valley that were larger than 18" in diameter, and lots of large fish in the river. These are things

of the past now, we have not seen any large turtles in the last 15 years. Back then the houses were occupied mainly by the original owners who built them in the 50's and 60's and there were a lot fewer fences. The neighborhood was very quiet as the kids had all grown up and moved out. As the homes changed ownership, many families moved in with small children. A lot of fences went up when the farmland north of our neighborhood was developed into a subdivision causing a major disruption to the natural pattern of growth and habitation for plants and animals. Today it is hard to find any trilliums in our back yards but we do have a lot of groundhogs who love to eat trilliums. The fenced-in backyards have protected the groundhogs from their natural predators so they are thriving. The neighborhood backyards are less natural than they were back in 1991 with far less diversification of animals and wildlife. Some of these changes were inevitable but the protection of the Medway Valley Heritage Forest is not inevitable--it is a choice that is made by the committees and councilors that will ultimately hear these arguments. Once this study is accepted there is always the risk that a future council will vote to make changes to access. The only way to fix this problem permanently is to eliminate the two access points inside the neighborhood altogether and leave the access to the valley from the bridle path and from the end of Windermere Road. If we don't, then one day the Medway Valley Heritage Forest might be known simply as the Medway Valley Forest or worse Medway Valley.

Over the last 50 years or so we have lost many truly heritage worthy sites. Today we are trying to save any heritage properties we can after having lost so many to development. Intensifying this unique heritage forest will destroy it too, and 50 years from now our grandchildren will wonder what we were thinking when we willfully and unnecessarily put paved paths through it all, built concrete bridges over the river, and allowed for its devastation. The only legacy left behind will be the destruction of this last truly unique heritage forest.

I, along with my wife and children, strongly object to the opening of the second access point between 74 and 84 Green Acres Drive and to making the access point between 1597 and 1607 Gloucester Road anything more than the dirt path it is presently. I consent to having my name published on the agenda.

Sal, and Silvana Pacifico

1607 Gloucester Road

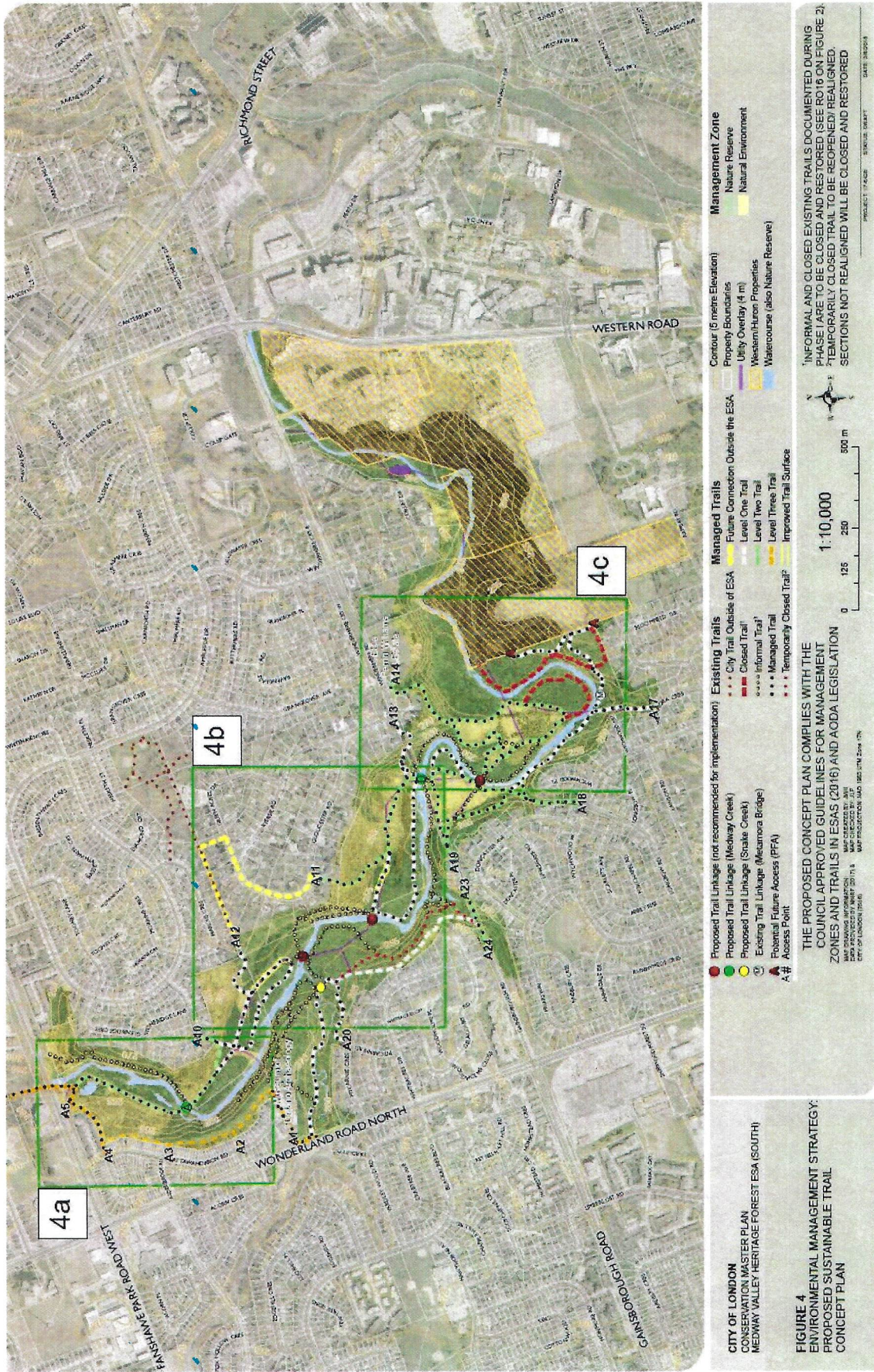
**Petition to City of London
 Planning and Environment Committee
 Conservation Master Plan Phase II – Medway Valley Heritage Forest ESA (South)
 March 22, 2018**

<p>Petition summary and background</p>	<p>The neighbourhood residents that own the properties that abut Gloucester Road, Ryersie Road, and Green Acres Drive, otherwise known as the Medway Heights neighbourhood, have recently become aware that, among other intended changes to the Medway Valley trail system, the City of London, through its Planning and Environment Committee, plans on establishing a connection outside of the ESA boundaries and utilizing the City right-of-ways, existing City trails outside the ESA, and Green Acres Drive/Gloucester Road to connect Access #11 and Access #12 in accordance with Figure 4 of the Conservation Mater Plan, an excerpt of which is attached to this petition as Schedule A. For the reasons set out on Schedule B to this petition the undersigned are petitioning the City of London for the Action identified below.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who urge the City of London, through its Planning and Environment Committee and ultimately, through Council, to (i) remove the connection along Gloucester Road between Access #11 and Access #12, and to (ii) consider closing up the rights of way to Access #11 and Access #12.</p>

Printed Name

City of London

Schedule "A"



Schedule “B” Reasons for the Petition

The residents of the Medway Heights neighbourhood (there are only 88 homes in the neighbourhood) who have signed the petition above are concerned about the City of London’s decision to proceed with creating a connection between Access #11 and Access #12 on Gloucester Road and Green Acres Drive respectively. Reasons for the concern and the request to remove the connection and the access are set out below.

1. **Safety** – encouraging parking on Gloucester Road by the public in order to connect the two access points along Gloucester Road and Green Acres Drive will create safety issues of passage of other vehicular, bike and pedestrian traffic given the narrowness of the road which becomes considerably worse in winter months when snow piles up. Our neighbourhood is poorly maintained by municipal plows with them often coming several hours or days after snow falls. This creates significant ruts and very icy conditions on the street. There is no public transport that comes anywhere near our neighbourhood so the only way to get in is to drive and park. Parked vehicles on this narrow street (23’ in width) will cause further safety issues for snow removal and garbage collection. Given the size of the lots, most people in the neighbourhood have lawn maintenance services in the spring, fall and winter months. These vehicles and trailers already park on the street so additional parking by people being encouraged to enter the trail system on Gloucester Road and Green Acres Drive would simply cause more congestion and issues passing by these vehicles. Additionally, there is no City maintenance or lighting of the access points so there is a danger for liability to the City and to neighbouring property owners.
2. **Inconvenient/Annoyance/Nuisance** – while safety is an issue as identified above, given there are no curbs or sidewalks in the neighbourhood, parked cars on the street will also be a nuisance to residents of the neighbourhood as they try to pass around the parked cars and we would no doubt end up with cars parking on part of the front lawns of our property and that of our neighbours. While we appreciate everyone’s lawns represent a component of unopened/unused road allowance which is owned by the municipality, each resident meticulously maintains their lawns and cars parking on them would be very problematic in this regard.
3. **More than Adequate Nearby Existing Access Elsewhere** – there is plenty of access to the trail system through Elsie Perrin Estate. There is also plentiful and safe parking there. Additionally, that parking is cleared of snow and ice in the wintertime. Access #11 and #12 are not cleared of snow and ice by the City.
4. **Liability** – The risk of potential personal injury and other liabilities is much greater than the reward of public access especially since there is almost no evidence that the public is using these access points.
5. **No Public Demand** – it is extremely rare to see anyone from the neighbourhood and especially anyone from outside the neighbourhood use these access points. Unless a title search was conducted to determine where Access #11 and #12 were located, from the physical attributes of the area, members of the public would assume the property in question is owned by the neighbours and not the City.

Medway Valley Heritage Forest
Environmentally Significant Area (ESA)

ESAs are not parks!

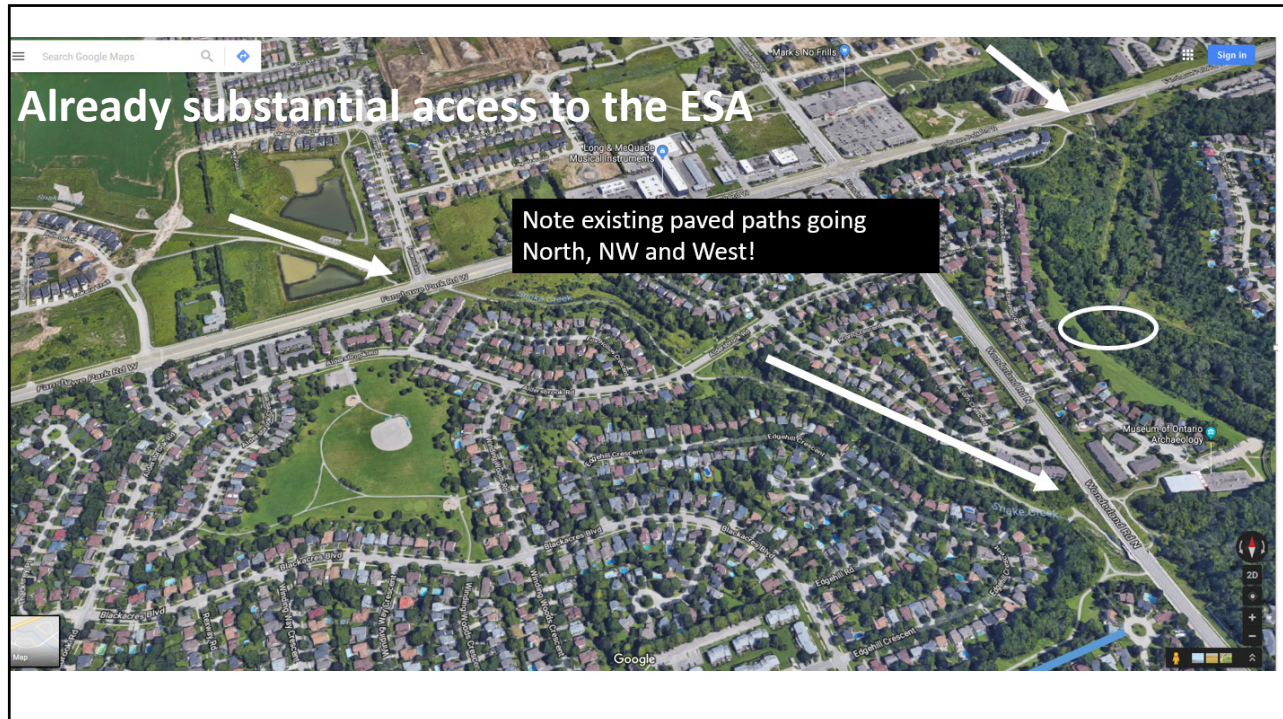
A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise.

Aldo Leopold

submitted by S. Levin, 59 Longbow Road

RECOMMENDATION

- Do not adopt Plan as is – it does not enhanced ecological integrity and could impair it.
- Remove the bridges!
- Bring the Plan forward with the next 4 year budget cycle - because without budget, there is doubt about implementation.
- For example:
 - Oct 21, 1996 Council approved a similar plan including the following
“an annual reporting mechanism through the City’s budget process with respect to monitoring the implementation of the phased management program that is outlined in the plan”

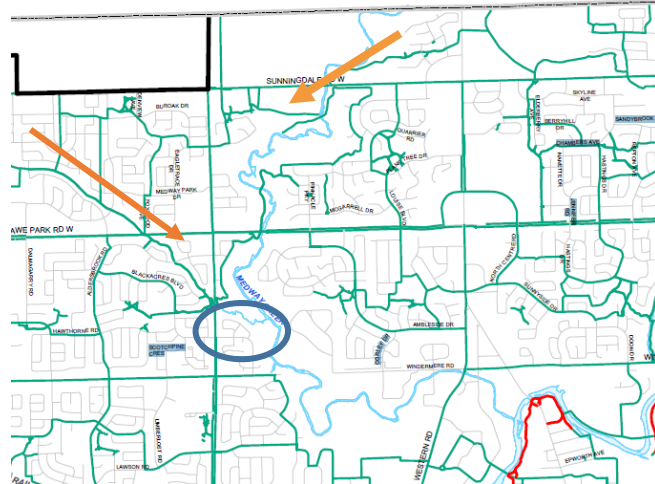


CURRENT USE NEAR SITE A

- City staff have indicated there are 20,000 annual uses just north of this area. Given the connections and community growth planned to the west and north, this number will only increase. It is not possible to fully monitor. It won't get better with more access.

AND MORE TO COME
AS THE CITY GROWS

This is from Map 4 of
the London Plan.
Note connections to
this area from east
and west.



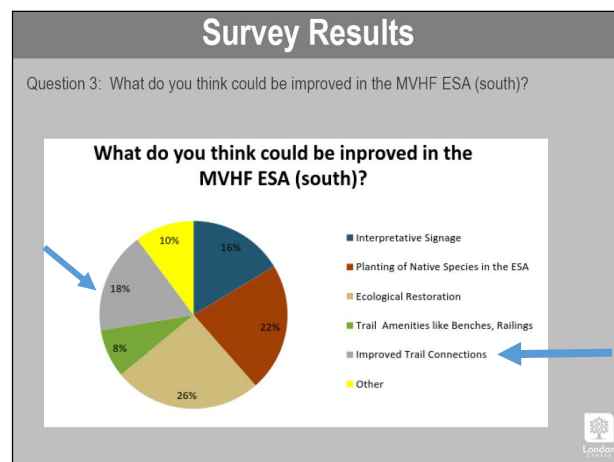
This area is special – look at all the sensitive
habitat at risk noted in the CMP (Bridge locations highlighted)



Site A - Right now, being wet, less access, less threats to species at risk and its habitat



Not even sure why the push for bridges.
Not a priority in the public survey.



DON'T DO THIS

- IT IS CONTRARY TO YOUR GUIDELINES!
- IT IS CONTRARY TO YOUR POLICIES!

London Plan

WHY IS NATURAL HERITAGE IMPORTANT TO OUR FUTURE?

1304_ One of the many assets that Londoners say makes London great is the Thames River Valley and its tributaries and our unique natural environment within the urban fabric of the city. Our Natural Heritage System contributes to both our high quality of life and our image as The Forest City. The significant valleylands of the Thames River Valley, the provincially significant wetlands of Westminster Ponds and Sifton Bog, and the significant woodlands of Warbler Woods, Meadowlily Woods and the Medway Valley are just some of the significant natural heritage features and areas that help to define London. These places are also key components of the City's Natural Heritage System and, like the many other natural heritage features and areas that form the Natural Heritage System, shall be protected and managed to improve their ecological integrity and to provide opportunities for public use where appropriate.

Trail Guidelines, page 4

2.1 Policy for Trail Planning and Design

- Natural features and ecological functions for which the ESA has been identified shall be protected.
- The ecological integrity and ecosystem health of the ESA shall have priority in any use or design-related decision.

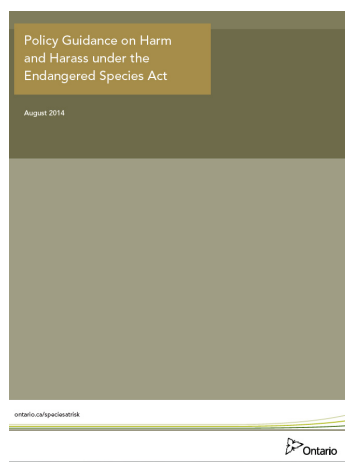
Trail Guidelines, page 7

- The use of pedestrian bridges (as opposed to boardwalks and “step” bridges) should be for the purpose of protecting ecological features and functions. Where permitted, pedestrian bridges (e.g. use of span bridges, minimal wing walls, no gabion or armour stone within the channel) will be designed and constructed to create the least possible disturbance to valleys, natural creek banks and to aquatic habitats.

Trail Guidelines, page 26

Where it is determined that ecological integrity can be preserved, and specific natural features and their ecological functions can be protected, public access and trails are permitted in this zone in support of appropriate low-intensity, nature-based recreation. Structures (e.g. boardwalks, bridges, stairways) may be permitted to reduce impacts to significant ecological features and increase the sustainability of the trail system in the ESA.

Also contrary to Provincial Policy Guidance on Harm and Harass under the Endangered Species Act



Policy Guidance on Harm and Harass under the Endangered Species Act

- A risk-management approach is incorporated in determining whether an activity is likely to kill, harm or harass a member of a species at risk. In some cases, there will be a moderate to high level of understanding of the biology of a species at risk, and the effects a proposed activity will have on living members of that species. In others, the level of understanding will be very limited. The majority of activity scenarios are likely to fall between the two extremes of certainty. In specific cases where the anticipated effects of an activity on a member of a protected species cannot be predicted with reasonable confidence, **determinations will generally err on the side of caution in favour of affording greater protection to the species.** Decisions must be informed by the details of the activity, and the biology and behaviour of the species.

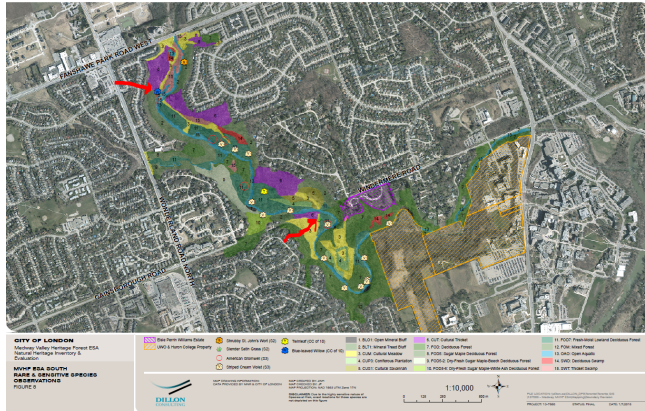
KEY ISSUE

Do the proposed bridges enhance the ecological integrity of the ESA?

NO!

Building the bridges will affect rare species at both proposed locations (see red arrows)

The two species are Blue Leaf Willow and Slender Satin Grass. There is no mention of the impact the bridge construction will have on these plants and their habitat in the final report



Trail Guidelines, p. 36

7.2.1 Bridges

Where a bridge is deemed necessary for a river, stream or ravine crossing, the size, span and engineering design requirements and materials will vary for every crossing type. Bridges should be used minimally in ESAs and only as justified through the CMP. Where a bridge is being built, it must be done in a manner that will protect the ecological features and functions of the ESA and should be designed to blend in with the surrounding natural environment.

Site A proposed crossing of Creek (looking south) in summer 2017

Creek is roughly 10.6 m wide (Google Satellite.)

Told the bridge will protect the bank from damage. Damage?



1st Bridge North of Fanshawe.

Creek is about 10.8 m wide, similar to Site A and D.

Does this bridge blend in? you be the judge

- In winter

- Note damage to bank caused by construction



SITE A - does a bridge blend in?

Image from CMP



Same image, with a bridge projected



SITE A – does a bridge blend in?

Image from CMP



Same image, with bridge and path projected



Site D

In summer



Last month, post flood



SITE D – does a bridge blend in? (projected image)



SITE D, Blend in? (projected image)

- Looking north



Site D – blend in? (projected image)



KEY ISSUE

Just because you build a path,
doesn't mean people will stay on
the path

Surfaced paths do not stop people from going
off trail

North of Fanshawe



North of Fanshawe



People stay on granular surfaces? Hardly

Off Gainsborough



Around barrier (note lack of sign indicating closed trail)

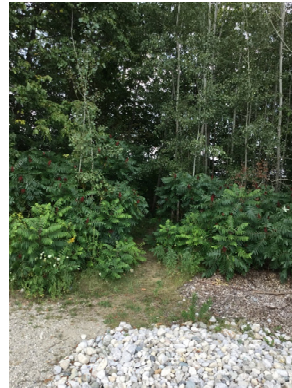


Off trail activity from older hard surface

Below Gainsborough (note recent private property sign)



Museum of Ont. Archaeology



Although this bridge reduced damage to a narrow tributary, people still go off trail

Approach to Metamora Bridge



People are still going to the Creek



KEY ISSUE

How do you expect to protect a species at risk when you increase the number of visits and off leash dog walkers to the area? Not to mention bikes despite the “ban.”

MORE PEOPLE, MORE PROBLEMS

- The principles of CPTED (Crime Prevention through Environmental Design) require a “Springbank Park” level of use to keep dogs on leash.
- And frankly, who sees being off trail, having a dog off leash, or being on a bike where you aren’t suppose to be as a CRIME?

Yet the opposite argument will also be given:

The current use of 20,000 per year from the paved path to the North (which will grow), is not many per day, so don’t worry about overuse.

SO WHICH IS IT?

More people means more not less problems

National Parks Struggle With a Mounting Crisis: Too Many Visitors

By [Julie Turkewitz](#), NY Times, Sept. 27, 2017

Zion is among the most visited parks in the system and is particularly prone to crowding because many of its most popular sites sit in a narrow six-mile canyon. In 2016, about 4.3 million people visited, up 60 percent from a decade ago.

And Zion's delicate desert ecosystem has been battered by tourists, some of whom wash diapers in the Virgin River, scratch their names into boulders and fly drone cameras through once quiet skies. The park has about 25 miles of developed trails. But over time, rangers have mapped about 600 miles of visitor-made paths, which damage vegetation and soil and take a toll on wildlife.

PUT A LEASH ON IT, Letters to the Editor, LFP, March 24, 2018

I was cycling the Thames Valley Parkway this past weekend when an unleashed dog rushed out of nowhere and nearly tackled me. I slammed on the brakes and yelled at the dog while it started to use my bike's wheel as a plaything.

I told the owner his dog needs to be leashed because of situations like these. He responded with a stream of profanity, insisting I was the one at fault and began threatening me. Thankfully, I was able to pedal off no worse for wear, but it could've turned out much differently.

This man doesn't represent all dog owners. However, during my ride I saw no less than 10 unleashed dogs along the parkway. This is especially absurd given the two off-leash parks available there.

Theo Larsen, London

DON'T WORRY, THERE IS MONITORING!

Monitoring? Maybe –

There are only 4 UTRCA staff to cover 8 ESAs, and monitoring is only part of the job

Unrealistic to expect the public to effectively monitor the ESA



UPDATED SIGN

Note the section permitting bicycles (with no limitation) on granular trail.



Been at this for 20 years....

At the last Steering Committee meeting it was agreed that a "Medway Advisory Group including many of the committee members, would assist in setting priorities for implementation. It is anticipated that implementation of the plan will begin this fall, with entrance signage and critical trail closures as the first project.

PREPARED BY:	RECOMMENDED BY:
[Redacted]	[Redacted]

Oct. 2, 1996

Historically, much was promised, but less delivered

From 1996 staff report (Group never formed)

Continuous monitoring and yearly assessment of the implementation of the plan was a common theme, and will be part of the role of the Medway Advisory Group.

From 1996 Site Plan Study (many trails never closed or rehabilitated)

- Phase One:**
 - Trail Closures (11 segments)
 - Access Point Closures (2)
 - Signing: Regulatory Signs
 - Trail Map Signs
 - Construction of Stepping Stone Crossings (4)
- Phase Two:**
 - Rehabilitation of Closed Trails
 - Rehabilitation of Disturbed Areas

Adoption of the CMP needs to wait for a detailed implementation plan – here’s why:

From 1996 Site Plan Study

Rehabilitation Measures:

All trails to be closed and severely disturbed areas, such as eroded slopes must be rehabilitated. Rehabilitation measures should be developed in a manner that is visually and ecologically consistent with the surrounding area. Rehabilitated areas be designed so that they require minimal maintenance until establishment, and none thereafter.

From 1996 Site Plan Study

Trail Closures:

One of the features of the Site Plan is the consolidation of trail uses on existing trails that can better withstand trail use, either in their existing condition or with some constructed treatments. All other trails (approximately 2.3 kilometers in 11 segments) are to be closed and restored as noted on the Site Plan.

The majority of these closures are trail segments which have been created haphazardly with little or no regard for the environmental sensitivities of the setting. Closure of these trail segments, in conjunction with improvements to the preferred trails as shown on the Site Plan, will solidify the preferred routes and prevent trails from being established at random in the future.

One of the more notable closures is the trail from Gainsborough Rd. to Snake Creek due to severe erosion and difficult slopes. In addition, there are many trails in the

TRAILS TO BE CLOSED (1996)

Trail behind Whiteacres (closed within the last 5 years, now recommended for realignment and reopening)

“around hill from Snake Creek Valley” (still in use and was not marked as closed as late as this summer – see photo)

“in addition, there are many trails in the Snake Creek Valley which must be closed....”



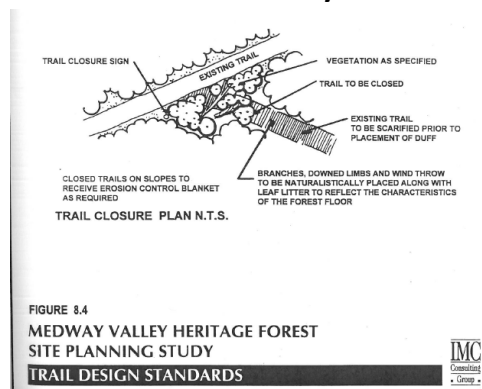
Adoption of the CMP needs to wait for a detailed implementation plan – here’s why:

From 1996 Site Plan Study

Trail System:

The trails in the Medway Valley have never been designed. In fact, the Conservation Master Plan recommended that the trails be left in their present condition (1989) in most locations and to construct access improvements at specific ravine crossings and permitted entrances. Since then, there has been no comprehensive trail management and consequently an informal network of trails has developed which has been described as a “criss-cross” or “willy-nilly” system. These trail routes should be consolidated, some closed and some designated as official trails to be properly designed and maintained for the appropriate uses and expected volumes.

From 1996 Site Plan Study



New sign (2017) at trail that was to be closed 20 years ago. (No restoration yet of “informal trail”)



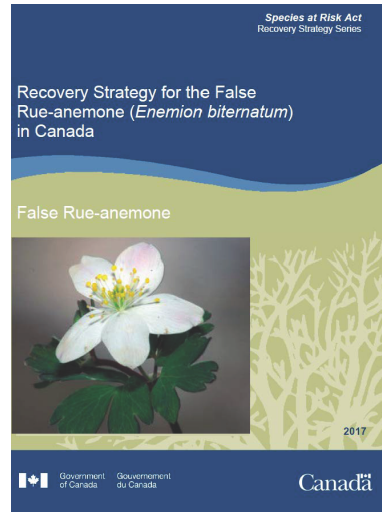
The City is rightfully proud of its strategy to protect false rue-anemone.

The proposed bridges undermine and risk reversing this strategy.

From Recovery Strategy for False Rue-anemone, p. 10, published in 2017

Disturbance or Harm

Off-trail Recreation and trail use: Some False Rue-anemone sub-populations are also in close proximity to public areas and trails, and may be threatened to some degree by inadvertent trampling, and resulting soil compaction (Austen 1990; COSEWIC 2005). However, **improving signage** at walking trails in Medway Creek, London have **also helped to limit trampling and promote public awareness** of this species (pers.comm. 2015).



But there were no signs before 2017. And...

No data has been collected on usage

Without data on current user behaviour, how can the city assert that having more users more frequently will not cause harm?



Medway Valley Heritage Forest Environmentally Significant Area (ESA)

Although there are some good elements in the Plan, there is substantial uncertainty.

Much improvement has taken place within the existing city budgets and financial support to the UTRCA from a donor for invasive species work ...

despite a cut to the UTRCA contract budget by the previous council!

New signs (Mar 2018) have been installed (at trail that was to be closed 20 years ago)



You won't know what you have lost until it is gone

- Even if there are negative impacts on species at risk, it is unlikely the bridges will be removed.
- The consultants included a caution (*Addendum to Natural Heritage Inventory, 2016*) about existing managed trails (i.e. WITHOUT INCREASED ACCESS) by stating “Seasonal restrictions on trails may be required.”
- NICE IDEA, but HOW DO YOU SEASONALLY CLOSE A BRIDGE?

There is an exception under the AODA

- Accessibility for Ontarians with Disabilities Act, 2005
 - [ONTARIO REGULATION 191/11](#), Integrated Accessibility Standards
- Recreational Trails and Beach Access Routes, General**
- **Trails**
 - **80.15.5** *There is a significant risk that the requirements, or some of them, would adversely affect water, fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values, **whether the adverse effects are direct or indirect.***

RECOMMENDATION

- Do not adopt Plan as is, it does not enhanced ecological integrity and could impair it.
- Remove the bridges from the Plan.
- Bring the Plan forward with the next 4 year budget cycle - because without budget, there is doubt about implementation.
 - For example, on October 21, 1996 Council approved a similar plan including the following: “an annual reporting mechanism through the City’s budget process with respect to monitoring the implementation of the phased management program that is outlined in the plan”

DON'T APPROVE

- IT IS CONTRARY TO YOUR GUIDELINES!
- IT IS CONTRARY TO YOUR POLICIES!
- PRECEDENT SETTING
- No site visit by advisory committee
- There was no MNRF involvement (not an Environmental Assessment)
- Therefore, no First Nation consultation

**ONLY YOU CAN PREVENT ECOLOGICAL
VANDALISM!!**



To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
CC: Councillor J. Morgan

**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

Thank you for the opportunity to provide input into the Medway Valley Trail Discussion. I am a resident of the area and will be directly impacted by the recommendation the Planning and Environment Committee makes on this issue. For this reason, I hope that you will factor my input into your decision making process.

I believe the needs of our community are best served by a fully connected, and accessible paved path system. This is based on three key points:

- 1) A connected and accessible paved path system meets the various mobility needs of our community now and in the future**
 - This is not just a request from our group but is in fact the law
 - The AODA requires The City to make new trail systems accessible in areas where this will not cause harm to the environment
 - We believe this area meets this criteria given the sewer and utility infrastructure that is installed in the location we would like the path system
- 2) Well managed trail systems can provide better protection of the environment**
 - Literature supports that areas with well managed trail systems have less impact to the environment
 - People stay on the trail instead of using and creating more informal trails
 - More utilization of the trails create more stewards for the care of the area
 - We have the data that supports this from the trail system in the North
- 3) The City has spent considerable amounts of money to develop a multi-use system surrounding the trail in question**
 - The City has recently approved a pedestrian crossing over Richmond St (Just north of Sunningdale)
 - The plans for Upper Richmond Village and future Sunningdale Golf course properties include a multi-use path system leading up to the paved system in the North
 - These three systems will funnel people from a large catchment area from a paved multi-use system on to an inadequate system if paved paths are not provided south of Fanshawe in the Medway Valley

While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas.

In summary, ESAs and people can and should coexist. It is through community involvement and stewardship that these areas are going to be protected and appreciated. The management objectives in the London Plan and Conservation Master Plans are to protect the ESAs, improve public safety, encourage partnership and education, and promote and enforce proper use. It is not to prevent or limit access to these areas, or provide discriminatory access to people with different accessibility needs.

Thank you in advance for your consideration and please include this letter within the Planning and Environment Meeting Agenda Package.

Sincerely,

Alin Cojocaru, 2345 Humberside Common, London, ON, N6G 0P2

Esteemed Council Members, Fellow Londoners,

My name is Lila Kari, and I live with my family near the Medway Valley Heritage Forest ESA, at 56 Doncaster Place, London, Ontario. I am writing to respectfully request the cessation of any and all plans for the development of the Medway Valley Heritage Forest (in any way, big or small, footpath or small bridge, stairs or steps, or any other construction and human intervention).

I am university Professor of Computer Science by profession, and I just returned from a trip to the Nanyang Technical University in Singapore. I was deeply impressed by the beauty of the NTU campus and of the city, which is at the same time modern and nature-filled. Singapore is known as the "Garden City" and it is easy to see why - there are trees, abundant grass and flowers literally everywhere, and it is quite a pleasure to walk around and breathe the fresh air, amidst all the greenery. I spoke about this with the city inhabitants and it became quite apparent that this did not happen by chance, and that it was the result of careful planning and very-long-term vision. For example, on the NTU campus, I am told by my colleagues, every single tree is numbered, and they are all part of a regular maintenance plan. Nobody even touches a tree, let alone cut it down. Rather than building a new concrete-and-glass building, the NTU university is now planning a new outdoor Botanical Garden on its campus for 2019, to increase even more the amount of greenery.

In stark contrast with Singapore, other cities in neighbouring countries in Asia are jungles of steel and concrete, choking with car fumes, and almost inhabitable for human beings.

How did this happen? Because of each of those cities' planning and decisions.

For now, our beloved London is (still) known as the "Forest City". The question is, will our choices, decisions and actions of today make it become a Singapore or a Beijing in the future? Will our children and grandchildren thank us for our care and our long-term vision, or bemoan our selfishness and short-sighted goals?

It is all up to us. Our decision regarding the preservation of the pristine nature we inherited will determine which path London, our city, will take - that of becoming a marvel green paradise of the future, or a steel/concrete/smog-filled city that everyone will eventually leave.

It is that simple.

At this time of a momentous decision, which will affect our lives and the lives of our children irreversibly, for all the years to come, I now ask the London Council Members and our Fellow Londoners:

Let us do right by our forebearers, who bestowed upon us this beautiful Forest City, with its unique natural and completely undeveloped areas, now known as Environmentally Significant Areas.

Let us do right by the myriad of plants and animals that live in these ESAs, and let us leave them a home to live in and thrive in the future.

Let us do right by our children, grandchildren, and grand-grandchildren (who will be humans, not robots, and thus enjoy nature, not concrete, cement, and steel). Let us leave for them untouched undeveloped nature to enjoy, with pristine forests and creeks, with flowers, birds, insects, and animals, free of human development and construction.

Let us do the right thing, let us preserve and protect Medway Valley Heritage Forest and all other ESAs from any development*.

Lila Kari
& Family

* By development I mean any path (big or small), any bridge (big or small), any stairs, and any other type of construction.

Professor Lila Kari

University Research Chair
School of Computer Science
University of Waterloo

Adjunct Professor
Department of Computer Science
University of Western Ontario

April 7, 2018

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
CC: Councillor J. Morgan

**Subject: Public Meeting of the Planning and Environment Committee of Council
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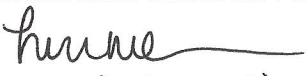
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While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas.

Please include this letter within the Planning and Environment Meeting Agenda Package.

Sincerely, 
Name LORI ROBINSON
Address 2120 VALLEYVIEW BLVD

Send your letter to this email list

pec@london.ca; sturner@london.ca; ahopkins@london.ca; jhelmer@london.ca; mcassidy@london.ca;
tpark@london.ca; joshmorgan@london.ca

April 7, 2018

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Sincerely, 
Name **CHRIS ROBINSON**
Address **2120 VALLEYVIEW BLVD**

Send your letter to this email list

pec@london.ca; sturner@london.ca; ahopkins@london.ca; jhelmer@london.ca; mcassidy@london.ca; tpark@london.ca; joshmorgan@london.ca

April 8 2018

Chair and Members
Planning and Environment Committee
City of London

Re: Conservation Master Plan, Medway Valley Heritage Forest ESA (South)

I am writing to provide comments on the *Conservation Master Plan Phase II Medway Valley Heritage Forest ESA (March 2018)*.

First, I can assure committee members that I am very familiar with the City of London *Guidelines for Management Zones and Trails in Environmentally Significant Areas (2016)*. I participated in the development of that document as well as the city's previous trail guideline document.

The March 2018 version of the Conservation Master Plan (CMP) recommends two bridges crossing Medway Creek. I do not support this recommendation. Through a series of policy documents over the past three decades the City of London has recognized the importance of Environmentally Significant Areas (ESAs), including the Medway Valley Heritage Forest. The Official Plan states that ESAs "are to be maintained in their natural state through appropriate management for the purposes for which they have been recognized." It is especially important to note that the Official Plan states that ESAs "are not programmed or managed as parkland." The rationale provided in the CMP for construction of the two bridges would be suitable for a trail system in parkland, but certainly not in an ESA. Improving neighbourhood connectivity and providing connectivity over Medway Creek should not be priority goals for management of an ESA.

It is important to note key aspects of the policy direction given in *Guidelines for Management Zones and Trails in Environmentally Significant Areas (2016)*:

- The ecological integrity and ecosystem health of the ESA shall have priority in any use or design-related decision.
- A properly designed and implemented trail system appropriate to specific management zones and reflecting sensitivity of the natural features will be implemented to achieve the primary objective of protection and the secondary objective of providing suitable recreational and educational opportunities (emphasis added).

The application of any guideline requires interpretation and judgement. Unfortunately, in the case of the Medway CMP 2018, the emphasis has shifted towards recreation rather than protection of ecological integrity and ecosystem health. The impacts of construction of two bridges across the main channel of Medway Creek are not adequately described in the CMP. The proposed bridges would need to provide capacity to handle major flows, and piers would need to be out of the floodway. Construction would be very disruptive to the valley and would cause further impact through increased visitation in future.

I urge Planning and Environment Committee to reject the CMP proposal for two bridges across Medway Creek.

Yours truly,

David Wake
597 Kildare Road
London ON N6H 3H8



April 6, 2018

The Planning and Environment Committee
City of London
300 Dufferin Avenue
London, ON N6A 4L9

Dear Members of The Planning and Environment Committee,

Huron University College has reviewed the final Conservation Master Plan (CMP) for the Medway Valley Heritage Forest Environmentally Significant Area (MVHF ESA) and we would like to put forth our endorsement of this plan. We look forward to working the City of London and Western University on our common interest within the MVHF ESA and management of the stewardship projects as well as future trail alignments between the City of London's lands and the lands of Huron University College.

Huron University College gives permission to include this letter on the PEC Agenda for the meeting of April 16, 2018.

Sincerely,

Deborah Lucas CPA, MBA
Huron University College
Vice Principal, Finance & Administration

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
CC: Councillor J. Morgan

**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

Thank you for the opportunity to provide input into the Medway Valley Trail Discussion. I am a resident of the area and will be directly impacted by the recommendation the Planning and Environment Committee makes on this issue. For this reason, I hope that you will factor my input into your decision making process.

I believe the needs of our community are best served by a fully connected, and accessible paved path system. This is based on three key points:

- 1) A connected and accessible paved path system meets the various mobility needs of our community now and in the future**
 - This is not just a request from our group but is in fact the law
 - The AODA requires The City to make new trail systems accessible in areas where this will not cause harm to the environment
 - We believe this area meets this criteria given the sewer and utility infrastructure that is installed in the location we would like the path system
- 2) Well managed trail systems can provide better protection of the environment**
 - Literature supports that areas with well managed trail systems have less impact to the environment
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 - We have the data that supports this from the trail system in the North
- 3) The City has spent considerable amounts of money to develop a multi-use system surrounding the trail in question**
 - The City has recently approved a pedestrian crossing over Richmond St (Just north of Sunningdale)
 - The plans for Upper Richmond Village and future Sunningdale Golf course properties include a multi-use path system leading up to the paved system in the North
 - These three systems will funnel people from a large catchment area from a paved multi-use system on to an inadequate system if paved paths are not provided south of Fanshawe in the Medway Valley

While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas.

Please include this letter within the Planning and Environment Meeting Agenda Package.

Sincerely,

Name: Margo Trotter (new resident- March 2018)
Address: 2408 Meadowlands Way,
London, Ontario N6G 5L8

April 8, 2018

To: Chair and Members of the Planning and Environmental Committee

**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

We are supportive of the environmental analysis and restoration elements in the Conservation Master Plan, Phase II MVHF South March 2018 (CMP). We are NOT supportive of the current trail plan presented in the CMP as it comes up well short of extending the North section's multi-use pathway (from Sunningdale to Fanshawe) through the South portion of the ESA to Western University campus.

Recommendation to Planning and Environment Committee (PEC):

We recommend PEC consider requesting City staff to develop a trail option for PEC's review that would include a multi-use pathway through the South connecting the North pathway with connection points at Western. The trail could include a multi-use pathway connecting Windermere and Gainsborough. The pathways would be mostly installed over the sanitary sewer lines, similar to the pathway design in the North section. It would be fully compliant to the AODA requirements. The option from staff should include Rough Order of Magnitude Costing.

Background:

At the February 2017 Council Meeting, City Council initiated the Phase II CMP be developed. Council specified that the process for the CMP development follow the process described in the Trail Guidelines in an ESA (2016), revised by Dillon. During the Local Advisory Committee (LAC) meetings, Dillon communicated that the trail designs must be compliant with the Trail Guidelines. This decision effectively turned the Trail Guidelines into requirements. During the review of trail options and features, Dillon determined that a multi-use pathway would not be compliant with the Guidelines and was rejected. Furthermore, Dillon advised that the trail system in the North, and the current Metamora Bridge in the South are also NOT compliant with the Trail Guidelines. This is surprising, shocking actually, because both of those are included in the CMP and are held up by Dillon, staff and users, as examples of effectively protecting the environment, while allowing users to enjoy the natural environment. We disagree with Dillon's interpretation and application of the Trail Guidelines, believing that a multi-use pathway over the combined sewer meets the intent of the Guidelines. Like the pathway in the North, the South would be AODA accessible and used by a diverse group of users, including City maintenance staff and Upper Thames Conservation Authority staff and their vehicles. After all, it is one ESA.

The environment vs the trail system:

The trade-offs are not between a properly designed trail system, that goes where users want to go, and the environment. The CMP points out that in the North users are staying on the path. The CMP also points out that when a trail is not properly designed and doesn't offer the connections they desire, users go off the formal trail and make alternatives. This can be seen in the South maps with many informal trails and creek crossings. At the open house, many attendees stated they wanted a connected, continuous pathway through the valley. This CMP does not accomplish this, so we can expect some users to continue to make informal trails and crossings. The CMP states that the biggest negative impact to the environment is the introduction of invasive species. Community involvement in the North has been a resource to aid the City when the call goes out to help in this area. Therefore we see the trade-off being the cost of the trail, the bridges and if required, private property acquisition, not the environment.

The London Plan

One of the three Plan cornerstones is "Connected". It applies to a wide range of characteristics of our City, including our walking trails and bike path systems. Several sections of the plan and attached maps detail the vision and the gaps. The decisions made for this CMP offer a further opportunity to fill in more gaps, connecting the pathways North of Sunningdale, East of Richmond from over the approved pedestrian bridge and West from Foxfield through the MVHF ESA to the Thames Valley Trail System that runs through Western. Page 364, paragraph 1421 states CMPs "shall consider the City's Planning and Design Standards for Trails in ESAs" (The document has been replaced with The Guidelines). This gives Council wider scope in its review and approval of trail options, as fully complying with the Guidelines is NOT required by the London Plan.

Bicycles in ESAs

Bicycles are generally harmful for ESAs and are therefore mostly prohibited. The CMP in several places states that bicycles are a prohibited use along with camp fires, dogs off leash, etc. However, bicycles are allowed on level 3 trails and are currently allowed on the paved path in the North and on some of the granular paths in the South. We are not aware of bike user issues in the North. Consideration by the LAC of bike paths in the South, was not included in LAC's scope. We suggest that the CMP be revised to qualify the prohibition of bicycles, noting there is one new level 3 trail in the CMP. We are not advocating that bicycles should or should not be allowed in the MVHF ESA. However if allowed, we think biking should be restricted to recreational biking. We do recommend that PEC review this aspect of the CMP. The London Plan is helpful, page 79, paragraph 352 specifies a completely separate network for recreational cycling. While this can be accomplished on residential streets, it is part of the North ESA and pathway connections into the ESA. PEC may want to review extending this feature through the South.

Keith Zerebecki (member of LAC) and Lori Zerebecki
205- 240 Village Walk Blvd.
London, Ontario, Canada
N6G OP6

Sent from my iPad

Chair and Members

Planning and Environment Committee

City of London

Re: April 16th 2018 meeting regarding the Medway Valley Heritage Forest Environmentally Significant Area

I have reviewed the ESA Conservation Master Plan for the Medway Valley Heritage Forest and have a concern with a recommendation by City Staff to build 2 bridges across the river. The construction of bridges will have a detrimental ecological impact and will detract from the natural aspect of the area. When hiking the trails one wants to feel surrounded only by nature and not be reminded of man made structures by seeing a bridge. This could set a precedent for more bridges and other structures to be built in this ESA and other ESAs in the future.

To build a bridge in an ESA presents a challenge. Construction must be done without disturbing the natural features and that it has the aesthetics to blend in. It is unlikely that this could be achieved at a reasonable cost to the City. For a bridge to be built it would appear that some trails would have to be upgraded as well, which further takes away from the natural aspect and adds to the cost.

The Medway Valley is too unique to spoil for future generations as we continue to split, subdivide and overbuild in natural areas.

I recommend City Staff reject the idea of building bridges in the Medway Valley ESA.

Regards,

Rob Croft

To the Members of the Planning and Environment Committee

I am writing to you on behalf of the residents of Sunningdale North.

Both myself and the residents of Sunningdale North have been actively involved over the past 5 to 6 years and made very strong arguments

advocating for the paved trail and bridges that cross the Medway Creek in our area.

We are very much hoping that our support over these past years will see this ongoing project in our area finally completed in 2018.

The residents of Sunningdale North have always envisioned and advocated for a trail system that followed and supported The City's 2005 Conservation Master Plan that consisted of a type 3, fully connected, and accessible

trail system that would run from Sunningdale Road, all the way to Western University and ultimately connect to the Thames Valley Trail System. This includes the bridges at both A & D with all accessible features.

We strongly believe that we can achieve our goal of having a trail system accessible to all, the young, the old, and those who have disabilities, while still respecting our environmentally significant and sensitive areas.

We have seen this to be true in our area north of Fanshawe with our paved trail system. Residents and visitors to the area have been very compliant with staying on the trails rather than creating their own informal trails thru the ESA.

Thus, both wildlife and plant life have not only survived, but adapted and flourished and we have observed much less impact to the environment.

We are in agreement and support with the position of our neighbours in Sunningdale West.

The Medway Valley is very unique, and although this pathway system is located in an environmentally significant area it is important to note that this long linear system already has significant infrastructure both underneath and surrounding it.

We would like to take this great opportunity to have both a connected and accessible paved pathway system that meets the various mobility needs of our community now and in the years ahead!

We would like to take this great opportunity to implement well managed type 3 trail systems in our City that provide better protection of our environmentally significant and sensitive areas!

We would like to take this opportunity to utilize the millions of dollars of infrastructure that London has already invested and is proposing to invest in the areas surrounding this trail south of Fanshawe

and we would like to move forward as soon as possible.

Please include this letter within the Planning and Environment Meeting Agenda Package.

Your consideration of our input is greatly appreciated.

Thank you for the opportunity to participate in the LAC process and allow us the opportunity to provide input into the Medway Valley Trail.

Sincerely and Respectfully

Renee Agathos

and The Residents of Sunningdale North

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
CC: Councillor J. Morgan

**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

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2) Well managed trail systems can provide better protection of the environment

- Literature supports that areas with well managed trail systems have less impact to the environment
 - People stay on the trail instead of using and creating more informal trails
 - More utilization of the trails create more stewards for the care of the area
 - We have the data that supports this from the trail system in the North

3) The City has spent considerable amounts of money to develop a multi-use system surrounding the trail in question

- The City has recently approved a pedestrian crossing over Richmond St (Just north of Sunningdale)
- The plans for Upper Richmond Village and future Sunningdale Golf course properties include a multi-use path system leading up to the paved system in the North
- These three systems will funnel people from a large catchment area from a paved multi-use system on to an inadequate system if paved paths are not provided south of Fanshawe in the Medway Valley

While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas.

Sincerely

Peter Agathos
2112 Valleyrun Blvd
London Ontario
N6G 5M7

the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
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Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

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Sincerely,

Cornel Parvulescu
397 Castlegrove Blvd, London, Ontario, N6G 1K4

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
CC: Councillor J. Morgan

**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

I am writing to you on behalf of the Sunningdale West Residents Association, a community which borders the North West regions of the Medway Valley ESA area. The Sunningdale West Residents Association was formed in the fall of 2012. Our group has been very active in helping to shape the trail system between Sunningdale Rd and Fanshawe Park Road. In fact, in the spring of 2013 our group made strong arguments for the paved trail system and water crossing bridge that are currently in place.

I would like to thank the past and current City Council for their commitments to complete this project over the past several years. We have patiently waited during the past five years as construction progressed and acquisition of the land behind Valley Run Blvd advanced. We are very excited that 2018 will likely mark the year that the project reaches completion.

Over the past few years we have remained active in supporting the MVHF trail system. We are participating in the City's Adopt an ESA program and have adopted the portion of the trail starting at the Sunningdale Rd entrance. This trail system has seen a significant increase in use since the water crossing bridge was installed a few years ago. During this time we have been very happy to see that there is less garbage present when we conduct our annual spring clean-up. Another great benefit of the formal paved trail system has been the adherence of users to stay on the trail and not creating new informal trails.

We were encouraged in the spring of 2017 when Linda McDougall of the City's Environmental and Parks Planning Services group approached us about joining the Local Advisory Committee (LAC) for the Medway VHF ESA (south) Conservation Master Plan Phase 2. Our group has always envisioned a trail system that followed the original 2005 plan from the City that provided a paved trail system that ran from Sunningdale Road all the way to Western University. Unfortunately it was clear from the start of the LAC process that there were very different views on how the trail system should be upgraded.

Thank you for the opportunity to participate in the LAC process and to provide input into the Medway Valley Trail. Our group would like to recommend that the Planning and Environment Committee reject the latest version of the Conservation Master Plan (CMP) March 2018. We would ask that the PEC provide clear guidance to the City's Environmental and Parks Planning Services group to install a Type 3 trail system from Fanshawe Park Road to Western University.

We believe the needs of our community are best served by a fully connected, and accessible type 3 trail system. This is based on three key points:

1) A connected and accessible paved path system meets the various mobility needs of our community now and in the future

- This is not just a request from our group but is in fact the law
 - The AODA requires The City to make new trail systems accessible in areas where this will not cause harm to the environment
 - We believe this area meets this criteria given the sewer and utility infrastructure that is installed in the location we would like the path system

2) Well managed trail systems can provide better protection of the environment

-Literature supports that areas with well managed trail systems have less impact to the environment

-People stay on the trail instead of using and creating more informal trails

-More utilization of the trails create more stewards for the care of the area

-We have the data that supports this from the trail system in the North

3) The City has spent considerable amounts of money to develop a multi-use system surrounding the trail in question

-The City has recently approved a pedestrian crossing over Richmond St (Just north of Sunningdale)

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-These three systems will funnel people from a large catchment area from a paved multi-use system on to an inadequate system if paved paths are not provided south of Fanshawe in the Medway Valley

While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas.

Please include this letter within the Planning and Environment Meeting Agenda Package.

Respectfully submitted,

Chris Sheculski

Vice-President, Sunningdale West Residents Association

c/o 2025 Wallingford Avenue

Dear Members of the Planning and Environment Committee, and Councillor Squire:

I write in opposition to the final draft of the Conservation Master Plan (CMP) for the southern portion of the Medway Valley Heritage Forest Environmentally Significant Area.

I am an area resident (50 Doncaster Place) and an avid runner and user of local trails. I am happy with the trail system the way it is and see no need for additional trails for recreational purposes for users like me.

I have serious concerns about the potential impact of the proposed pedestrian bridges in particular. From what I understand, the purpose of the bridges is to increase accessibility.

The unfortunate consequence of this increased accessibility would be to place at risk an already threatened species, the False Rue-anemone. The potential deleterious effect of increasing foot, cycle and other pedestrian traffic in this area outweighs, in my opinion, the benefit.

We have a beautiful city with many amazing nature trails and features to enjoy. To ensure the survival of the false rue-anemone and other species in the Medway Valley ESA, the best decision would be to forgo the construction of these bridges.

Sometimes, it's better to appreciate nature from a distance. Inspired by the story of London's unique False Rue-anemone population, I have created the attached artwork. I'm confident that other Londoners, advised of the threat this species faces and the importance of its population in our city, will find ways to appreciate the False Rue-anemone from a distance as well.

Sincerely,

Bronagh Morgan
50 Doncaster Place
London ON N6G 2A5



Good Morning

Please include this letter in the agenda for the forthcoming Planning and Environment Committee meeting considering the Medway Valley CMP.

The City of London has a lot of areas for recreation and very few remaining intact Environmentally Sensitive Areas (ESA). I have reviewed the most recent draft of the Conservation Management Plan for the Medway Valley Heritage Forest Environmentally Sensitive Area. I see that protection of the ESA values is supposed to have priority over trails and other recreational uses. I am dismayed to see that the CMP proposes the addition of bridges in the ESA, a measure that mocks that protection principle and will surely degrade and possibly destroy values within the ESA. The plan should be amended to remove the new bridges.

Damage to the ESA will come initially from the construction activities, but more serious will be the increased intensity of use in these sensitive areas. All this traffic by people, pets and transport will bring invasive plants and seeds, plus the usual spread of informal trails, trash and activity. Most serious will be that ESA's in London will be open for recreational development, traffic and construction.

It is nonsense to imply that building bridges in an ESA is somehow mandated by the Ontario Disabilities Act. I have it on good authority that there is no such requirement.

I urge you to send instructions to the consultants and committee to prepare proposals that respect the natural values to be protected and to remove any new bridge crossings.

Yours truly

Lee Richardson Symmes

Ward 10, 797 Haighton Rd. London Ontario N6K 1B4

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
CC: Councillor J. Morgan

**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

Thank you for the opportunity to provide input into the Medway Valley Trail Discussion. I am a resident of the area (North of the Fanshawe Park Road bridge) and will be directly impacted by the recommendation the Planning and Environment Committee makes on this issue. For this reason, I hope that you will factor my input into your decision making process.

I believe the needs of our community are best served by a fully connected, and accessible paved path system. This is based on three key points:

- 1) A connected and accessible paved path system meets the various mobility needs of our community now and in the future**
 - This is not just a request from our group but *is in fact the law*
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While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas. As part of its efforts to bring the river and its tributaries back into the lives of Londoners, it would be a tragic misstep to disconnect the investment in the northern trail system from the rest of the city. Great cities have trail systems that run their length and breadth. London has a choice to make in this regard.

Please include this letter within the Planning and Environment Meeting Agenda Package.

Sincerely,

Name Ravi & Anne Menon

Address 2131 Valleyrun Blvd, London, ON, N6G5M7

April 7, 2018

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
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Please include this letter within the Planning and Environment Meeting Agenda Package.

Sincerely,
Terry Thrasher
2048 Valleyrun Blvd
London, ON

April 7, 2018

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)

Councillor A. Hopkins (Vice Chair)

Councillor J. Helmer

Councillor M. Cassidy

Councillor T. Park

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-We believe this area meets this criteria given the sewer and utility infrastructure that is installed in the location we would like the path system

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-The City has recently approved a pedestrian crossing over Richmond St (Just north of Sunningdale)

-The plans for Upper Richmond Village and future Sunningdale Golf course properties include a multi-use path system leading up to the paved system in the North

-These three systems will funnel people from a large catchment area from a paved multi-use system on to an inadequate system if paved paths are not provided south of Fanshawe in the Medway Valley

While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas.

Please include this letter within the Planning and Environment Meeting Agenda Package.

Sincerely,

Janet Peters

2048 Valleyrun Blvd

London, ON

pec@london.ca; sturner@london.ca; ahopkins@london.ca; jhelmer@london.ca;

mcassidy@london.ca; tpark@london.ca; joshmorgan@london.ca

Elli Westeinde
3645Bostwick Rd. N.
London On. N6P 1G9

April 5,2018

Linda Mcdougall, MES, OALA, RPP
And all Members of The Planning and Environment Committee
RE; Conservation Master Plan for the Medway Valley.

Dear Linda and all members of this committee,

Having followed and read the proposed Master Plan for the Medway Valley, I am very pleased to hear of the ongoing invasive species control and restoration work. I am also in full support of EEPAC'S position which recommends that there be no "hardening of trail surfaces or planting of bridges across the Medway Creek" I consider the Medway Creek itself to be an I support their position for the following reasons;

- In Section # 3.0, Para. 1. " It is evident that very few of the areas of the MVHF ESA (south) have remained relatively untouched from disturbance."
- And # 3.0, Para. 2. MVHF ESA (south) a "Heavily populated urban landscape puts increasing demand on ESA for access to nature and trail use as well as contributing to stressors."
- Additional signs, barricades, hazard tree cutting, bridge and hard surface trail construction, enforcement etc. will only contribute additional stressors.
- Terrace Mountain BC. Incorporates very large stepping stones across wet terrain in lieu of bridges to maintain the natural appearance and function with warning signs that stones may be slippery and caution to use @ own risk.. The Medway Creek itself is an ECOLOGICAL FEATURE.
- More than the above, I believe improved hard surfaces and bridges will exponentially encourage more foot and especially bicycle and vehicular traffic, simply due to the increased use of bicycles combined with increased driving costs and reliance on public transportation, not to mention proximity to the UWO campus.
- As I read the implementation strategy it seems to me you are planning for existing conditions and seriously underestimating future growth and associated pressures.

In conclusion, I also support EEPAC's position because I am concerned that your Conservation Master Plan for The Medway Valley will set the standard for the treatment of other significant wild spaces and ESA's across the City of London into the future. I am especially concerned because the South-West area plan is moving forward without clear direction for the protection of The Dingman Creek Corridor which surrounds the South-West from Wonderland Rd. South around to Southdale Road on the North. My experience suggests that wild spaces and ESA's need more, not less, protection from human invasion. Just walk along my street and count the pieces of plastic and bottles along the roadside and in the ditch. This alone suggests there needs to be much more respect for our natural heritage.

Sincerely,
Elli Westeinde, Chair of Lambeth community Association.



April 8, 2018

Mayor and Council
London City Council
300 Dufferin Avenue
PO Box 5035
London, Ontario N6A 4L9

Attn: Planning and Environment Committee

Re: Medway Valley Heritage Forest ESA

His Worship Mayor Matt Brown,

We represent Lower Medway Valley Ratepayers Group Inc. (“LMVRG”). LMVRG has asked us to provide a legal opinion regarding the interpretation of s.80.15(5) O. Reg. 191/11 of the *Accessibility for Ontarians with Disabilities Act, 2005*, (“AODA”) as it relates to expanding access to the Medway Valley area by the installation of bridges along the Medway Creek, and our opinion regarding the precautionary principle, as it may apply.

The Medway Valley Heritage Forest Environmentally Sensitive Area (“ESA”) is a unique element of the City of London’s natural heritage system. Surrounded by urban development, the valley contains rare remnant species from the Carolinian forest and provides habitat to at least nine listed as threatened or endangered under the *Endangered Species Act*. Additionally, as cited in the 2016 Committee on the Status of Endangered Wildlife in Canada recovery strategy, the largest sub-populations of False Rue-anemone in Canada are found within the Medway Valley Heritage Forest ESA. This invests London with a profound conservation responsibility, which is your obligation under the Ontario *Endangered Species Act*. Council will very likely violate these important obligations with the approval of these bridges.

LMVRG has retained an expert, the former Environmental Commissioner of Ontario, Mr. Gord Miller MSc., a world-renowned biologist and ecologist. He believes that the proposal may pose a significant risk to Medway Valley Heritage Forest ESA, its species at risk, ecological integrity, and natural features.

Our brief conclusion is as follows:

- a) It is the opinion of Mr. Gord Miller, that the False Rue-anemone colony may be put at risk by the bridges;
- b) Based on Mr. Miller's opinion, the City of London may be exempt from complying with AODA, and therefore
- c) is not required to provide the bridges per the AODA; and
- d) The City of London should decide to either modify the Plan or defer a decision until a more sensitive ecological alternative can be presented and debated.

Expanding access to the public is proposed by installing two bridges across the Medway Creek (at locations referred to as A and D in the CMP) to increase access to the trail system. It is stated by the Conservation Master Plan that since the bridge would constitute redevelopment of recreational trails, they would be subject to accessibility standards required under O. Reg. 191/11 of the *Accessibility for Ontarians with Disabilities Act, 2005*. While this is true, an exemption and compromise solution is preferable.

After consultation with the LMVRG and Mr. Miller, it appears that a redesign of the trail that avoids the stream crossings and colonies of False Rue-anemone is technically feasible and would not detract from the user's experience. In fact, a more progressive approach to trail management would see the LMVRG, local field naturalists, disability community and Council work together to present a more intensive interpretation and orientation program that would maximize public interest in this nationally significant natural heritage area without the risk.

Having participated in numerous land use conservation plans, there is no doubt in our mind that this is the least intrusive, most beneficial and by far the most cost effective solution for the entire city.

Section 2.3 of the Guidelines for Management Zones and Trails in ESAs (2016), Policy for Trail Planning and Design states:

Trails to permit access for persons with disabilities, consistent with these guiding principles and AODA requirements, will be provided where this can be achieved while protecting the ecological integrity and ecosystem health of the ESA.

Mr. Gord Miller has reviewed the issues at hand and provided LMVRG with his assessment.

These guiding principles clearly state that the focus of management of this ESA is ecological function, ecological integrity and protecting the natural features. Further, the CMP document itself acknowledges that trail

development is a risk to natural heritage features. Creating any additional risk to endangered species like False Rue-anemone would violate the guiding principles.

To my reading of the analysis to date such certainty has not been ascertained. The review of the possible river crossings merely considered whether there was a significant ecological feature present at the location (answer “no” for both A and D although D was initially not recommended). There was no mention of consideration of the change in volume and nature of traffic on the newly linked trails and how might this impact adjacent colonies of species at risk (neither was such an analysis in the terms of reference). In my opinion the absence of such information is fatal to the decision to proceed with the linkages and the bridges should not be built. [emphasis added]

Based on Mr. Miller’s review, it is our opinion that Council should re-evaluate the Plan and look for an alternative solution.

The uncertainty and lack of information regarding impacts to natural heritage features should not be used as a reason for proceeding. Further, s.80.15 O. Reg. 191/11 of the *Accessibility for Ontarians with Disabilities Act, 2005* provides exceptions to the requirements for recreational trails and beach access routes, and states:

Exceptions to the requirements that apply to recreational trails and beach access routes are permitted where obligated organizations can demonstrate one or more of the following:

- (5) There is a significant risk that the requirements, or some of them, would adversely affect water, fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values, whether the adverse effects are direct or indirect.¹

Inexplicably, the Conservation Master Plan omits both an explicit reference to this critical exemption and a discussion of its applicability. To deny this important consideration is to present only half of the legal and policy regime Council must consider before rendering its decision.

In *114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)*, the Supreme Court of Canada spoke of the “Precautionary Principle” as part of International Law:

¹ *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11, O. Reg. 191/11 s.80.15(5)

In order to achieve sustainable development, policies must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.²

While recognizing that you generally support access to parkland and greenspaces, however, the decision of Council jeopardizes the largest sub-populations of False Rue-anemone in Canada.

In order to protect this population of False Rue-anemone, our Client is seeking at least deferral of Council's decision so that a less intrusive and more accommodating alternative can be devised and discussed. We would be much obliged if the Committee would provide our office with a copy of the legal opinion that has been referenced numerous times to justify the bridges but has never been seen.

We would respond immediately when in receipt of this opinion. In closing, it would be somewhat surprising to learn that the opinion: a) does not reference Council's discretion to invoke the aforementioned exemption; or, b) recommends against invoking the exemption, in absence of concrete proof that the natural heritage features are protected (per Mr. Miller's concerns); and, c) omits a careful and common sense reading of the AODA that clearly demonstrates why refusing two bridges (which prohibits access for all citizens) triggers a liability under the Act.

Please do not hesitate to contact me at 416-572-0464, or by email to david@donnellylaw.ca, cc'ing sara@donnellylaw.ca, and alexandra@donnellylaw.ca should you have any questions or concerns.

Yours truly,



David R. Donnelly

² 114957 *Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)*, 2001, SCC 40, para 31.

MILLER ENVIRONMENTAL SERVICES INC.

26 Riddle Court
North Bay, ON
P1B 8S6

April 3, 2018

Sandy Levin
59 Longbow Road
London, ON, N6G 1Y54

Dear Mr. Levin,

Re: Construction of Access Infrastructure within the Medway Valley Heritage Forest ESA

The Medway Valley Heritage Forest ESA (MVHF) is a unique element within the City of London's natural heritage system. Surrounded by urban development, it is a valley which fosters rare remnant species from the Carolinian forest and provides habitat to at least nine species listed as threatened or endangered under the *Endangered Species Act*.

Appropriately, the City has recently developed a new conservation management plan (CMP) for the property. As of March 2018, a version of that plan is available for review.

An issue exists with respect to a proposal to expand the access to the ESA trail system by the public by installing two bridges across Medway Creek (at locations referred to as A and D in the CMP). Proponents of these additions argue that there is public demand for this access and point to minor disturbances of the stream banks and stream bed when bolder hikers occasionally ford the stream at these points. It is generally observed that since the bridges would constitute re-development of recreational trails, they would be subject to accessibility standards required under O. Reg. 191/11 of the *Accessibility for Ontarians with Disabilities Act (AODA)*.

Those not in favour of the bridges cite concern over the implications of the construction and maintenance of bridges of this standard and, more significantly, what the increased traffic induced by the bridges would mean to some of the threatened and endangered plant species which are

particularly sensitive to foot traffic, cyclists, wandering dogs, etc. They hold that this additional risk cannot be sufficiently mitigated.

The conservation management plan does consider this management issue and concludes that it is possible within applicable guidelines to build bridges at sites A and D. At the present time, there is a staff recommendation put forward to Council endorsing the two-bridge scheme.

I have been asked to review the situation and provide a professional opinion. The opinion is as follows:

There are two aspects to this controversy. First is the issue of whether the two bridges should be built or not. This proposal is a public undertaking subject to environmental assessments. Although it is clearly a Category A undertaking requiring no public process under the legislation, it must be recognized that the principles of the *Environmental Assessment Act* still apply. A key principle of environmental assessment in the first instance is to consider the “need” you are addressing. Subsequently, the process directs you to consider alternative ways of addressing that need including the possibility of doing nothing. It is in this context of “need” within which the environmental assessment lens can bring clarity to this decision.

The debate over the bridges is clearly a disagreement over the appropriate degree of access. But is this what should be in discussion? The CMP document clearly lays out the following guiding principals for managing the ESA:

- Natural features and ecological functions for which the Environmentally Significant Area (ESA) have been identified shall be protected.
- The ecological integrity and ecosystem health of the ESA shall have priority in any use or design related decision.
- A properly designed and implemented trail system appropriate to specific management zones and reflecting sensitivity of the natural features will be implemented to achieve the primary objective of protection and the secondary objective of providing suitable recreational and educational opportunities.

These guiding principles clearly state that the focus of management of this ESA is ecological function, ecological integrity and protecting the natural features. Further the CMP document itself acknowledges that trail development is a risk to natural heritage features. Creating any additional risk to endangered species like the False Rue-anemone would violate the guiding principles. The MVF is required as the largest sub-population of False Rue-anemone in Canada.

Providing recreational opportunities are secondary to the primary objectives. Thus the “need” for increased access is subservient to achieving long-term ecological integrity and protection of the ESA and such a need should not be considered unless there is absolute certainty that the species at risk won’t be impacted directly or indirectly.

To my reading of the analysis to date such certainty has not been ascertained. The review of the possible river crossings merely considered whether there was a significant ecological feature present at the location (answer “no” for both A and D). There was no mention of consideration of the change in volume and nature of traffic on the newly linked trails and how this might impact adjacent colonies of species at risk (neither was such an analysis in the terms of reference). In my opinion, the absence of such information is fatal to the decision to proceed with the linkages and the bridges should not be built.

The second aspect of this controversy is created by the belief that if bridges are built, they must be subject to the rigorous accessibility standards required under O. Reg. 191/11 of the *Accessibility for Ontarians with Disabilities Act* (“AODA”). This is not a correct assumption in all cases. When the AODA was drafted, it was foreseen that there would be circumstances where the construction and maintenance of recreational trails to AODA standards would conflict with the protection of sensitive natural heritage features. In those cases, AODA defers to the priority of maintaining the biodiversity by allowing for exceptions. Section 80.15 of the regulation states that exceptions to the requirements that apply to recreational trails are permitted where the obligated organization can demonstrate there is a significant risk that the requirements, or some of them, would adversely affect water, fish, wildlife, plants, invertebrates,

species at risk, ecological integrity or natural heritage values, whether the adverse effects are direct or indirect. It is important to note that there is no legal definition of “significant risk” in this statute. There is no external agency or authority that would make that determination. The responsibility is left to the stewards of the ESA, which in this case are the municipality and the ESA Management Team. If the stewards determined that there is in their opinion a significant risk to any species at risk (or any other natural heritage value in the list), then they can build access structures to any appropriate reduced standard and still be completely in compliance with AODA and O. Reg. 191/11.

Although it is reasonable to be concerned that such significant adverse effects could exist, the true risk is not known. There is no finding in the CMP about the risks to the threatened and endangered species along the trails leading up to these proposed crossings nor is there such a finding about the impacts on the creek ecology during and after construction of the bridges because the analysis has not been done. If such an analysis were done and a likely significant adverse effect was demonstrated, a much more limited and less disruptive mechanism to traverse the creek could be installed and still be fully compliant with *AODA*, if the crossing is truly necessary at all.



Gord Miller, B.Sc., M.Sc.

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)

Councillor A. Hopkins (Vice Chair)

Councillor J. Helmer

Councillor M. Cassidy

Councillor T. Park

CC: Councillor J. Morgan

**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

Thank you for the opportunity to provide input into the Medway Valley Trail Discussion. I am a resident of the area and will be directly impacted by the recommendation the Planning and Environment Committee makes on this issue. For this reason, I hope that you will factor my input into your decision making process.

I believe the needs of our community are best served by a fully connected, and accessible paved path system. This is based on three key points:

1) A connected and accessible paved path system meets the various mobility needs of our community now and in the future

-This is not just a request from our group but is in fact the law

-The AODA requires The City to make new trail systems accessible in areas where this will not cause harm to the environment

-We believe this area meets this criteria given the sewer and utility infrastructure that is installed in the location we would like the path system

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-People stay on the trail instead of using and creating more informal trails

-More utilization of the trails create more stewards for the care of the area

-We have the data that supports this from the trail system in the North

3) The City has spent considerable amounts of money to develop a multi-use system surrounding the trail in question

-The City has recently approved a pedestrian crossing over Richmond St (Just north of Sunningdale)

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Please include this letter within the Planning and Environment Meeting Agenda Package.

Sincerely,

Wendy and Fred Fretz, 1984 Valleyrun Blvd

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
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Sincerely,

Bruce Adair

675 Eagletrace Dr. N6G 0E8

April 7, 2018

To whom it may concern,

I am writing today to express my continued alarm at the proposed bridges in Medway Heritage Forest.

According to the city of London website, the purpose of an ESA is to “protect and regenerate the natural environment within a community.”

I'd like to focus on a provincially and federally designated species at risk, the False-Rue Anemone. It is widely known that Medway Forest & more specifically the proposed bridge sites are one of the only 6 places in Ontario where the False-Rue anemone is found.

Medway actually has the largest & most well established population of this flower of all those places.

One of 6 places in our whole vast province. That's remarkable. What a treasure. We have a duty to protect it. Actually, I believe we have an obligation.

The city has spent considerable resources protecting this plant from things like goutweed and is about to throw all that money down the drain by building these bridges.

Your own policy is to make recreation secondary to environmental protection in natural areas.

I understand that people want to be able to safely walk along the trails in our beautiful city and that sometimes the going can be tough – like in the spring when things flood, but if the reason that ESA's are designated in the first place is to protect natural areas and if the reason that certain plants are designated as threatened or at risk is so we can protect them, I am having a very hard time wrapping my head around why this letter is even necessary.

I have friends who have properties that back onto Medway and they've been telling me for decades that they have had to fight tooth and nail to protect this area that by it's very nature is supposed to be designated as protected in the first place.

Please consider, especially in this day and age, taking a role that would show that the City of London understands that we must work WITH nature and stop acting like we can control it with no consequence. We are seeing proof of these consequences every day around the world.

Please remove the bridge construction proposals from the plan.

According to the Ontario.ca website

What threatens it

The main threat to False Rue-anemone is habitat destruction due to recreational activities such as cycling, ATV-use and hiking, that can result in inadvertent trampling of this plant.

Forest clearing, soil erosion, and agricultural run-off are also concerns. Road salt is known to have harmed at least one population in Ontario.

Invasive plants that compete with False Rue-anemone for water, light, and space, such as Goutweed and Garlic Mustard, also threaten this species.

Action we are taking

Threatened Species and their general habitat are automatically protected

habitat is defined as

b) with respect to any other species of animal, plant or other organism, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding.

From the Government of Canada Species at Risk Public Registry;

Activities likely to result in destruction of critical habitat

Any residential, agricultural, or industrial development such as construction of houses, structures, roads, gardens, quarries, utility lines, renewable energy installations, including removal of soils	Construction within critical habitat destroys habitat and results in the direct loss of critical habitat upon which the species relies for basic survival, successful seed germination, and seedling establishment. Direct removal of soil/substrate would render the habitat unsuitable for False Rue-anemone by removing the biophysical attributes required by the species.	When this activity occurs within critical habitat, at any time of year, the effects will be direct, and is certain to result in the permanent destruction of critical habitat.. Activities restricted to the surface of existing, authorized roadways/access roads and recreational trails would not result in the destruction of critical habitat.
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Table 2. Threat Assessment Table

Threat	Threat Description	Level of Concern ^d	Extent	Occurrence	Frequency	Severity ^e	Causal Certainty ^f
Invasive Species	Invasive plants	Medium	Localized	Historic, Current, Anticipated	Continuous	Unknown	Medium
Disturbance or Harm	Off-trail Recreation and trail use	Medium	Localized	Current	Recurrent	Moderate	Medium
Habitat Loss or Degradation	Land development	Medium	Widespread	Anticipated	Unknown	Moderate	High
Habitat Loss or Degradation	Forest harvesting	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown

Sincerely,

Lisa Carriere

73-825 Dundalk Dr

London, ON, N6C 3V6

To the Chair and Members of the Planning and Environment Committee:

Councillor S. Turner (Chair)
Councillor A. Hopkins (Vice Chair)
Councillor J. Helmer
Councillor M. Cassidy
Councillor T. Park
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**Subject: Public Meeting of the Planning and Environment Committee of Council
Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th**

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 - We have the data that supports this from the trail system in the North
- 3) The City has spent considerable amounts of money to develop a multi-use system surrounding the trail in question**
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 - The plans for Upper Richmond Village and future Sunningdale Golf course properties include a multi-use path system leading up to the paved system in the North
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While recognizing that this pathway system is located in the environmentally significant area it is important to note that it is installed over a sewer trunk line in an urbanized area. This provides a unique opportunity to provide access into this natural area for members of our community that may not normally be able to access such areas.

Please include this letter within the Planning and Environment Meeting Agenda Package.

Sincerely,
Jennifer Robinson
2156 Valleyrun Blvd, London, On, N6G 5M7
Send your letter to this email list

Dear Members of the Planning and Environment Committee:

It recently came to my attention that the City of London is considering building two new bridges in the Medway Valley ESA, as well as 'upgrading' trails. I was surprised, because I think of this location as an area that needs protection from human encroachment, rather than enhancements that would serve to increase human traffic.

Information in the Medway Valley ESA Conservation Master Plan clearly states "The area provides significant habitat for rare, threatened or endangered indigenous species of plants or animals that are rare within the country, province or county". It also states "The area...provides habitat for species intolerant of disturbance or for species that require extensive blocks of suitable habitat". Building bridges, and creating hard surface trails in the ESA, albeit in locations deemed the least sensitive, seems counter to what this area needs in terms of protection.

I will admit to feeling conflicted by this. I appreciate the importance of people communing with nature for the sake of one's mental and physical health, especially in a time when so much interaction is via an electronic screen. However, I believe the health of our Environmentally Sensitive Areas is of utmost importance. Recommendations aimed at mitigating any adverse effects that may come from human disruptions are not as valuable as preventing the adverse effects in the first place.

I believe increasing human accessibility may be detrimental to preserving what is precious in this ESA.

Sincerely,
Sue Russell

Dear City Councillors, I am a long-term (over 20 years) resident of the Sherwood Forest area, who daily walks in, and greatly appreciates, the scenery and biological diversity of the Medway Creek. I am one of the many self-appointed 'garbage pickers' who routinely collects the bottles, cups, wrappers, impromptu plastic tents, and miscellaneous other garbage that walkers so thoughtfully 'donate' to the valley. There is no need for me to discuss the importance of the highly diverse plant and animal populations of this Environmentally Significant Area: The fact that the Medway Valley satisfies all seven criteria necessary for recognition as ESA says it all.

I wish to voice my strong opposition to the City's proposed plan to build a bridge across the creek, currently proposed for 'site D' on the city planning document. My primary reason for opposing this plan is, of course, the very great increase in pedestrian traffic, not to mention countless off-leash dogs (I count them daily!), and very probably, mountain-bikes, that would inevitably be attracted to, and funneled through, this convenient 'short cut' that would link the Windermere area (and of course the whole population of UWO), and the Sherwood Forest - Orchard Park area (including access to Sherwood Forest Mall).

I note:

1. That London City policy gives priority to the protection of Environmentally Significant Area *over and above* Recreation. The proposed bridge is in total contradiction to this policy.
2. The ESA's on both sides of the Creek are already perfectly accessible to all Ontario residents, disabled or otherwise, without the construction of bridges.
3. A final consideration is of an aesthetic nature: A bridge large and high enough to withstand Spring Floods will be an undisguisable eyesore. It has no place in this ESA.

Yours Sincerely
Dr. A. Guy Plint
Professor of Geology
UWO

March 2018

Chair and Members
Planning and Environment Committee
City of London

Dear Chair and Members,

I am writing to express my concerns regarding the Conservation Master Plan (CMP) for the Medway Valley Heritage Forest (MVHF) (South) Environmentally Significant Area (ESA) as it is currently written. It is my belief that proposed projects within the CMP are contrary to the primary management goal of ESAs, which is the protection of biological diversity and ecosystem services within the City, as outlined in the City of London's Official Plan. The MVHF ESA CMP places disproportionate emphasis on recreation and increasing visitor use in lieu of guaranteeing the environmental integrity of an urban green space housing threatened species.

Let me begin by being clear that I support children exploring nature. I sincerely believe that without regular access to the natural world around them, children will not become adults who appreciate -- and wish to conserve -- nature. I likewise acknowledge that regularly visiting provincial and national parks is not a luxury everyone can afford, and so it is incumbent upon us to offer the possibility for London's citizens to enjoy nature close by. And further, I acknowledge the value and importance of making nature accessible to those with limited mobility, as access to nature should be a right available to all. The City must certainly be mindful of the new regulations under the AODA that require all new or redeveloped trails to be accessible. City planners then have the difficult task of balancing all those needs with the duty to conserve the wild spaces of our city.

Even so, the evaluation of the MVHF trail system with the introduction of a new CMP does not signify that every Level 1 trail must automatically be upgraded to a Level 2 or Level 3 trail. Exceptions exist for retaining some narrow, low impact trails, particularly if widening a trail or providing connections would adversely affect plants and/or wildlife (especially species at risk) and/or would harm the ecological integrity of the area. It has been claimed in the CMP that evidence exists that people are currently crossing the river at both Site A and Site D. Yet, I believe that this is false, particularly at Site A. Late this summer (2017) after low rainfall, the creek at that point was clearly too deep for visitors to traverse. Moreover, there was no evidence (i.e. a trail or trampled plants) on the eastern bank of the creek to show visitors were accessing the river from that side. Furthermore, in the summer and early fall, from access point A5, only a single narrow trail, hemmed in by tall plants, led to the river. There was no evidence of visitors wandering off the path. One ascertains from this that there is no ecological justification for upgrading the Level 1 trail to a Level 2 or even Level 3 trail as visitors are not creating harmful informal trails, nor are they crossing the river at such a deep point; therefore, the proposals for the bridge and trail hardening have a solely recreational purpose and should be evaluated accordingly.

The assertion on page 35 of the most recent MVHF CMP Phase II report (March 2018) that "EEPAC's recommendation in Appendix D that 'Council reject any CMP that includes hardening of trails or bridge crossings of the Medway Creek' is in direct conflict with the Council approved Guidelines and AODA legislation" is likewise misleading. That claim would only hold true if the primary purpose of an ESA were to facilitate and enhance outdoor recreation in the city. However, recreation is a secondary concern of ESAs. The first page of the CMP clearly states: "Preserving the ecological integrity and ecosystem health of [ESAs] is the first priority." Since, conservation and preservation of threatened and unique habitats and species is the top priority, the CMP should

not include bridge crossings and hardening of trails that may directly and indirectly negatively impact the ecological integrity of this area.

We have also heard frequently in the course of this process that the establishment of hardened trail surfaces will better protect the species within the ESA. However, it is not proven that upgrading Level 1 trails to Level 2 or even Level 3 trails will stop users from wandering off designated paths; some visitors will simply want more of a “nature” experience than a hardened path can provide, and will seek those options out. On a trip to the MVHF ESA this past month, in an area near the proposed bridge at Site D, I witnessed eight visitors (and their dogs off-leash) walking throughout the grassy, sloped area beside the Level 2 trail loop that can be accessed by A19 or A18. These visitors did not even adhere to the *informal* trails that already crisscross this area, and which are plainly visible before the wildflowers and plants are at their full height. Clearly the Level 2 trail did nothing to keep people to the designated paths. This behaviour raises serious concerns for the future of the area located around the proposed bridge Site A and for those areas which house threatened plant species, such as the false-rue anemone. Moreover, allowing off-leash dogs to trample through grassy areas risks disturbing and/or harming nesting birds and other animals.

I am very familiar with the proposed crossing site at D, due to its proximity to my house, but site A was new to me before this process. I have made a point of visiting Site A through each season to assess the suitability of a bridge and hardened trails in that area. Each time it has been plainly evident that a bridge and upgraded trails are unacceptable for that area. On March 28, 2018 I walked the level 1 trail on the north side of the Medway, south of Fanshawe, which connects the wooden gate at A5 to the river edge (potential future site of the bridge). On the western side of this path, there is a wetland and it is obvious that during the spring, after the snow melts, this wetland extends almost to the river edge or, very likely, completely to the river during flood events. On this day, the path was hidden under ankle deep water, which I documented with photos. This presence of deep water over the path is significant because it means that no granular surface can be used to create the level 2 trail from the entry to the river; any product used -- pebbles, wood chips -- would wash away into the surrounding area and ultimately into the river. Moreover, directly beside the creek on the north/west side, there is a stretch of land that heads south, creating a little hidden bay. On this visit, I observed that the water from that bay was overflowing creating a small creek that was running into the Medway -- essentially a looped system around an island. Again, any granular surface used to create the level 2 trail in that area would wash directly into the creek, seriously harming aquatic species and their habitat. Therefore, the only solution would be to pave the entire section, from A5 to the proposed bridge.

Yet, it is precisely the paving of that section that I believe should be avoided. The portion of the MVHF south of Fanshawe and north and south of the creek is an extremely important piece of green space. Of course, one important difference between ESAs and public parks is that they are areas which are primarily for the benefit of plants and wildlife, and serve as biological stepping stones for migrating species in the highly fragmented environment of southwestern Ontario. Paving this section of the MDHF with a 1.5-2m wide trail would significantly alter the “natural” feeling of this area, more consistent with a park than a protected area. In the summer, the area is thick with plants, especially milkweed, and full of insect activity. The insects are so loud in that portion of the ESA, as are the birds that feed on them, that they drown out the sound of the Fanshawe Park road traffic. Indeed, that region is so full of wildlife and plant life that one readily forgets that one is in the confines of a city. Installing two bridge structures and criss-crossing the ESA with hard surface or similar wider trails will have serious impacts on the area. Beyond the actual installation of the structures, the increased visitorship and its associated issues -- litter,

dogs off leash, bike use, illegal harvesting of plants, spread of invasive species -- will have repercussions for years to come, altering the behaviour of the animals inhabiting the area, likely even forcing them to find a home elsewhere.

I firmly believe that the City must exercise caution before building any bridges across the Medway and should reconsider turning a number of Level 1 trails into Level 2 or even Level 3 trails. Once the proposed structures are introduced to the ESA, it is highly unlikely they would ever be removed, even in the face of overwhelming evidence that the changes have negatively impacted the region. The area around Site D has seen a sharp increase in use since the last CMP and has since lost much of its "wild" feel. I am not suggesting that it is bad that that area is so heavily used; we should encourage appreciation of our green spaces and physical activity. However, that section of the ESA can serve as a benchmark for what one could expect if the area around A5 were paved and if a bridge were installed there -- a gradual shift to a relative biological desert as some species disappear due to disturbance and/or invasive species move in as the region becomes stressed. I am convinced these structures have the potential to damage the biological integrity of the ESA and to put further stress on threatened species, such that the ESA will lose the element that made it special and worth protecting in the first place.

It is possible to allow for quality trails for those with mobility restrictions, while still retaining Level 1 trails, such that some particularly wild or less-disturbed areas can remain in such a state. The natural environment in Southwestern Ontario is under considerable pressure due to its growing population and expanding development. Housing and various infrastructure projects are carving out ever greater sections of farm land, forested areas and even wetlands creating a fragmented landscape that hinders the passage of wildlife and removes plant life. The stresses on these species and the need for natural landscapes will grow as the effects of climate change become more prevalent in our province.

In the end, the issue hinges on a misinterpretation of the priorities and goals of ESAs. It bears noting that according to Policy 1367 of the London Plan, "Environmentally Significant Areas (ESAs) are large areas that contain natural features and perform ecological functions that warrant their retention in a natural state." London is not immune to urban expansion and the loss of green spaces, and already London is experiencing some of the effects of climate change, such as unpredictable weather patterns, pollution and the urban heat island effect. The City should do everything it can to safeguard its Environmentally Significant Areas for the vitality of the municipality, for the health and wellbeing of its current and future citizens, and for the continued survival of its threatened species.

Sincerely,

Carol Dyck
MSc (Oxford), LL.M (Kent)

Dear Planning and Environment Committee,

As a citizen of London, I spend much time walking the pathways of our city, and although I appreciate being able to enjoy many areas to commune with Nature, I do find it disheartening to learn that more concrete bridge areas and paved pathways are proposed to be built in London north along Medway Creek. I understand as well that the installation of these bridges will not only cause much damage to the natural surroundings during construction, but will also further endanger an already threatened plant, the False Rue Anemone.

According to the natural Heritage Master Plan it has been stated that we will protect locations deemed to be environmentally sensitive. It would therefore seem clear to me that the region in which these plants are located would qualify under the ESA category. Perhaps councilors and city staff are not aware that there are only 5 relatively small locations in Ontario in which this fragile plant exists and London is one of them. We should be proud to be part of 'owning' this status and the opportunity to protect this sensitive, flowering plant.

The proposed area for the bridges is in a small location of forested land with not much room to, a) bring in large heavy equipment, and b) to make pathways which are conducive to a forested setting, without doing much damage. The natural areas from this location running towards the Gainsborough area are heavily forested and the pathways are narrow and a lot of trees, plants, flowers and bushes would be destroyed building a 'connecting system'. Also as far as accessibility is concerned, there are entrance locations where no wheelchair would be able to gain access, for example from Glenridge Cres.

One of my own main concerns is the use of bicycles along the pathways. I have walked in many areas, especially forested places where aggressive cyclists go speeding along without concern for the walkers, let alone the environment. Not only do I often not feel safe, the bikes really do damage the plant life. Generally speaking, many cyclists do not follow the rules on the designated signs. The signage is not always specific and clear. My suggestion would be, if there is a pathway not suited for bicycles, then large signs could simply read: NO BIKES! People whizzing through on bikes will not see, and/or ignore, the instructions with tiny logos with circles and X's on the current signage with a long list of information on them. These natural locations are made for people to observe and enjoy them, and I feel that most cyclists are actually there to speed through for the thrill of racing. Personally, I think they are not much interested in nature, and even further, if the intention is speed and thrills, I feel they have no business being there.

In conclusion, to quote the city's Master Plan, I feel this proposed project does not "protect or enhance the ecological integrity of the ESA". Therefore, it would appear to me that if a municipality deems itself to designate areas as 'sensitive' in the Master Plan, then they should carry out these intentions. Otherwise why bother making these statements? Perhaps it's time to put your money where your mouth is, as the expression goes. Speaking of money, as a tax payer, I do not think we should be spending our budget will nilly on such of projects. (Do we even have the budget?) We have homelessness, hunger and lack of affordable housing issues which could use much financial attention.

Thank you for your time and attention to this issue, Margo Does 161 Bruce St. London ON

2018 April 05

To: PEC

From: Susan Hall, alternate representative from EEPAC on the LAC for the Conservation Master Plan Phase 2 for the Medway Valley Heritage Forest ESA (south)

Re: Decision making process and role of the LAC

I am writing to comment on the process that was used to solicit and use public opinion (primarily opinion from the members of the LAC which included representatives from community groups and 2 City of London Advisory Committees) for the development of the Phase 2 CMP for the Medway Valley Heritage Forest, south.

The Terms of Reference of the LAC, (described in *Appendix B: Local Advisory Committee Terms of Reference and Meeting Minutes* in the March 18 draft) is “to provide an opportunity for small group discussion with those who are identified stakeholders related to the Medway Valley Heritage Forest (south) ESA. The LAC is an advisory committee and is not an approval authority. The group will discuss and provide feedback on the Phase 2 work to achieve the following specific objectives:

- Review information provided and provide input and insight related to Phase 2 of the CMP;
- Provide input and insight related to the consultation with the broader community;
- Represent diverse perspectives and interests; and,
- Work collaboratively to try to resolve issues ”

As outlined above, the meetings included opportunities to clarify and provide feedback in different ways including verbally, and through writing (electronic table format). Two meetings of the LAC were held before the public input session. Representatives sitting on the committee expressed a variety of different viewpoints. Some wanted bicycle paths that were continuous with the paths north of Fanshawe Park Road, others accessible options, some wanted minimal change.

Electronic, written comments provided by many of the LAC members indicated a clear opposition to crossings. Though positions were different, everybody cared.

At LAC meeting #3 which took place after the public information and input session a potential plan was presented which included 5 different locations for crossings.

When asked how this decision was made given the nature of the written comments it was explained “that while the LAC comments are under consideration there was other feedback from the public that also has to be considered and reviewed with the Guidelines which included requests for connections and crossings.” (*p. 2, LAC #3, Appendix B*) The facilitator “provided more clarity to the LAC on the engagement/survey process and that, with multiple platforms being used, comments have to be carefully considered as the comments are not weighted. The process was not intended to be one of statistical sampling/data collection for decision-making. Comments received during the engagement process from the public and the LAC to date were used to identify items for consideration in the Draft CMP and review with the Guidelines for Management Zones and Trails in ESAs rather than being tabulated to make decisions (*p. 3, LAC #3, Appendix B*)”.

The above rationale is open to interpretation and it doesn't provide a clear answer. It felt, though, like the comments made by LAC members had little value or weight in this decision. What then is the role of the LAC and why go through this process when greater weight appears to be given to the general public's input?

As mentioned above, one of the roles of the LAC is to “work collaboratively to try to resolve issues”. I don't believe that this happened. At the final LAC meeting, representatives were asked if they could endorse moving the plan forward to the public and Council. Only 4 out of the 12 present felt that they could endorse the draft CMP. A process encouraging collaboration or perhaps consensus might have produced different results. As an alternate LAC representative I would have been interested in knowing, for example, what accessible meant to the ACCAC and how that was operationalized for path surfaces and connections. How might common ground be reached in this process so that more members felt that they had used their time to make a positive contribution towards the next stage of the Medway Valley Heritage Forest (south)?

The Medway Valley Heritage Forest (south) is such a beautiful area and truly a jewel in the City.

In conclusion, a clear, open process using consensus building might have led to a more positive outcome. This would have mirrored the level of care and hard work that many, individuals and groups have put into the valley.

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To: Planning and Environment Committee, City of London

Re: Conservation Master Plan for the southern portion of the Medway Valley Heritage Forest Environmentally Significant Area (MVHF ESA)

I am writing to you to support the recommendation of Nature London's Conservation Action Committee that the proposed construction of two pedestrian bridges over Medway Creek, as recommended in the Conservation Master Plan, be removed from the Plan.

My understanding is that the purpose of Environmentally Significant Areas is to protect the ecological integrity of areas of the City designated for their special qualities. I believe the construction of the bridges could be more detrimental to the ecological integrity of the MVHF ESA than deleting this portion of the plan that is more concerned with connecting neighbourhoods than contributing to enhanced protection and conservation.

I understand that should the bridges be constructed they would need to be in compliance with the *Accessibility for Ontarians with Disabilities Act*, but if no bridges are built this is a moot point.

As a biologist and naturalist, I am naturally concerned about the substantial loss of habitat for native species in the Carolinian Zone of Canada, and this is exemplified by the threatened vascular plant, the False Rue-anemone (*Enemion biternatum*), which occurs in all of Canada only as scattered populations in southwestern Ontario (http://www.sararegistry.gc.ca/species/speciesDetails_e.cfm?sid=249). Currently only six populations are extant, with the largest population in the MVHF ESA.

Human activities, due to the proximity of False Rue-anemone populations to public areas and trails, are the main threat to this species and at this point it is reasonable to assume that construction of the proposed bridges would increase the threat in the MVHF ESA and this proposal should therefore be removed from the Plan.

Thank you for taking my views into account in your deliberations.

Yours sincerely,

Gordon Neish

Gordon Neish, PhD
1706 Ironwood Rd
London, ON N6K 5C5

From: Rich Duench
Sent: Wednesday, April 04, 2018 3:21 PM
To: PEC <pec@london.ca>
Cc: Squire, Phil <psquire@london.ca>
Subject: The proposed bridges in the Medway Valley ESA Damage its ecological integrity

Hello,

I am writing to voice my serious concern about the 2 proposed bridges in the Medway Valley ESA in the area South of Fanshawe Park Road over Medway Creek and the damage that they will inflict on a pristine natural area. The rationale for installing these bridges does not coincide with existing City of London policies.

Section 2.1 (**Policy for Trail Planning and Design**) in the City of London's Guidelines for Management Zones & Trails in Environmentally Significant Areas clearly states on Pages 4&7 that the focus within ESA's is ecological function, ecological integrity and protecting the natural features and the use of pedestrian bridges should be 'for the purpose of protecting ecological features and functions.'

Further; the 'Policy Guidance on Harm and Harass under the Endangered Species Act' states that 'In specific cases where the anticipated effects of an activity on a member of a protected species cannot be predicted with reasonable confidence, determinations will generally err on the side of caution in favour of affording greater protection to the species'.

The London Plan section of 'Why is Natural Heritage Important to our Future' states that ESA's (including the Medway Valley) 'shall be protected and managed to improve their ecological integrity...'

Please consider the above and arrive at a different solution for trails within the Medway ESA that do not include bridges that will harm this environmentally sensitive area.

Best regards,

Richard Duench
121 Wychwood Park London, ONN6G 1R8

Planning and Environment Committee, City of London
267 Dundas Street, Third Floor
London, ON N6A 1H2

Subject: Conservation Master Plan for the Medway Valley Heritage Forest ESA (South)

Dear members of the Planning and Environment Committee,

I am writing to express my support for the Conservation Master Plan (CMP) for the Medway Valley Heritage Forest ESA prepared by Dillon Consulting Ltd. to be considered by the Planning and Environment Committee on April 16, 2018. The Medway Valley Heritage Forest is an extraordinarily unique and sensitive ecosystem. In particular, the concentration of rare and threatened plant and wildlife species found in the ESA is significant at a national level – at least one plant species in the ESA is found at only a few other locations in Canada and at least two other plant species have highly restricted ranges within which the ESA represents an important refuge. Many Londoners might be surprised to learn that such a remarkable density of rare and sensitive species exists in their own backyards!

Urban natural areas face unique pressures and challenges which are not experienced by rural natural areas. In particular,

- the volume of recreational use by humans is substantially greater in urban natural areas than rural natural areas, which inevitably leads to micro-fragmentation of natural habitats through the creation of informal trails;
- edge effects, such as invasive species propagule pressure, are magnitudes greater at the urban-wilderness interface than at the rural-wilderness interface; and
- harvesting of wild plants in urban natural areas can lead to species extirpation, a particular concern with regionally and provincially rare species.

Natural habitats in cities across Canada experience these effects, sometimes leading to severe degradation of the health and biodiversity of those ecosystems. The Medway Valley Heritage Forest ESA is no exception. As London continues to grow, the human pressure on the ESA will inevitably grow with it and will directly threaten the health of the ecosystem and the species it supports.

The CMP represents a proactive, pragmatic approach to environmental management in the ESA. It is by far the most thorough and detailed inventory of the biota of the Medway Valley Heritage Forest ever completed and reflects the efforts of expert naturalists, many of whom I know personally. The management strategy outlined in Section 3 of the CMP includes a management zones approach more often seen in National and Provincial Parks than in municipal natural areas. Specifically, the management zones approach to trail management (Section 3.4.1 of the CMP) will ensure that a formal trail network is established in the ESA that avoids sensitive species and habitats while still allowing the community to enjoy the space. While it may be tempting to manage human pressures on urban natural areas by simply restricting access or not providing facilities such as trails, this management approach is not effective in an urban setting. On the contrary, providing well-maintained trails and linkages will allow the community to enjoy this remarkable area while avoiding sensitive habitats and reducing the ecological impacts of unmitigated recreational use.

The CMP to be considered by the Planning and Environment Committee on April 16, 2018, is the most recent of numerous iterations of that plan – the product of over three years of public engagement and site investigations by expert naturalists and planners. It also stands out at a national level as a unique and progressive approach to natural area management not often seen in Canadian municipalities. For these reasons, I would like to express my support for the efforts made by my peers at Dillon, by City staff, and

by numerous members of the public in producing the CMP. Please feel free to print and include this letter in the Planning and Environment Committee agenda for April 16, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'WVH', with a long, sweeping horizontal stroke extending to the right.

Will Van Hemessen, B.E.S. (Hons.)
Terrestrial Ecologist, Parsons Inc.
440 Emery Street East
London, ON N6C 2E7

April 5, 2018
Chair and Members Planning and Environment Committee
City Hall London, Ontario

Dear Chair and Members, Planning and Environment Committee:

Re: Comments on Draft Medway Valley Heritage Forest ESA (south) Conservation Master Plan

I have been following the Medway Valley Heritage Forest Environmentally Significant Area (South) Conservation Master Plan (MVHF ESAS CMP) process closely, have attended public information centres, and have submitted comments to the Planning Dept during the process. The CMP does have many worthy proposals, but it also raises environmental concerns. Below are my comments and concerns about the draft MVHF ESAS CMP that City Staff will present at the meeting on April 16. I hope the Planning and Environment Committee (PEC) will give these careful consideration.

- 1. The CMP is inconsistent with the London Plan because it does not place protection of natural features and ecological functions for which the ESA has been identified (the *primary* management goal) above provision of public access for recreational and educational purposes (the *secondary* objective). ESAs in our city are refuges for wildlife and provide protection and habitat for special vegetation communities, rare species and/or species at risk listed under COSEWIC and/or COSSARO, and special landforms and hydrological features. They are not gardens or City Parks designed and engineered with form and function foremost in mind to cater to human recreational use. The basic flesh and bones (natural heritage features, ecological habitats, biodiversity, and landforms of the ESAs) are already there and the CMPs should protect and enhance these natural attributes. The *Guidelines for Management Zones & Trails in Environmentally Significant Areas* (henceforth referred to as the Guidelines) should not be used to justify unnecessary manipulation or management of any ESA to provide access and recreation. There are many City Parks that provide opportunities for access and recreation for both able-bodied and disabled persons.**
2. I have concerns that, just because there is now a Guidelines document, there seems to be an irresistible urge on the part of City staff and consultants to place trails in some sensitive areas of the ESA, which might be better left off limits to public use. For example, in and close to areas of species at risk (False Rue-Anemone, etc.) and sensitive vegetation communities, even though there may be a Utility Overlay for the trunk sewer in these areas.
3. I do not support the pedestrian bridges proposed at Points A and D, crossing the creek, because it is my opinion that these are not appropriate for the ESA, especially with three large west-east bridges already spanning the north portion of the MVHF ESA. I cannot agree that such crossings are needed, and I think the existing Level 1 trails in the vicinity of Points A and D are adequate and should not be hardened to Level 2 trails. The protection of the sensitive ecological features of the ESA, including the creek banks and creek itself, should trump accessibility requirements of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). There are other, environmentally less sensitive, parts of the MVHF ESA where access for the disabled is provided. Furthermore, approximately 82% of respondents

(the majority being able-bodied, I assume) who completed the City's MVHF ESAS CMP Survey in June 2017 did not support connections across the creek, so I see no reason why the City is using the AODA to justify providing bridges across the creek for disabled persons. To cite the AODA's Ontario Reg. 191/11 requirement to justify building bridges is to extend it beyond its legitimate application. Nothing in the AODA or its regulation requires the City to build bridges where none currently exist.

4. The proposed pedestrian bridges across the main creek will have to be a much larger and more intrusive structures than the bridge over the small tributary near the Metamora entrance, which has been used disingenuously by City staff in previous drafts of this CMP as an example of a creek crossing when main creek crossings were considered.
5. I participated in the June 2017 Survey about trails and linkages and was disappointed to find that the review and compilation of the results by the consultants was not done quantitatively or statistically. I understand that only 18% of the trail survey respondents supported enhanced connectivity, a clear minority of the respondents, whereas a significant majority opposed enhanced connectivity, especially across the main creek. This begs the question, "Why bother asking for public feedback if it isn't to be taken seriously?" Did the results not meet the City's expectations?

Thank you for the opportunity to provide comments on the MVHF ESA (South) CMP, which I hope will receive your careful consideration.

Sincerely,

Anita Caveney.

46 Kingspark Crescent London, ON N6H 4C4

Cc: Heather Lysynski, for placing on the meeting agenda of the Planning and Environment Committee for April 16, 2018.

Chair and Members of the Planning and Environment Committee of City Council
London City Hall
300 Dufferin Avenue
London Ontario

Respected Chair and Committee Members

I am writing to voice my strongest objection to the City of London's plan to build pedestrian bridges in the Medway valley, as detailed in the Conservation Master Plan for the Medway Valley Heritage Forest ESA (Southern Portion).

The plan is founded on the belief that pedestrian bridges will positively impact this region and serve the needs of the community. Nothing could be further from the truth.

As a homeowner whose property overlooks a hardened footpath into the Medway Forest, I can assure Members of the Committee the area is already accessible. In the summer, I see one elderly gentleman regularly drive his motorized scooter along the trails to fish in the Creek. I also regularly see families with children in strollers, horseback riders, cyclists, campers, and revelers with bottled alcohol.

Existing trails already serve the needs of the community by providing ready access to a precious ESA.

What the area needs – and I plead with Committee Members to consider this – is protection. The Medway faces a number of ecological threats, including invasive species, open camp fires and broken glass, dumping of garden waste, and bank erosion by flash flooding. By-law violators act with impunity, as the City has eliminated by-law officers. Rather than spending huge sums of money building bridges, the city needs to invest in the integrity of the ESA!

I therefore urge Members of the committee to commit to a bridge-free plan – one that will be decidedly less expensive and respects this area for what it is: an ESA.

Sincerely,

J Bruce Morton
11 Doncaster Avenue
London

Sent: Sunday, March 04, 2018 10:56 AM
To: Morgan, Josh <joshmorgan@london.ca>
Cc: PEC <pec@london.ca>
Subject: Medway Valley Heritage Forest Environmentally Significant Area

Dear Josh:

I am writing to you out of concern about trail and bridge development plans for the Medway Creek watershed south of Fanshawe Park Road, and their potential effects on a plant species identified by the Federal Recovery Strategy under the Species at Risk Act as “Threatened”.

In particular, the False Rue Anemone has been identified in the work done for the Conservation Master Plan that is going to the Planning and Environment Committee on April 16th. This plant and its habitat are protected under Provincial legislation. There are only nine zones where this plant has been found in Canada, and all are in the Carolinian zone in Southwestern Ontario, mostly in London. This species blooms only in Spring.

While there is a narrow walking trail through the habitat of this plant, it is my fear that the provision of new trails and new bridges sanctioned by the City will encourage more foot and bicycle traffic. This, in turn, may encourage off-trail activity and irreversible damage to the plant habitat. Soil compaction from such activity has been identified as a major threat to the survival of this species, as well as flower picking.

I realize that some form of trail development is inevitable, but I also think that this particular zone should be re-examined for alternative routing. Additionally, I would encourage the City to consider posting signage along the trails that simply and clearly inform visitors of the risk to the habitat, and strictly prohibits departure from the trails. This would also require additional money for monitoring and enforcement which should be provided in future budgets.

Thank you for your interest in this matter.

Regards

Gordon Wood

cc. Planning & Environment Committee for inclusion on the agenda when this matter is before the Committee

From: Catherine
Sent: Monday, February 05, 2018 11:38 AM
To: PEC <pec@london.ca>; Hubert, Paul <phubert@london.ca>
Subject: Medway Valley Environmentally Significant Area

To the Planning and Environment Committee and my Councillor, Paul Hubert:

I am writing to express my concern and objection to the proposed bridge crossing the creek south of Fanshawe Park Road and paved paths on both sides. The proposed paved trail will be too close to a threatened plant and an increase in foot traffic, bikes, and off leash dogs will destroy this crucial habitat. A narrow and natural trail already exists.

The focus should be on protection of the environment in an ESA, not to turn them into parks. Please focus instead on restoration work and removing invasive species.

Could you please include this letter in the agenda when the Medway is being discussed.

Again, I urge you not to adopt the plan and it currently reads.

Thank you.

Catherine Blake

18 Braemar Crescent

From: James B Davies
Sent: March 28, 2018 5:41 PM
To: Morgan, Josh <joshmorgan@london.ca>
Subject: Bridges over the Medway River

Dear Mayor and Member of the Planning & Environment Committee of City Council,

My wife and I are 30+ year residents of the Sherwood Forest area. My family has made many visits to the Medway Valley Heritage Forest Environmentally Significant Area over the years. We have always tried to respect this as an environmentally significant area, and taught our kids (now grown) to treat it that way. The kids even contributed to the improvement of the area by participating in the careful planting of indigenous species of bushes and trees in the meadow just south of the Windermere Rd/Gainsborough Rd line that was organized by the former Sherwood Forest Elementary School. The valley matters a lot to us, as does its designation as an environmentally significant area.

We are strongly opposed to the proposal currently being considered to put two bridges across the river. This proposal moves in the direction of making the valley a recreational area. It will encourage traffic across the river, bringing not only more pedestrians, but also bicycles and possibly unauthorized motorized traffic at certain hours. All of this is likely to degrade the environment, with paths being widened, plants trampled, birds and other animals displaced and so on. There are lots of other recreational areas and opportunities available. It isn't necessary to wear down one of the city's genuine environmental treasures to augment those opportunities.

While I recognize that the interests of residents in Sherwood Forest and Orchard Park are not the only ones you must consider, it is also important to recognize that putting in these bridges will have a significant negative impact on many residents of our area. Many of us chose to live here in no small part because of proximity to the valley. For example, it was after walking from the university to Longbow Road through the valley that we decided to put an offer on our house here, back in 1983. We really value the peace and serenity of the valley, and the natural environment it preserves. So, although there might be some residents of other areas who would feel that they would gain from the bridges being installed, there would also be a large group of losers in our area. I hope you will take that into account most seriously in your deliberations.

Sincerely,
Jim Davies
60 Longbow Road

City of London
Planning and Environment Committee
April 4, 2018

Attention: Chair - Councillor S. Turner

STONEBROOK HEIGHTS/UPLANDS RESIDENTS ASSOCIATION COMMENTS: Conservation Master Plan
Phase II Medway Valley Heritage Forest ESA (South)

Upon reviewing the above in conjunction with Guidelines for Management Zones & Trails in ESA'S (May 2016), we provide the following comments:

This ESA provides significant habitat for rare, threatened or endangered indigenous species of plants or animals that are rare within the country, province or county.

In particular, this ESA also contains the largest concentration IN THE COUNTRY of the threatened provincially significant flora species, False-rue Anemone, first found in the late 1980's. Yet, until recently, there has never been any enhanced effort over the past 20 years of study to acknowledge or reduce threats due to increased traffic through Medway Valley's ESA. Now the report recommends increasing traffic in this sensitive natural area.

The issue of providing paths through ESA'S has been problematic. The reality is these areas become akin to an off-leash dog park, bicycle paths for all (vs restricted to only bicycles for children as per guidelines) and encroachment into habitat which is meant to be protected i.e. straying off paths.

As the number of people accessing the ESA increases, the threats to and damage sustained by flora, fauna, animals, habitat etc. within the ESA also increases. Protection as identified under 1.2.2 Guiding Principles (Page 10 of the Conservation Master Plan, as well as the Guidelines and London Plan), is reduced vs maintained, and certainly not enhanced.

One might consider that the increasing pathway systems through ESA'S is becoming akin to cut-through traffic in local neighbourhoods (vs arterial roads which are designed for heavy traffic). The inclination to provide increased connectivity is not in the best interest of ESA'S, nor the reason they exist.

The notion to create bridge crossings is contrary to Guidelines for Management Zones and Trails in ESA'S and City Policy which places ecological protection over recreation.

An ESA exists and is to be protected, in and of itself. It does not exist to provide transportation through it, with a specific intent to connect within a neighbourhood. Pathways are provided specifically for folks to be able to passively appreciate, educate and ensure enhanced protection from excessive intrusion.

SUMMARY

We support and recommend:

- . enhanced protection of species at risk in Medway Valley ESA
- . specific strategy defined, implemented and actively monitored with regards to the False rue – Anemone.
- . improve monitoring of ESA's by UTRCA i.e. currently, 4 staff monitor 9 ESA'S. From a budgetary viewpoint, reducing expansion of pathways allows for improved monitoring. A portion of those savings should be allocated to increasing UTRCA staff positions specifically related to ESA monitoring.
- . we note trail construction require piping and drainage. As these trails expand, the ESA will be drier, rather than maintaining current water levels. Species and animal habitats will be further endangered.
- . improved signage, including: bicycles are allowed only for children, dogs must be leashed, better trail signs to ensure traffic remains on pathways.
- . budget be established to protect the ecological integrity and ecosystem health of the Medway Valley ESA, noting same shall have priority in any use or designation.
- . planned bridges crossing Medway Creek be eliminated, as they do not protect – rather, they will result in more harm.

Stoneybrook Heights/Uplands Residents Association
Gloria McGinn-McTeer

April 4, 2018

CC: Councillor M. Cassidy

From: Peter Pendl
Sent: March 29, 2018 4:16 PM
To: Morgan, Josh <joshmorgan@london.ca>
Subject: medway creek project

Hello Josh,

My name is Peter Pendl and I reside at 74 Green Acres Drive. I am writing with regard to the proposed Medway Creek development. In short, the proposed access between 74 and 84 Green Acres Drive will wreck our neighbourhood by adding foot and bicycle traffic, parking on our lawns, possible crime and removing the calm, country-like feel of the neighbourhood for daily walks, children's play areas and interactions. There is no need for a paved trail to be put here.

We know the city owns this road/driveway between our homes but both homes were approved and built with the road being used as access to our garages. Nothing has been done with this space for over 60 years. By placing a paved trail down the middle, it will hinder access to our garages and destroy a 200 year old willow tree in the middle of the trail.

When I say there is no need, this is in response to looking at the city plan. There is a path through the ravine with planned bridges that will connect the north and south, east and west, and a quick route for cyclists already exists straight along Ambleside to Western Road. Andrew MacPherson should not be allowed to upheave our neighbourhood for the sake of another. When we purchased our home in 2015, we chose this neighbourhood for the country-like feel in the midst of the city and paid the prime for the property to be here. If we wanted to live on a thoroughfare, we could have chosen another neighbourhood and purchased a home at less cost.

We've been in contact with Andrew since 2016 to discuss the road/driveway. He said he would get back to us if there were any discussion or plans for the space. Now, we have discovered that there has been a two year planning process, and we were not involved. In fact, no one from our neighbourhood was involved and only found out about the plans by accident last week. We are now following up. We have a petition from the neighbourhood and plan on attending the April 16 city meeting to share our stance against this.

We wanted you to be aware of this background before the meeting. Please say if there is anything we can or should do in the mean time. We are considering consultation with a real estate attorney. Do you think we should bring them to the meeting? I'm asking Andrew for a meeting to discover more information about how the process got to this point in our absence.

Thank you,

Peter Pendl & Allyson Vanstone

Monday, February 12, 2018

Chair and Members

Planning and Environment Committee

Regarding: Conservation MasterPlan Phase II, Medway Valley South ESA

No Footbridge across the Medway.

“Preserving the ecological integrity and ecosystem health of these features is the first priority.” This is what this City of London Council has said to Londoners.

I have read through the Conservation MasterPlan Phase II, Medway Valley South ESA document, studied the maps and plans, and over a period of 31 years, walked through most of the Medway Creek trails from Snake Creek through to the Thames River Trail system.

I believe, there is no place for a bridge across the Medway Creek. The construction with its connecting trails, including hardened trails, cannot be installed without irreparably damaging the delicate topography, flood plains, and flora, and negatively impacting wildlife along this corridor. Your policies in your Guidelines say in every case, that nature comes first.

I am accountable to my grandchildren and future generations. They deserve what we have and we must not spoil it. This is not a park.

The topography is varied with steep cliffs, wetlands and a creek that can range from a small stream to a raging fast moving river that overflows its banks.

In this southern section of the Medway ESA, I have sighted herons flying low along the creek, or standing silently and still in the creek at various locations. The kingfishers also are active along the creek and bordering trees, as they fish and nest. Snapping turtles have come out to lay eggs in the sandy spots in the field, baby turtles have walked back to the creek after hatching. Muskrats and beavers have been seen too during quiet walks.

All this and more, is unsustainable if there is a significant increase of traffic. This proposal would increase human activity and thus jeopardize the ecological integrity of the Medway ESA. My naturalist readings link loss and degradation of habitat to loss of species, and the increased usage and trails through sensitive areas will most certainly degrade the ESA.

There is a reference in the Consultants Report, to paths being wet at the creek edge, and suggesting that people do indeed try to cross the Medway. This “evidence” does not justify the need to cross the creek. These muddy spots have been created by loose dogs bounding through to the creeks edge to cool off in summer, and they are even encouraged to go in when their owners throw objects into the creek for their dog to fetch. I have seen many more off leash dogs than humans churning up the banks.

The Guide also states “trail planning and design should address ecological sustainability to avoid impacts to ecological features and functions”.

I am extremely concerned about any construction in this southern Medway ESA. An example of past construction is when trails were “improved” at the entrance from Longbow Road westwards towards

the creek; the original 10,000 year old geological bench features, evidence of repeated glaciation retreats, were destroyed by this construction, and as well, in the first heavy rainfall the new trails washed out spreading sand and grit off trail.

Quotes from Masterplan used as references for my letter.

“Preserving the ecological integrity and ecosystem health of these features is the first priority. “

40 hectares is 0.4 km square, ie 400metres by 400metres.

Objectives

“The objectives for this CMP are summarized below:

(b) Naturalization: Prepare a strategy and priorities for implementing naturalization projects within or adjacent to the ESA to protect ecological integrity.

Wildlife Habitat: Identify a sustainable monitoring and adaptive management program for the benefit of key wildlife habitat areas within the ESA, including Species at Risk habitat.

While ESAs are protected by their inclusion in the Green Space Place Type under the London Plan, additional measures to provide for their protection, management and utilization are considered necessary.”

The Guiding Principles themselves preclude a bridge!

“Natural features and ecological functions for which the ESA has been identified shall be protected.

-

The ecological integrity and ecosystem health of the ESA shall have priority in any use or design-related decision.

-

A properly designed and implemented trail system appropriate to specific management zones and reflecting sensitivity of the natural features will be implemented to achieve the primary objective of protection and the secondary objective of providing suitable recreational and educational opportunities.”

London’s Humane Urban Wildlife Conflict Policy provides direction for wildlife and identifies that:

“The City is committed to upholding high standards of animal welfare, including the humane treatment of wildlife. The City will strive to not interfere with wildlife and their natural processes where possible; and will strive to implement proactive and preventative measures in order to promote coexistence, and to prevent potential conflicts where possible.”

“As identified in the Guidelines, trail planning and design should address:

Ecological sustainability to avoid impacts to ecological features and functions.

Physical sustainability of the trails and/or structures so they retain their form and function over time and can withstand the natural forces acting on them.

Stewardship of the greater community to foster a sense of individual and collective responsibility for the protection of the ESA”

With respect to a bridge crossing to access one side of the Medway Creek to the other, this statement is not true.

“All options were confirmed to be in compliance with the Guidelines.”

Judith Nesbitt

The Chair and Members of the Planning and Environmental Committee

I am writing to express my concern about the importance of protecting this ESA. ESA's are not parks. Building a bridge and a hardened surface in this area threatens the ecological integrity of the area. This is an area that is the habitat of a rare spring plant. It will be impossible to protect a species at risk if there is an increase in the number of visits and dog walkers in this area. I agree it is important for people to be able to visit natural areas of our city but it is also important to weigh this against the damage that increasing numbers is likely to do. I sincerely hope that you do not adopt this plan to build a bridge and hardened path in the Medway Valley Heritage Forest ESA.

Connie Boles
455 Piccadilly Street,
London, Ontario
N5Y 3G4

From: Doug Bickford
Sent: Tuesday, January 30, 2018 1:36 PM
To: City of London, Mayor <mayor@london.ca>; PEC <pec@london.ca>
Cc: Squire, Phil <psquire@london.ca>
Subject: Conservation Master Plan for Medway ESA

I am writing to express my dissatisfaction with the current draft of the Conservation Master Plan (CMP) for the southern part of the Medway ESA which is to be presented to the Planning and Environment Committee of Council on February 20. Specifically I do not support any bridge crossing or widening/hardening of trails in this environmentally significant area, and fully believe they threaten the ecological integrity of the Medway ESA. The purpose of an ESA designation is to protect, preserve and promote environmental strength and health of the area, in contrast these two recommendations will lead to additional foot, bicycle traffic, etc which will negatively impact this special part of London.

I am asking for these two recommendations be removed from the plan.

Doug Bickford

64 Doncaster Place

London ON N6G 2A5

ORCHARD PARK SHERWOOD FOREST RATEPAYERS



January 24, 2018

Chair and Members
Planning and Environment Committee
City of London

Re: Conservation Master Plan for the southern portion of the Medway Valley Heritage Forest
Environmentally Significant Area (ESA)

Based on the recommendation of Professor of Biology, Dr. Greg Thorn, our representative on the Local Advisory Committee for this project, we cannot support the proposed bridge and trail hardening. The large majority of our members at numerous meetings over the years have opposed such "denaturalization" of this ecological gem each time it has been proposed by staff (most recently 2008). We ask that you close off this matter by deleting the proposed bridge and trail hardening from the Plan and also pass a motion that it is the position of Council that there will be no additional bridge crossings of the Medway Creek in the Environmentally Significant Area.

A representative of our Executive will speak at the Public Participation meeting on this matter and provide additional information.

Sincerely

Sandy Levin
President
Orchard Park/Sherwood Forest Ratepayers
59 Longbow Road
London, ON
N6G 1Y5

Cc: Councillor, P. Squire

From: Jackie Farquhar, 383 St. George St. London, ON N6A 3A9.

To: Members of Planning and Environment Committee: Jan 31st 2018

Re: Medway Valley Heritage Forest –
PEC – Meeting Tuesday February 20th, 2018

As a long time citizens of London, myself, family & friends have enjoyed walking the beautiful MVHF for many years. We access either via Elsie Perrin Williams Estate or Gainsborough Road and appreciate both sides of Medway Creek which is **an environmental gem** in this urban setting.

It was distressing to hear that the City is considering constructing a large and unnecessary "crossing" plus paved approaches, over Medway Creek which will undoubtedly spoil the present peaceful ambience and disrupt the natural vegetation/species that thrive presently in this treasured environmentally sensitive area.

The City of London is to be commended for the excellent accessible public pathways that presently exist and are being expanded enabling ALL USERS to access the River Thames path north and south for recreational purposes. IN MVHF, YOU HAVE DONE THIS NORTH OF FANSHAWE. ENOUGH IS ENOUGH - WE DO NOT NEED MORE SOUTH OF FANSHAWE.

I live in Old North and was not aware of the MVHF infrastructure plans until I was alerted to the "crossing" by a friend. I ask that you consider bringing this matter to the attention of a wider segment of London citizens by whatever means, i.e. notice in London Free Press and the City website inviting more public input to the tentative plans for MVHF. I am convinced that most Londoners would agree with my thoughts on leaving MVHF in its present natural state.

I implore the PEC and the City **NOT to destroy MVHF** by installing heavy infrastructure in the form of bridge crossings and more paved pathways. The MVHF should remain a passive place allowing the natural flora and fauna to flourish and citizens to enjoy the this unique area at their leisure.

Sincerely,

P.S. It would be appreciated if my letter could be attached to the Agenda at the forthcoming PEC meeting on February 20th 2018 where this matter is to be discussed. I would also ask to be notified of further meetings on the MVHF. Thank you.

1597 Gloucester Road
London, ON N6G 2S5

March 29, 2018

Email: pec@london.ca

Planning & Environment Committee
City of London
300 Dufferin Ave., P.O. Box 5035
London, ON N6A 4L9

Dear Sirs:

RE: Medway Valley Heritage Forest

We have been privileged to live in several homes backing onto the Medway Valley Heritage Forest since 1985. The area is a natural treasure within the city limits. As expressed in our telephone conversations with Andrew Macpherson and Lisa McDougall, we are both committed to furthering access to the valley for all. We currently reside at 1597 Gloucester Road being the property immediately adjacent to the east side of Access Point A11. During the five and a half years we have lived here, the A11 trail has been lightly used, mostly by people with off-leash dogs. Traffic has declined somewhat since signs warning of coyote presence have been posted.

We wish to address two issues with regard to the proposed plan, being accessibility and trail linkage.

Accessibility

We have several safety concerns with regard to the elevation of the A11 Access from Level 1 to Level 2 which we would ask be examined and considered before any decision is made in this regard. The accessibility for Ontarians with Disabilities Act makes reference to "enjoyable, safe and accessible trails". The downward slope into the valley at the A11 Access point is considerable. Regardless of the surface installed, ingress to and egress from the valley at this point, whether using a manual or motorized wheelchair, would be, at best, challenging, particularly if attempted without assistance. We are concerned firstly that injuries could result and that the inherent cost of upgrading and maintaining a Level 2 trail at this access point for accessibility purposes would not be reflected in actual use by persons with disabilities.

In our years of enjoying the valley, two major man made issues have negatively affected the valley environment, the first being the construction of the trunk sewer, which will no doubt require several more decades of natural forest regeneration to mitigate and the second being the use of the valley by cyclists some of whom "trail" or "trick" ride, without regard to sensitive areas or the safety of themselves and others. We cannot recall seeing a cyclist use the A11 Access in our years of adjacent ownership but are concerned that the elevation of the trail's surface to a hardened and more visible surface would be an open invitation to cyclists, regardless of the use of wood corrals and prohibiting signage. Cyclists destroy the natural habitat and put pedestrians and disabled persons in jeopardy.

The existing Elsie Perrin Williams access point has a hardened surface and parking. The A24 Access, on Gainsborough Road, does not have a significant grade and parking would not be an issue at that entrance. The A1 access point also has available parking. We believe that these entry points would be safer and more suitable for use by disabled persons.

Trail Linkage

We understand that another consideration in planning the Medway Valley Heritage Forest Trails is to provide continuous access through the valley from the Sunningdale Trails to Windermere Road and/or Western University property. Trail linkage to the University property is available over the Level 3 trail (at Attawandaron), Level 1 trail (Pitcarrie/Whiteacres) Level 2 trail (Gainsborough) and Level 1 trail with the Metamora Bridge. Once the proposed Medway Creek linkage (D) is completed, access will be available to Windermere Road. Additionally, most of these trails are flat and appropriate for handicapped use. Under these circumstances, we question whether the impact of the future connection outside the ESA between A12 and A11 is appropriate. This proposed connection is significant in length and affects both the rear and front of residential properties. The existing connections outside the ESA are minimal in size and have no effect (Wonderland) or minimal effect (Gainsborough) on residential properties. Please note that we have no sympathy for home owners who encroach upon or block city lands. This factor has not been taken into account in forming our thoughts with respect to this trail.

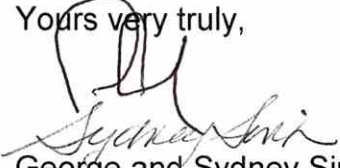
We respectfully suggest that:

1. the A12/A11 connection be eliminated from the plan and, failing that, that this connection be shown as a Level 1 trail to minimize impact on the front and rear of adjacent residential properties; and

2. the trail from the A11 access point into the valley remain at Level 1 as it is unusable by the disabled, will attract cyclists if upgraded and other linkages as above noted are presently in existence or will become available in future. Funds saved by not upgrading the A11/A12 trails would be more effectively spent on the proposed Medway Creek (D) linkage.

Thank you for considering our comments.

Yours very truly,



George and Sydney Sinker

cc Councillor Josh Morgan by email – joshmorgan@london.ca

April 8, 2018

Planning and Environment Committee (PEC)
City of London
267 Dundas Street
London ON N6A 1H2

To whom it may concern:

Re: Medway Valley Heritage Forest Environmentally Significant Area (ESA's)

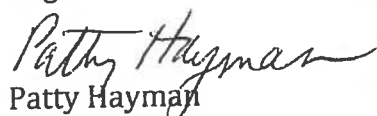
This is to submit my formal objection to the proposed pedestrian bridges (2) across the Medway Valley as identified in the latest Conservation Master Plan (CMP) circulated April 3, 2018 by City staff and the Orchard Park Sherwood Forest Ratepayers Group.

The fundamental purpose of ESA's such as the Medway is to protect the ecological integrity of areas in the City designated as such by their special qualities. Additional infrastructure (man made) such as this deters from the natural landscape and viewscape that currently exists. The potential footprint these structures will occupy within the natural area appear to be substantial.

At the latest open houses, residents marked the maps provided on the walls with "post it notes" specifically requesting no pedestrian bridges. Yet, once again, we find that pedestrian bridges are planned with, it seems, no regard for resident and community opinion. The valley is not landlocked and has access from both east and west sides so it is not necessary to have bridges for access. Let's keep the valley as natural as possible. Modify the CMP by removing the bridge construction proposals.

The funds required to build these bridges would be substantial and it is preferred that these funds be earmarked for burying the hydro services (Gainsborough - Windermere corridor) that require clearing and ongoing maintenance. The services could be bored under the creek. This would further enhance the natural integrity of the corridor at the end of Gainsborough in the long term.

Regards,



Patty Hayman
77 Doncaster Ave
London, On

cc: Phil Squire psquire@london.ca

Medway Valley Heritage Forest South Conservation Master Plan

Feb 2, 2018

David Potten
110 West Riverrace Walk
London, Ontario
N6G5J8

Volunteer Affiliations: Thames Valley Trail (past president), Friends of Medway Creek, Thames River Clean Up, Schulich School of Medicine, Hike for Happiness (mental health) & City Trail Advisory Group.

To: Chair and Members, Planning and Environment Committee

The Medway South CMP report is very comprehensive and well written. Prompt action is underway for habitat protection, restoration, and removal of invasive species. **Therefore, I support this master plan.** However, longstanding community divisions remain with respect to the amount of Public Access and the limited connectivity of the trail system. **I believe that both objectives, increased access and improved ecological protection of the ESA, can be achieved if the city CMP's consider the following points:**

- 1 Continue to involve community groups that implement new ideas and take progressive action.**
- 2 Increase investment in scientific research and innovation to improve both ecological and trail protection**
- 3 Make fact based decisions**

We begin with an overview of the Medway ESA and some historical facts related to community involvement. Then, comments on the application of Species at Risk and the use of AODA within the master plan.

Medway Valley Heritage Forest Overview

The South Medway ESA is roughly 95 Hectares in size. The current South Medway trail system is about 8700 meters in length with a mix of level 1, 2 & 3 trails. **The trail system occupies less than 3% of the total ESA area.** The Medway community has more than 50 years of experience using the valley. Recent statistics indicate rising trail use due to population growth and the drive to improve physical and mental health. Additionally, there have been a number of trail

closures in the valley. The net result is to increase the use of the remaining trails with rising wear and tear.

Some Historical Facts:

1. In the 1950's, following the first residential development, the valley lands were used by neighbourhood citizens for passive recreational activities such as hiking, bird watching, enjoyment of nature and fishing.
2. In the late 1960's, Thames Valley Trail helped to develop the Medway Trail. It extended from the University through the entire length of the valley to Fanshawe Park Road. The trail was named the Winder Trail after a well know London conservationist Steve Winder. Steve was the editor of the Medway Valley News from ca. 1970-1991 and promoted conservation in the valley.
3. In the early 1990's, the Metamora stairs and nearby bridge were constructed by local community members.
4. The 1996 Envirofest survey results: 90% of respondents believed that the valley should be available for recreational uses, 5% said no and 5% did not respond.
5. In 2008, the Friends of Medway Creek was established. This community group organizes community events, picks up garbage, plant trees, remove invasive species, install benches, and educational signs. This group have raised substantial amounts of money and they have a detailed plan to improve Medway Creek's environment.

In 2015, the city updated **the Life Science Inventory** for the South Medway. We thank you for this research update. The results indicate a long term, average improvement of 32% in ecological diversity. Those that favour restricted ESA access espouse a decline in diversity. Undoubtedly, this is a complex issue and strategic updates will be beneficial.

Proponents of improved public ESA access suggested new trail construction on the Utility Right of Ways and adding five new bridges across the Medway. Three of the bridges were not recommended because of threats to **Species of Conservation Concern and Species at Risk**. Certainly this is a significant concern but are there other solutions? This is likely to be an ongoing debate as we have recreational trails in all of our ESA's and a rising London population. The master plan has a 10 year time frame. I propose a research study be added to explore innovative solutions to address the Species at Risk issue.

Use of the AODA (Accessibility for Ontarians with Disabilities Act)

My final concern is the use of the AODA legislation in relation to bridge construction. When we think of disabilities, we tend to think of people in wheelchairs and physical disabilities. But disabilities can also be non-visible. We can't always tell who has a disability. The broad range of disabilities includes those with vision, deafness, and intellectual or developmental challenges. Here are a couple of examples of persons with disabilities using level one trails and bridges:

1. Thames Valley Trail has members with highly restricted vision that regularly hike on level one trails.
2. Hike for Happiness is a London non-profit that raises money for patients with mental health challenges. We lead hikes in London ESA's on level one trails. The participants not only loved the experience, we raised lots of money for their treatment.

My concern is that the CMP should consider all members of the AODA when evaluating improvements to the ESA trail system. It should not be used to eliminate bridges or level one trails!

In conclusion, the public has protected and enjoyed the Medway Valley for more than 50 years. Additional resources, scientific research, and community based innovation are required to continue this enjoyment and improve habitat protection. In these days of fake news, we value fact based decisions. **We urge you to approve this master plan.**

David Potten



April 9, 2018

Via Email

The Corporation of the City of London
Planning & Environment Committee
300 Dufferin Avenue, 6th Floor
London, Ontario N6A 4L9

Attention: Councillor Steven Turner (Chair)

Dear Councillor Turner

Subject: Public Meeting of the Planning and Environment Committee Medway Valley Heritage Forest ESA (South) Conservation Master Plan – April 16th

I have reviewed the Conservation Master Plan (CMP) Phase II for the Medway Valley Heritage Forest ESA (South) prepared by Dillon Consulting, dated March 2018. I feel that there is a real opportunity being missed here. I would appreciate it if you and your Committee would consider the following as you contemplate the approval of this CMP.

The City of London has built millions of dollars worth of recreation trail infrastructure in natural hazard / heritage areas to the benefit all users, including those with accessibility challenges. This infrastructure includes thousands of metres of multi-use trail (paved) and bridges across the City including the Medway Valley (between Fanshawe Park Road and Sunningdale Road). In addition, it is our understanding that the Richmond Street Pedestrian Pathway Connection Environment Impact Study has been completed and as a result the City will proceed to construct a \$1.9M pedestrian overpass, consistent with the Bicycle Master Plan (BMP) which recommended implementing a major east-west recreational pathway corridor along the northern boundary of the City with a crossing of Richmond Street. This pedestrian overpass will connect directly into the Medway Valley Trail System, proposed within the CMP, south of Sunningdale Road.

City-wide, it has been proven that multi-use trail infrastructure, can be implemented and exist within natural heritage / hazard areas, including ESA's, in a manner that respects the natural features within which they reside and minimizes impacts to the benefit of all Londoners. The City's Parks & Recreation Master Plan (2009) provides direction on programs, services, recreation facilities, park infrastructure and community investment into the future. The following service level recommendations are relevant to this study:

- Determine gaps and needed improvements in services and facilities;
- Ensure programs, facilities and parks are designed with accessibility in mind including adherence to the requirements under the Accessibility for Ontarians with Disabilities Act;
- Continue to expand and improve access to the City's pathway system because it provides low-cost, accessible, multi-generational recreation for all neighborhoods; and
- Maintain a commitment to accessibility, safety and security within its entire parks and pathway system.



To not extend the existing multi-use trail system (paved) south of Fanshawe Park Road, to the University, and then provide an opportunity to link into the Thames Valley Trail System would be an incredibly huge opportunity missed. To proceed with unpaved trails south of Fanshawe is not consistent with the level of recreational trail infrastructure being installed or already installed within other segments of the Medway ESA and other sections of this broader trail system that direct recreationally minded users to this area.

Why build million dollar crossings to facilitate pedestrian connections to an ADA standard if these trails ultimately connect to trails that are not designed to accommodate all users?

Why ask developers to provide multi-use trails connections from their adjacent developments if we are only to going abandon some users along the way, by not continuing a multi-use trail?

When the City improves / constructs pathways south of Fanshawe they should do so once to the long-term benefit of all Londoners and the environment within which they exist. London is a highly urbanized municipality. If we don't pave these trails the first time, then we will only need to revisit this issue again and again in the future as user demands and maintenance requirements force the issue. Let's do this once, the right way, for the benefit of all and to lessen impacts on the environment from having to go into these areas again and again to maintain other trail types only to ultimately pave them in the future. It has been proven that multi-use trails can co-exist within natural heritage features in the City, the Medway Valley should be no different.

I understand and appreciate that there are many various opinions and perspectives on trails in natural heritage areas. As such, I would never support the City in taking a "pave all, everywhere, every time" approach to trail development. There are thousands of hectares of Open Space (Natural Hazard / Heritage) lands within the City where there are no trails (let alone paved ones) and where trails should likely be never contemplated. In this line of thinking, there should also be some acceptance that paved multi-use trails are desired and necessary in some locations as there can not be a "pave nothing anywhere anytime" attitude towards this matter. The Medway Valley is different. It is a long linear system which already has significant infrastructure (sewers, pathways, bridges, SWM ponds) located within in it. This has all been implemented in a sensitive way that balances the interests of all and has enabled the natural heritage / hazard features to not only function but flourish. The linear nature of the Medway Valley and its connection to UWO and the Thames River Valley make it the ideal location to connect these areas to the north.

Respectfully, I can't help but feel that if London does not have the fortitude to make these multi-use connections at this time, they will regret this missed opportunity and will simply look for a way to re-open these discussions again in the years to come. It is our hope that your Committee will support accessibility that a continuous multi-use trail will provide for all users and abilities.

Yours truly,
Corlon Properties Inc.

David R. Schmidt, MCIP, RPP
Development Manager

Dear Mayor, Members of City Council, and Chair and Members of the Planning and Environment Committee of City Council,

Re: MEDWAY VALLEY HERITAGE FOREST ENVIRONMENTALLY SIGNIFICANT AREA

I have lived in London Ontario for all but 4 years since 1969, starting as a student at Western. I have been one of those people that London claims it wants here – someone who comes from out of town, gets an education, and then returns to live here, buy a home, and raise a family. I care about this city and about trying to preserve what is good about it. Sadly, rather than seeing our city build on its strengths, it seems I have more regularly witnessed erosion through neglect and poor policy. A current example is the proposal to further develop the Medway Valley Heritage Forest area – an Environmentally Significant Area – by building intrusive bridges that harm nature. This follows decades of protecting this area and will encourage much more traffic, threatening a natural habitat and turning neighbourhoods into thoroughfares.

After seeing the city fail to protect old London, we reluctantly moved from the core to Sherwood Forest in 1990, drawn by a sense of community with proximity to a green space protected as an Environmentally Significant area. Like generations of parents before us, we raised our children to enjoy and respect nature through their exposure to Medway Creek and the surrounding woods. And now it seems that this gem is under threat. Why? What is the higher purpose served by proposing to build bridges, covering over natural pathways and damaging the habitat of endangered species, and flowers, trees, brush, birds and animals that thrive here? Where is the appreciation for the value of neighbourhood pride and protection of enclaves of greenspace, cared for by locals who are committed to seeing nature thrive?

London does not lack parkland. London does not lack pavement. London does lack a commitment to preserving neighbourhoods, to preserving natural habitats, and to respecting the value of community spirit that comes from knowing

and caring about ones' neighbours and surroundings. As an avid cyclist, I have no problem finding paved surfaces for cycling. I do have a problem finding efficient commuting routes that follow major arteries in the city. As an avid walker, I have a problem finding peaceful places to walk where I do not have to be concerned about competing with those on various forms of transport who share paved surfaces with walkers. As a nature lover, I have a problem finding natural habitats in the city that haven't been encroached upon by buildings or turned into urban parks. As a Londoner, I care deeply about protecting the bit of natural habitat we have left and setting an example of environmental responsibility.

I urge City Council to turn down this proposal. Invest instead in other projects that will make London a better place to live – an inviting downtown core with lively neighbourhoods, useful commuter lanes for cyclists, by-laws that protect neighbourhoods from out-of-town investors and absentee landlords who do not care about London's welfare, and green spaces that respect the value of co-existing with nature and other living things.

Sincerely,

Ingrid Connidis

From: Sheila Handler

Sent: Monday, April 09, 2018 9:27 AM

To: Lila Kari

Cc: PEC <pec@london.ca>; Neighbourhood Newsletter OPSF

Subject: Re: for the agenda of the Public Meeting on Medway Valley Heritage Forest ESA, April 16, 2018

Dear Sir/Madam:

I have read my neighbour, Lila Kari's, letter attached below, and, as I cannot do better in terms of eloquence, am simply writing to express agreement with the position she is taking.

Yours truly,

Sheila Handler
54 Doncaster Place
London, ON

April 4, 2018

Chair and Members
Planning and Environment Committee
City of London

Dear Chair and Members,

We, the undersigned members of the Local Advisory Committee (LAC) for Phase II of the Conservation Master Plan (CMP) for the Medway Valley Heritage Forest Environmentally Significant Area (MVHF ESA), South, submit this alternate report to identify and propose necessary changes to the staff report. Specifically, we recommend that the plan to construct two bridges be removed from the CMP. Furthermore, since the proposals for future monitoring and adaptive management depend upon the resources to support them, we recommend that Council defer adoption of the CMP until an implementation plan is submitted as part of the next 4-year budget cycle.

Our reasons for these recommendations are:

- The CMP is inconsistent with the London Plan, because it does not place protection of natural features and ecological functions for which the ESA has been identified (primary management goal) above provision of public access for recreational and education purposes (secondary objective).
- The CMP creates a risk of significant adverse impacts to Species at Risk and their habitat.
- The CMP does not identify costs and risks of implementation.
- Access to the Medway ESA will continue to be sustainable without the proposed bridge developments.

Having participated in the full range of public consultations, we have come to the conclusion that the proposals mentioned above are inconsistent with City policy, in particular with the Natural Heritage Objectives within the City's current Official Plan: 15.1.1(v) Maintain, restore, and improve the diversity and connectivity of natural features, and the long-term ecological function with biodiversity of natural heritage systems.

Background

City policy distinguishes Environmentally Significant Areas (ESAs) from the City's well-designed and well-used park system. The principal purpose of London's ESAs is "to protect the natural features and ecological functions for which the ESA has been identified." Per the City's guidelines, Provision of suitable recreational and educational opportunities is a "secondary objective" (p.4 *Guidelines for Management Zones & Trails in Environmentally Significant Areas*)

(May 2016). ([http://www.london.ca/business/Resources/Guideline-Documents/Documents/reference-docs/Guidelines for Trails in ESAs.pdf](http://www.london.ca/business/Resources/Guideline-Documents/Documents/reference-docs/Guidelines%20for%20Trails%20in%20ESAs.pdf))

The CMP contains worthy proposals regarding naturalization, management of invasive species, closing of informal trails, adaptive management and monitoring, and community engagement (Sections 3.2-3.3, 4.0, and 5.0). It should be noted, however, that the proposals for naturalization, management of invasive species, adaptive management and monitoring, and community engagement generally describe initiatives already underway using existing budget or that should take place in the normal course of events (if adequate funding is provided by Council now and in the future). What is truly novel in the CMP are the proposals for bridge construction.

The first objectionable proposal is outlined in Section 3.4 of the CMP and may be seen in Figures 4 and 4a, “Proposed Sustainable Trail Concept Plan.” Construction of a bridge at point A in Figure 4 is recommended. The terrain on both sides of Medway Creek at this point is subject to flooding, so the bridge would have to be a 15-30-metre-long steel-and-concrete structure to protect its abutments from flood damage. The CMP also recommends conversion of unhardened Level 1 trails south of Fanshawe Park Road on both banks of the creek to granular or asphalt Level 2 trails. Together with the new Level 2 trails, the proposed bridge will link the east and west banks of Medway Creek, as well as join the paved Level 3 trail connecting Attawandaron Road and the Medway Valley HF ESA north of Fanshawe Park Road. This is certain to generate increased usage of trails, heightening the risk of significant negative direct and indirect impact to Species at Risk that have protection, including habitat protection, under the provincial *Endangered Species Act*.

A second bridge is recommended to be built spanning Medway Creek at point D in Figures 4, 4b and 4c. Like the first, this bridge would rest on floodplain, and therefore would have to be a large steel structure with concrete abutments like those in the northern portion of the ESA. A Level 1 trail leading to the proposed bridge site is recommended for hardening into a Level 2 trail to maximize accessibility. This route duplicates, at some unknown cost, a connection to this point to be completed from the north, on the west side of Medway Creek from Sunningdale Road to the end of the City property.

Requirements under the *Accessibility for Ontarians with Disabilities Act (AODA)*

The *Guidelines* specify that “the use of pedestrian bridges . . . should be for the purpose of protecting ecological features and functions” (*Guidelines*, p. 7). To justify the bridges, the CMP claims that users may be crossing the creek where the east- and west-bank trails currently reach the banks, possibly causing damage to the banks (Table 10, pp. 40, 43). The “damage,” as many of you have seen on site visits, is, at most, minimal. The construction abutments for the bridges will cause more permanent damage.

To construct a bridge at point D, engineers will have to thread a narrow gap (no more than 40 metres wide) between populations and habitat of two rare species on the banks of the Creek: Green Dragon and Striped Cream Violet. Green Dragon is listed on Ontario’s Species at Risk List as of Special Concern. According to the *Guidelines*, “If a bridge is to be constructed in an ESA, construction impacts shall be considered during the CMP process to determine appropriate mitigation measures to reduce impacts” (p. 36). The CMP process included no such

consideration regarding either proposed bridge. It should not be acceptable to wait until “detail design” to find this out.

The CMP notes that the City is required by AODA regulations to provide accessibility to recreational trails for disabled persons whenever such a trail is “newly constructed” or “redeveloped” (*O. Reg. 191/11*, Section 80.6). To cite this requirement to justify building bridges is to extend it beyond its legitimate application. Nothing in AODA or its regulations requires the City to build bridges where none currently exist.

Nevertheless, the CMP claims that a simple review of a single trail triggers a responsibility to review all trails within a “trail system” with the aim of making them accessible (p. 36). This claim is clearly contrary to the intent of the regulation, whose application is restricted to “newly constructed and redeveloped trails that the obligated organization intends to maintain” (*O. Reg. 191/11*, Section 80.6). The phrase “trail system” does not appear in the AODA regulations. If the City accepts the CMP’s interpretation of its obligations under the AODA in this case, it will create an existential threat to the integrity of London’s entire ESA network.

Protection of the Natural Environment: A Reason Not to Build Bridges

The combination of the proposed bridge at A with the redeveloped Level 2 trails will increase the likelihood of bicycle access to the southern portion of the ESA, despite the *Guidelines* (which envision only child cyclists accompanied by adults) as well as significantly increase the number of people and off-leash dogs year-round. This is a particular problem in the Glenridge Crescent vicinity, where the current managed Level 1 trail loop passes through a Nature Reserve Zone. This area holds special significance because it contains the largest population in Canada of a plant listed by the Federal and Provincial governments as Threatened, False Rue-anemone.

According to the Ontario government web site for Species at Risk, “the main threat to False Rue-anemone is habitat destruction due to recreational activities such as cycling, ATV-use and hiking, that can result in inadvertent trampling of this plant” (<https://www.ontario.ca/page/false-rue-anemone>).



The City has taken great pains and some expense to protect False Rue-anemone from invasive Goutweed, an effort which has been acknowledged in the Federal Recovery Strategy for this species. The threat from significant increases in traffic (staff report just over 20,000 visits per year on the paved pathway to the north) to this threatened species has been recognized in the CMP. The Plan contains a proposal to build a wood rail entrance corral at the intersection between the proposed Level 2 trail and the existing Level 1 loop trail, with interpretive signage to “inform trail users about the significant features in the ESA and how to protect them” (CMP, p. 37). This proposed deterrent to bicycle access to the populations of the threatened species False Rue-anemone is a weak defence. Bicycles can of course be easily lifted over such corrals. In addition, the area where the trails join is an open meadow, which will offer abundant opportunity

for lift-overs no matter what fencing is built to flank the corral. Protection of the Medway Valley's most precious species therefore depends upon hopeful conjecture.

A justification provided in the draft CMP for the bridge construction proposals is to direct users away from the more sensitive ecological areas of the ESA. It should be noted, however, that the Natural Heritage Inventory conducted as part of the CMP process found 31 floral species with a Conservation Coefficient of 8 or higher in this area of the Medway ESA, including species listed as Special Concern (Striped Cream Violet, Green Dragon, American Gromwell, Slender Satin Grass), which means that they "typically occur in undisturbed or pre-settlement remnants" (*Natural Heritage Inventory and Evaluation: MVHF ESA*, Table 7, p. 51). This fact indicates that distinguishing between more and less sensitive areas of the ESA is somewhat misleading, since any additional usage is likely to disturb the habitat required by one or more of these 31 species. For example, the Blue-leaved Willow, a large, bushy plant with a Conservation Coefficient of 10 (10 is the highest and is applied to plants that are almost always restricted to a high-quality natural area like the Medway). It stands directly in the path of the proposed bridge at point A. Construction of a bridge at this point will be extremely difficult without destroying this rare shrub. Unfortunately, at neither of the Open Houses hosted by City staff did a map showing these constraints and concerns appear.

The CMP addresses the threat posed by increased usage only in its discussion of adaptive management and monitoring. This is inadequate. In this case, "adaptive management" cannot mean even shutting the barn door after the horse has galloped away, since one cannot imagine the City removing a newly built bridge even if monitoring discovers trampled or ridden-down patches of threatened species.

In addition to the harm the construction the two bridges will cause to the terrestrial flora and fauna, the construction of the two bridges will definitely be detrimental to habitat for aquatic fauna, including the provincially threatened Black Redhorse (*Maxostoma duquesnei*) and Silver Shiner (*Notropis photogenis*). Based on preliminary surveys, suitable Black Redhorse habitat is present at the proposed bridge site D, that being moderate flow riffles and shallow pools with gravel and cobble substrate (Reid 2006, *Journal of Freshwater Ecology* 21:249–258), including suitable spawning habitat corresponding to riffles of rubble and gravel in 15–60 cm of water (Bowman 1970, *Transactions of the American Fisheries Society* 99:546–559) with discharge rates of 1.4 m³/sec and surface velocities of 0.24 m/sec (McSwain and Jennings 1972, *Transactions of the American Fisheries Society* 101:738–740). Furthermore, species at risk have been found at the proposed bridge site A by the UTRCA during their electrofishing surveys, and the location also supports habitat for the Black Redhorse and Silver Shiner. The construction of these bridges and placement of the footings will most likely alter the hydrological regimes of Medway Creek, especially during seasonal flooding, with some visible downstream effects that could result in the elimination of species at risk habitat for both the Silver Shiner and Black Redhorse.

Since the proposed bridges will not enhance protection of the environment, the only remaining justification for the proposed bridges, and the constructed trails which depend upon them, is the neighbourhood linkage that they would provide. Not only is this not an ecological argument, but it ignores the harm to the ecological integrity of the ESA that the increased usage it promotes will probably cause. Except to upgrade an existing connection using a Level 3 trail

or to connect with the Thames Valley Parkway (*Guidelines*, pp. 25, 35), neither of which is proposed here, connecting neighbourhoods is not the purpose of ESAs.

Eliminating the proposals for bridge construction from the CMP will not reduce access to the ESA. The existing managed trail network—offering 16 access points—together with other trail planning outlined in the CMP including increased accessibility, will continue to provide entry to the riches of the ESA from every adjacent neighbourhood, and for all the residents of London. Furthermore, there is at least one opportunity—which was not considered during the CMP process—to create an additional accessible loop trail which affords a nature experience, in the cultural meadow and cedar grove between Access points 11 and 13. Removing the objectionable proposals—and entertaining more nature-friendly ones—will make it more likely that this part of the ESA remains a place to enjoy where our natural heritage will be protected.

Conclusion

The near-final draft of the CMP was not endorsed by the LAC as a whole. The group was polled at its final scheduled meeting, on November 2, 2017, and only 4 of the 15 members present endorsed the draft without qualification. One other member gave a tentative endorsement, and one abstained on the question of trail placements and crossings. The majority did not endorse the draft (*Minutes, LAC Meeting 5*, pp. 6-8). The meeting on February 21, 2018, was only for information.

We recommend that Council reject the CMP proposals for bridge construction discussed above. These proposals should be removed from the CMP and the document be revised accordingly. In doing so, Council will support the fundamental purpose of the ESA system, to preserve and protect our natural heritage.

Furthermore, since the proposals for future monitoring and adaptive management depend upon the resources to support them, we recommend that Council defer adoption until the implementation plan is submitted as part of the next 4-year budget cycle.

We wish the policy issues discussed above to remain the focus of discussion, but we cannot close this submission without expressing our extreme dismay and disappointment at the conduct of the LAC consultation. A series of turns in the discussion eventually convinced us that City staff would accept no outcome that did not substantially expand recreational opportunities. There was no site visit, nor was there much in the way of small-group discussion that could have generated consensus. The final straw was the use of a document (Appendix D of the CMP) submitted by a member of the Accessibility Advisory Committee—well after the conclusion of the series of 5 LAC meetings—to make consequential alterations to what we believed would be the final draft of the CMP. Londoners deserve better when we are offered public consultation.

We will be pleased to appear before the Planning and Environment Committee when this matter is before committee to explain our position further.

Sincerely,

Professor Jack Blocker

Susan Hall

Mady Hymowitz

Sandy Levin

Associate Professor Katarina Moser

Sarah Peirce, PhD

Associate Professor Greg Thorn

Trees and Forests Advisory Committee

Report

3rd Meeting of the Trees and Forests Advisory Committee
March 28, 2018
Committee Room #4

Attendance PRESENT: R. Mannella (Chair); T. Khan, J. Kogelhelde, C. Linton, N. St. Amour, M. Szabo and R. Walker and J. Bunn (Acting Secretary)

ABSENT: C. Haindl and G. Mitchell

ALSO PRESENT: A. Beaton, J. Spence, J. Ramsay and S. Rowland

The meeting was called to order at 12:15 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Green Legacy Study Update

That the attached presentation from B. Curry, ReForest London, with respect to an update on the Green Legacy Study, BE RECEIVED.

3. Consent

3.1 2nd Report of the Trees and Forests Advisory Committee

That the 2nd Report of the Trees and Forests Advisory Committee, from its meeting held on February 28, 2018, BE RECEIVED.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Tree Protection By-law – Verbal Update

That it BE NOTED that the Trees and Forests Advisory Committee heard a verbal update from J. Spence, Manager, Urban Forestry, with respect to the Tree Protection By-law.

5.2 2018 Work Plan

That the revised attached 2018 Work Plan for the Trees and Forests Advisory Committee BE FORWARDED to the Municipal Council for consideration.

6. Deferred Matters/Additional Business

None.


7. Adjournment

The meeting adjourned at 1:23 PM.

**Green Legacy Study
Project Update – March 2018**

March 29, 2018 Prepared for
Trees and Forests Advisory Committee


by Brianne Curry – Project Lead (ReForest London)



Agenda

- **Project Updates:**
 - Recap of project history
 - Learnings from Wellington County Green Legacy
 - Learnings from other nurseries and models
 - London context
 - Volume of trees & implications for area requirements, locations and infrastructure needs
 - Location options
 - Mandate to include Social and Educational Programming?
- **What's Next?**


2



Project History

- Summer 2016: Presentation at TFAC by Rob Johnson (Manager, Green Legacy)
- TFAC: Recommended to City Staff to investigate potential in London for a tree growing program/facility
- Recommendation went to PEC; voted in favour.

3



Recap – Project history & purpose

- Winter 2017: City of London committed \$18,800 to support the project
- ReForest London: Applied for Ontario Trillium Foundation SEED Grant
 - Awarded June 2017
 - \$75,000 (Max funding)
 - Collaborative Agreement – RFL, City, UTRCA, TVDSB, LDCSB
- Project duration – Aug 2017 – Aug 2018
- As part of OTF commitment, we intend to share our findings with other communities through workshops

4



Purpose:

Multiple goals of partners:

- Tree Planting Strategy / Urban Forest Management Strategy
- Million Tree Challenge
- Improved watershed health / improved forest quality

We know:

- Far more tree planting will be needed
- Cost of acquiring stock in the volume needed is rising
- Partners are identifying difficulties in sourcing desired (native) species in the volume and / or sizes needed, when desired
- ◆ We need a reliable, affordable source of trees, in the species and sizes that partners want.
- ◆ The Green Legacy model offers a unique opportunity to marry tree production and supply, with social and educational programming for community

5

Wellington County Green Legacy



6

Tree Nursery Locations



7

Wellington County Green Legacy

- 6 greenhouses in total (2 North, 4 South)
 - Plus field production area for potted stock
- Cold storage, offices, potting sheds
- Volunteer Program
 - School Program, Co-ops, Groups, corporate, individuals
 - Summer students

8

Green Legacy: Majority is Plugs / Seedlings



Variety of ~30-45 native species (depends on yr).

9

Trees wintered over, and packaged for spring distribution



Fall / Winter / early Spring is Packaging time!

10

Potted stock



Large compound with about potted stock (most 1 to 2 gallon pots, few larger)
~15,000 total on site at each of the two nurseries

11

Large Potted / Specimen Trees



Pot – in – pot container grown trees.

- Used for special events eg. Warden's Plantings
- Schoolyard trees
- Minimal – less than 300 trees.
- Pots in ground; drip irrigation

12

Green Legacy Operations

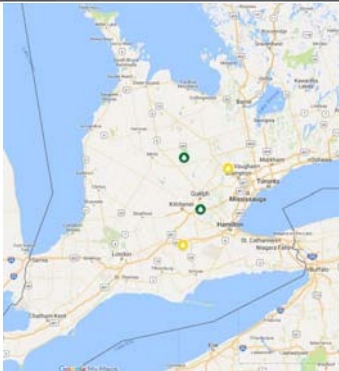
- Staff: nursery manager, 2.75 FT nursery workers, 1 community outreach worker, + seasonal staff
- Operating budget approx. \$750,000 / year
- Annually
 - Distribute 160,000 2-3 year seedlings and 15,000 potted
 - **Planting** services ~12,000 trees / yr
 - ~30 Classroom visits
 - Education and volunteer experience of approx.15,000 hours

13

Learnings from other nurseries

14

Warwick (Credit Valley CA, Caledon, ON)



15

Credit Valley Conservation (CVC) Warwick Nursery



16

CVC Warwick



17

CVC Warwick

- 50,000 1-3 gallon pots shipped annually, of which 20,000 are for TRCA (for TRCA, most is produced from purchased seedling, potting in spring, ship in fall)
- Remainder of trees are “sold” to planting programs within CVCA or external buyers
- Useful benchmark for size, approach, costs, etc.
- Nursery area covers about 130,000 sq. ft with driveways (3 acres)
- Production area is around 74,000 sq. ft. (1.7 acres)

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CVCA Warwick - Operations

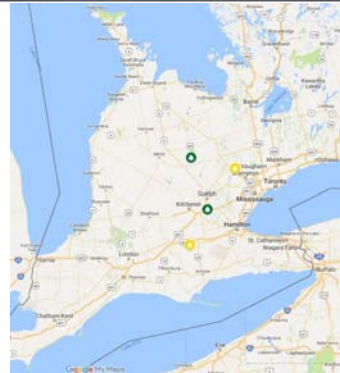
- 2 core staff, plus as needed use of Forestry staff, plus seasonal

Costs reduced:

- Ongoing operating costs reduced since use CVCA staff as needed
- Startup and Overhead costs reduced since share the building with Forestry operations
- Potting machine is key, 3500 pots/day
- No volunteer program

19

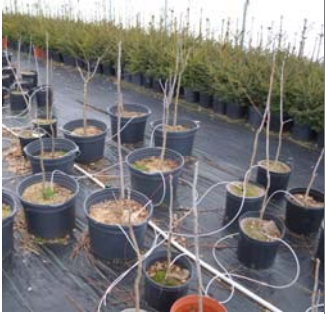
GRCA Burford



20

GRCA Burford - Operations

- Grows for GRCA planting programs, plus sale to other groups & municipal programs
 - Majority Bareroot saplings or whips
- Also ~20,000 potted plants / yr
- Cost competitive or higher than retail / wholesale



21

Take – aways from other nurseries

- No cost savings from purchasing from retail / wholesale sector.
- Strategic reasons prioritizing **control** over:
 - Species
 - Size
 - Seed provenance
 - Seasonality

22

Implications for London

23

Annual volume requested

	2020	2028
C-Seedling plug	1,875	1,875
C-Potted Med	2,981	5,381
C-Potted Large	630	630
C-Caliper (35-70 mm)	30	100
D-Seedling plug	5,625	5,625
D-Potted Med	14,730	26,330
D-Potted Large	853	2,653
D-Caliper (35-70mm)	6,381	6,381
Fruit trees - Potted Large	2,627	7,527
Shrubs - Potted Med	3,436	3,436
Total	39,168	59,938

24

Inventory required

Deciduous and coniferous	Age at delivery	Inventory
Plug	2	143,851
Potted medium (tree and shrub)	3	55,060
Potted large	4	18,156
Caliper	7	22,359
Fruit trees	5	7,903
Total		247,329

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Feasibility Study

26

- ### Footprint and infrastructure requirements - London
- Ultimately requiring ~10-12 acres for total inventory by 2028
 - ~2 acres for buildings:
 - Programming / offices
 - Utility sheds / potting sheds / storage
 - Storage of soil and bulk materials
 - Parking
 - Shipping area
 - Plus greenhouses as required (~2)
- Implications for location in London: large parcel of land.
- Multiple sites?
- 27

- ### Locations Reviewed
- Greenhouses at TVDSB and LCDSB schools
 - City of London owned
 - Civic Gardens
 - Large areas on outskirts London
 - Adelaide Depot
 - Other Depots (Exeter, etc)
 - Lands zoned industrial but not slated for use for 10-20 years
 - Lands slated for new section of Commissioners but not slated for 10+ years
 - Cavendish
 - UTRCA
 - RFL land
 - Greenhouse Academy
 - Existing nursery for sale
 - Private nurseries
- 28

Single site or multiple sites

- New nursery could be located at several sites
 - Optimize use of existing greenhouses for seed trays and programming
 - School greenhouses
 - Civic Gardens?
 - Others?
 - Some large potential locations are not as ideally located (distance and transit accessibility)
 - May be able to get a low cost lease from the city for a large volume site
 - May be other parcels of land available for production area

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Key assumptions for the feasibility study

- New entity is set-up:
 - Professional nursery staff and programming specialists
 - Seed zone specific stock, certified seed collectors
 - Non-profit, with multiple partners on its Board, with partners receiving trees at no cost in return for their contribution
 - Start-up by ~2020 (first trees delivered in 2022) and ramp up to full volume to be determined; plan for 15+ year operation (as long as meet mandate)
 - High quality trees grown to partners' volumes and specs
 - 100% container
 - Meet all provincial standards and regulations

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Eg. Saunders Secondary School Greenhouse

- ~6 TVDSB greenhouses
- Location for seed trays until ready for transfer to nursery operations
- Opportunities for educational programming and partnerships



31

Site / Location review

- Brianne + Consultant (Christine Burow) completed a preliminary assessment of potential sites in City of London
 - Some City – owned land
 - Some private lands
- Location assessment criteria developed
 - Suitable / Not suitable
 - Cost

32

Other models that have arisen

- Public – private partnerships with local businesses
- Contract growing with private nurseries
 - CVC Warwick, GRCA Burford
 - Commercial tree nurseries
 - Greenhouse Academy
 - Others

33

Sheridan Glen Williams Farm – pot-in-pot



34

Mandate of a new community nursery

	Value from new nursery	Alternatives
Trees and shrubs – type & volume	Security of supply for desired species, volume, provenance	Existing commercial nurseries; Contract growing
Trees and shrubs – cost	No benefit	Existing commercial nurseries
Educational programming	High value but hard to monetize; also can use to support Urban Forest Strategy & London Plan's communications goals	Existing programs
Social programming	As above	Existing programs

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What's next?

- Consultant preparing draft of business case and financial modelling; location assessment options
- Workshops to observing partners in other communities (Spring 2018)
- Summer 2018 Final report prepared
 - Share findings

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Questions?

- Brianne Curry, ReForest London
schools@reforestlondon.ca
519-936-9548 ext 226

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Trees and Forests Advisory Committee
Advisory Committee Work Plan – 2018

March 2018

Project/Initiative	Background	Lead/Responsibility	Proposed Timeline	Proposed Budget	Link to Strategic Plan
Planting & Monitoring Efforts	<ul style="list-style-type: none"> Continue to follow the progress of recommendations made in the Tree Planting Strategy and the Urban Forest Strategy Monitor progress of the watering program 	ReForest London/Tarik	Q3	\$0	Robust Infrastructure 1A Strong and Healthy Environment 3C
Green Legacy	<ul style="list-style-type: none"> The province has recently voted to try and take Wellington County's "Green Legacy" model (through which school children volunteer at county-owned greenhouses to grow, distribute, and plant free trees throughout the County) province wide. Rob Johnson, the program manager in Wellington, attended TFAC in Spring 2016 to share information about their program. We then recommended to PEC that the City investigate the possibility of bringing such a program to London, in partnership with local partners, and possibly Middlesex County. They supported this recommendation ReForest London's Ontario Trillium Foundation bid proposal was accepted in June 2017 An update will be provided to TFAC in September regarding the progress and status of the initiative 	TBD – New ReForest London Rep	Q2	\$0	Strong and Healthy Environment 3C

Project/Initiative	Background	Lead/Responsibility	Proposed Timeline	Proposed Budget	Link to Strategic Plan
Climate Change	<ul style="list-style-type: none"> • Climate change is expected to have enormous impacts on Canadian forests, with a minimum of 4°C of warming predicted for our country (vs. the global average of 2°C) by the end of the century, and worst case projections from the IPCC suggesting that increases as high as 10°C may be possible (for Canada) • Goal is to develop recommendations around: <ul style="list-style-type: none"> ○ Acquisition and establishment of more southerly stock ○ Piloting more southern species as street trees ○ Collaborating with more southern municipalities on climate change issues ○ Revised numbers for max warming for Canada by end of century now stand at 14°C, following unexpectedly rapid warming in the past 2 years since the last IPCC report came out ○ Follow-up on recommendations that were made around these issues last year. Request an update on the progress of these recommendations and make further and determine if further recommendations concerning the use of a standardized “climate scenario” for planning are required 	Randy	Q2	\$0	Building a Sustainable City 1E: Fund innovative ways to adapt to Climate Change.
Committee Development	<ul style="list-style-type: none"> • Identify potential educational/outreach opportunities for members to possibly attend to help keep abreast of current developments in urban forestry (e.g., forestry conferences) and plan to have at least 3 TFAC members attend such opportunities this year. 	TFAC	Ongoing	\$500	Innovative and Supportive Organizational Practices 2B: Use innovative and best practices in all organizational and management activities

Project/Initiative	Background	Lead/Responsibility	Proposed Timeline	Proposed Budget	Link to Strategic Plan
Fruit & Nut Tree Initiatives	<ul style="list-style-type: none"> There is a growing interest in food security issues in London. With climate change, food prices are expected to increase by 11-131% (depending on species) for staples such as corn, rice and wheat by 2050: an increase in food prices of as much as 4% is expected for 2016 alone Feb. 2017: TFAC supported AAC's Urban Agriculture conference last year. Recommendations on this issue this year would probably be pretty short Continue to monitor progress around this topic with respect to the Tree Planting Strategy 	Randy	Q3	\$0	Caring and Compassionate Services 3A: Eliminate barriers for individuals facing poverty, mental health and addictions and help them find pathways to be successful.
Phased Planting in Unassumed Subdivisions	<ul style="list-style-type: none"> TFAC made a recommendation to PEC concerning the idea of doing two phases of plantings in new subdivisions to speed up planting last year; was supported by PEC Andrew has said it should be possible to make progress on this issue in 2017 – For 2018, follow-up on status of progress 	Craig/Jill-Anne	Q2	\$0	Strong and Healthy Environment 3C
Shade Policy	<ul style="list-style-type: none"> TFAC received presentation and report from UWO environmental health promotion students in 2016, and recommend City consider adopting a shade policy that would deal with both living and manmade sources of shade on city properties; was supported by PEC. Toronto already has a municipal shade policy in place and could be a great source of inspiration Randy (MLHU) will continue to spearhead this (Although park/recreational space-focused, Toronto's policy was driven by efforts from their local health unit) 	Randy	Q4	\$0	Strong and Healthy Environment 3C

Project/Initiative	Background	Lead/Responsibility	Proposed Timeline	Proposed Budget	Link to Strategic Plan
Invasives Strategy	<ul style="list-style-type: none"> The use of invasive tree species within London's Urban Forest continues to be of great concern to TFAC: London's two most common trees (by stem count and volume) are both invasive species We should look to see some progress on this issue in the Tree Planting Strategy, the City's new Invasives Strategy, and the Tree Planting Guidelines. TFAC has previously recommended a "Non-Invasive Species First" planting policy wherein an invasive species would never be planted in a given planting location first (i.e., could only be considered as a replacement after another tree had been proven to fail, whereas now, an invasive species could be used right from the start) 	Jill-Anne	Q2	\$0	Strong and Healthy Environment 3E April presentation by City Staff
Woodland Acquisition Policy	<ul style="list-style-type: none"> TFAC wishes to gain a better understanding of how the woodland acquisition policy currently works We hope to request presentation this spring (2017) and provide comment from there 	Craig	Q2	\$0	Strong and Healthy Environment 3E
Tree Planting Guidelines	<ul style="list-style-type: none"> Continue to facilitate collaboration between Lydon Hydro and City Staff to ensure Right Tree, Right Place London Hydro would like to be consulted and kept in the loop for the change process of the guidelines Working Group is to be established by the City and London Hydro is to be included 	Roberto	Q3	\$0	Strong and Healthy Environment 3E

Project/Initiative	Background	Lead/Responsibility	Proposed Timeline	Proposed Budget	Link to Strategic Plan
Urban Forest Strategy: Tree Protection	<ul style="list-style-type: none"> ● Provide feedback on tree retention policy ● Provide feedback on “No Net Loss” policy (draft expected December 2017; communications plan may be drafted over summer) <ul style="list-style-type: none"> ○ Feb. 2017: On tree loss topic, City Tree Protection Bylaw currently in limbo (since focus was turned to the private tree protection bylaw last year instead) – we should seek to follow-up about this item this year. Andrew notes that it will likely will be December, 2017 that that review will be ready. (May start as early as July for a communication plan) ○ Feb. 2017: Private Tree Protection Bylaw is expected to undergo a one-year review (Sept. 1 2017): City expects they’ll be taking comments, doing open houses, etc. with report back to PEC in the Fall ○ TFAC has previously expressed interest in receiving an (informal) 6 month update ○ TFAC should aim to get comments in relatively early – may be August/September 	Jill-Anne	Q2	\$0	<p>Robust Infrastructure 1A: Address and manage the infrastructure gap to maintain what we have now and reduce the tax burden on future generations.</p> <p>Strong and Healthy Environment 3C: Plant more trees and better protect them from deforestation, invasive species, and other threats.</p> <p>Strong and Healthy Environment 3E: Work together to protect all aspects of our natural environment including woodlands, wetlands, river and watercourses, and air quality as our city grows.</p>

NEW 2018					
Boulevard Tree Bylaw	City Staff will be looking for TFAC input on replacement bylaw	Jill-Anne	Q2	\$0	Strong and Healthy Environment 3E
COMPLETED					
Urban Forest Strategy: General	<ul style="list-style-type: none"> The Urban Forest Strategy is a multi-million dollar 20 year strategy to help ensure the growth and health of one of the Forest City's most important features. Providing advice on the formation and implementation of London's Urban Forest Strategy is at the core of TFAC's mandate. Monitor progress on the Urban Forest Strategy and make recommendations concerning its ongoing implementation Ensure PEC is being kept informed of progress on the UFS Receive 2 UFS Semi-Annual Updates <i>(It is noted that a template for a semi-annual updated was provided to Ivan Listar last year but not really followed in the first update: we should revisit our template and look for a more formalized structure in the reporting this year)</i> 	Amber & Roberto		\$0	<p>Robust Infrastructure 1A: Address and manage the infrastructure gap to maintain what we have now and reduce the tax burden on future generations.</p> <p>Strong and Healthy Environment 3C: Plant more trees and better protect them from deforestation, invasive species, and other threats.</p> <p>Strong and Healthy Environment 3E: Work together to protect all aspects of our natural environment including woodlands, wetlands, river and watercourses, and air quality as our city grows.</p>
Tree Planting Strategy	<ul style="list-style-type: none"> Assist City staff in the development of a Planting Strategy for London (as a part of the UFS) Provide feedback on "Right Tree Right Place" (part of the UFS) Feb. 2017: Tree Planting Strategy is under development, and City staff have developed a number for how many new trees need to be planted each year (~45,000) for ___ years in order to reach canopy cover targets. TFAC should expect to review a draft this spring and provide comment on it. Staff would like us to specifically explore, as a part of this, how we can incent private landowners to plant trees. (Planting on city-owned land, by comparison, will be the "easy part"). 			\$0	Strong and Healthy Environment 3C

<p>Infrastructure Replacement Projects in Roadways</p>	<p>We should also inquire as to the status of the Community Planting Projects Report which is normally prepared in January by Parks Planning's Community Projects Coordination each year.</p> <ul style="list-style-type: none"> Road work and tree cutting in Rowntree and Queenston neighbourhoods over the past two years has provided an opportunity to review the processes affecting street trees in London Our goal is to make recommendations to improve citizen understanding of decisions to make removals, and to reduce the impact of construction on trees Feb. 2017: A presentation was received in the last couple of months about the work happening on roadways and a new system the City has to "score" contractors based on the work they've done and problems encountered. This is expected to reduce the odds of Queenston-type damage happening again. However, TFAC would still like to review core road construction documents as they relate to trees and make comment. 	<p>Working group</p>		<p>\$0</p>	<p>Robust Infrastructure 1A</p>
<p>Tree establishment recommendations</p>	<ul style="list-style-type: none"> Explore ways to reduce mortality of newly planted street and park trees, including: <ul style="list-style-type: none"> Future tree watering options report for 2017 Potted stock in lieu of caliper trees Feb. 2017: Currently appears likely that potted trees will be a greater focus in the Tree Planting Strategy in light of the cost savings they bring and the need to significantly increase planting levels to hit municipal targets. (Great progress here). We are still waiting on a report on watering options for trees and should consult with staff about when this could be prepared. 	<p>Amber</p>		<p>\$0</p>	<p>Robust Infrastructure 1A Strong and Healthy Environment 3C</p>

<p>Identification of Publicly Owned Plantable Spaces</p>	<ul style="list-style-type: none"> As the largest single landowner in London, the City owns an enormous amount of plantable land, not all of which is in parks. TFAC will work to make recommendations to help ensure that there is a regular process for identifying all plantable spaces on City-owned land and that there are systems in place to help get them planted and contributing to London's canopy cover targets. Invite James MacKay, Ecologist to a future meeting (2017) to speak to this. 			<p>\$0</p>	<p>Strong and Healthy Environment 3C</p>
<p>Trees Protection Strategy Construction Mitigation</p>	<ul style="list-style-type: none"> Provide an opportunity for the TFAC to review and possibly make recommendations to this tree protection strategy for construction mitigation early spring 2017 (added following the Road Work Construction presentation in November 2016) 	<p>Amber</p>			<p>Strong and Healthy Environment 3E</p>
<p>Orientation for new City Forester</p>	<ul style="list-style-type: none"> TFAC will provide a presentation and briefing to the new City Forester about recent recommendations and the areas our group is hoping to focus on moving forward 				<p>Strong and Healthy Environment 3C & 3E</p>
<p>Asian Longhorn Beetle</p>	<ul style="list-style-type: none"> Asian Longhorn Beetle Report & Update on current state of affairs in North America will be given by City staff (suggested by Andrew) 				<p>Strong and Healthy Environment 3C</p>



MIDDLESEX-LONDON HEALTH UNIT
REPORT TO CITY OF LONDON
PLANNING AND ENVIRONMENT COMMITTEE

TO: Chair and Members of the Planning and Environment Committee
FROM: Christopher Mackie, Medical Officer of Health / CEO
DATE: 2018 April 16

SITING OF LONDON'S FIRST SUPERVISED CONSUMPTION FACILITY

Recommendation

It is recommended that the Planning and Environment Committee

- 1. ENDORSE either one or both of 120 York St. and 372 York St. as (an) appropriate location(s) for a permanent Supervised Consumption Facility (SCF); and*
- 2. COMMIT that when a bylaw is put in place to establish specific zoning criteria for Supervised Consumption Facilities in London that the endorsed location(s) automatically be deemed zoned for such use.*

Key Points

- A permanent Supervised Consumption Facility is clearly needed in London. These facilities have been shown to improve public order – reducing needle waste and public injection – as well as public health.
- The Temporary Overdose Prevention Site that has been operating in downtown London since February 12th has seen over 1200 client visits; initial results for clients and the community have been overall very positive.
- Two sites are under consideration for a permanent Supervised Consumption Facility: 120 York St. and 372 York St. As the arbiter of community input, the endorsement of Council is sought.

Background

After observing significant increases in the rate of infectious diseases predominantly amongst people who inject drugs (PWID), the Middlesex-London Health Unit (MLHU) and the Regional HIV/AIDS Connection (RHAC) worked together with several partners in the health, social services, and emergency response sectors to develop an application to the federal government for permission to establish a Supervised Consumption Facility (SCF). Supervised Consumption Facilities have been shown to: help prevent fatal overdoses; reduce the spread of life-threatening infections such as HIV, Invasive Group A Streptococcus (iGAS), and infectious endocarditis; and improve public order by reducing needle waste and public injecting.

Public Consultation, Initial Work, and Council Policy

Recently, MLHU and RHAC collaborated with several other agencies to open the first provincially sanctioned Temporary Overdose Prevention Site (TOPS) in order to help address these concerns until federal approval for a permanent SCF could be obtained. This work was informed by public consultations in November of 2017 regarding what an SCF should include in order to be effective and acceptable to the community. These consultations included online survey input from over 2000 people, in-person consultations with over 400 participants, and targeted focus groups with service providers, Indigenous

agencies and individuals, and people who inject drugs. Key recommendations from these public consultations:

1. Ensure site location is accessible and welcoming to potential clients and respects the immediate neighbourhood context.
2. Implement and operate from a base of evidence and best practices, and commit to ongoing evaluation.
3. Be equipped to serve diverse group of clients with varying needs.
4. Respect neighbourhood needs and concerns.
5. Communicate, educate, and train.
6. Develop strong partnerships and commit to system shift.
7. Continue to work with the “bigger picture” in mind.
8. Develop and implement a comprehensive implementation strategy.

All of these recommendations were considered in the implementation of the TOPS, and are being used to guide the development of the SCF model. The full report from the public consultations can be found [here](#).

As part of implementing these recommendations, several partners from the Opioid Crisis Working Group and beyond have been engaged in both establishing the service model and operating the TOPS, and are currently being engaged regarding the establishment of the SCF.

On January 30, 2018, City Council unanimously passed into bylaw a new Council policy entitled [Siting of Supervised Consumption Facilities \(SCF\) and Temporary Overdose Prevention Sites \(TOPS\)](#). This policy provided guidance which assisted in finding a location for the new Temporary Overdose Prevention Site, and has been used extensively in the search for candidate sites for a permanent Supervised Consumption Facility.

London’s Temporary Overdose Prevention Site Demonstrates Effectiveness & Acceptability

To date, the Temporary Overdose Prevention Site has been successful on multiple fronts. While it is still fairly early in the operation of the TOPS, numerous consultations with residents, businesses and other stakeholders have been positive and have indicated that the service has been generally well received, and has likely had a net positive impact on the community. While there have been a small number of issues in the vicinity, it does not appear that these issues are occurring with any increased frequency, and they are offset by a substantial reduction in needle waste in the area, and a corresponding reduction in public injecting behaviour.

Clients have exhibited increasing comfort in accessing TOPS with an average of over 30 client interactions each day, to a peak of 57 visits in one day. As of April 3, there have been over 1200 client visits to the site and on only three occasions was intervention required by staff to prevent an overdose. In addition, there have been several very positive and therapeutic interactions that have helped people in the throes of addiction to improve their lives. Because of the partnerships with key community agencies working at the TOPS, numerous clients have been able to connect to support services that they may not have been able to access, and in some cases have even moved on to detoxification and other treatments for their addictions.

The services offered at TOPS are complemented by a comprehensive suite of harm reduction activities including a clean needle program, naloxone kit distribution and training, needle recovery teams, client education, and epidemiological surveillance. Best practices from across North America have been studied and adopted locally to help prevent overdose and reduce the spread of infectious diseases.

Recent data suggest that there has been a reduction in new HIV and Hepatitis C cases in London, while naloxone has been used by bystanders in the community on several occasions to prevent fatal overdoses. Examples of effective peer support and enhanced client navigation experiences have also been reported at

the TOPS location. Communities from across Ontario have been turning to agencies in London for guidance and support in addressing their local situations.

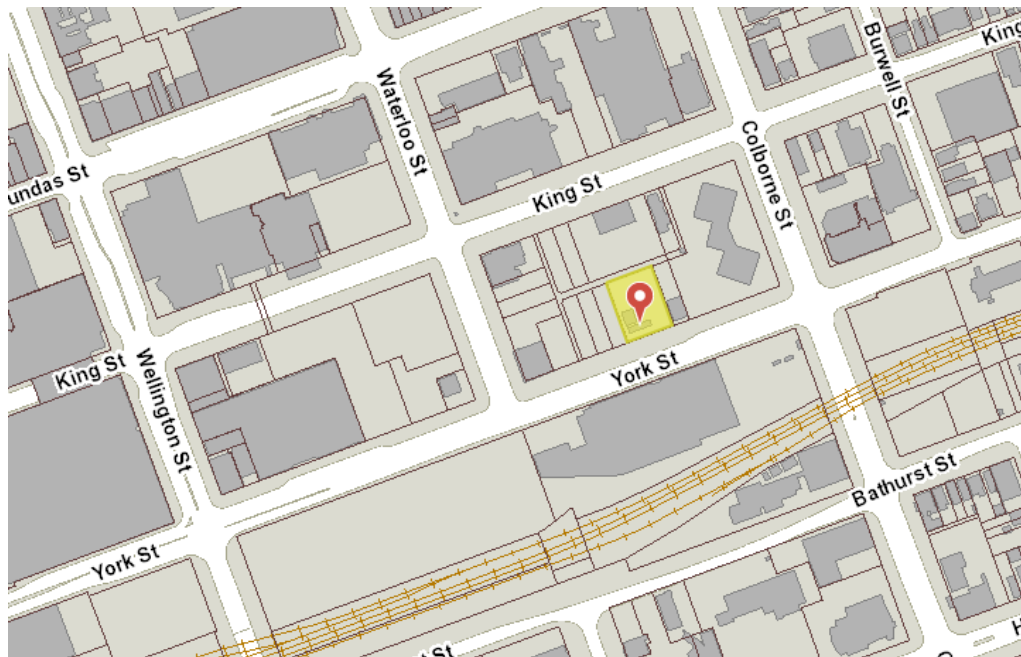
The needle recovery efforts that have been implemented in parallel with the opening of TOPS are of particular note. While needle waste is not associated with a high risk of transmission of infectious disease, finding it near homes or places of work can be distressing for residents, customers, and business owners. The enhanced needle recovery work is led by MLHU's Community Emergency Response Volunteer (CERV) program with RHAC providing needle disposal services. Recovery efforts have been planned based on information from the London Cares Homeless Response Services database, as well as from Downtown London and the Old East Village BIA, both of which provide a list of "hot spots," or locations where large collections of needles have been found in the past. After piloting in the fall of 2017, the full implementation of the CERV needle recovery model has proven to be effective, cost-effective, and complementary to other needle recovery efforts including those of the City of London.

Identifying a Permanent Site

Dozens of locations have been considered for London's first permanent Supervised Consumption Facility. Narrowing these sites down to those that would meet the criteria set by Council eliminated several. In the remaining cases, the sites were often either not immediately available, or the landlord was not interested.

A candidate location for an SCF was identified at 372 York St. (north side between Waterloo and Colborne) that both met the Council policy criteria, and was owned by a landlord interested in proceeding with such a facility. Discussions were held with the property owner, neighbouring businesses and city staff. The site includes a large office trailer and a garage, which together could be adapted to use as an SCF.

Initial discussions with partners including the City were positive, and the location was included in the application to the federal government as the proposed site for the SCF. The application was submitted one week prior to the announcement by Farhi Holdings Corporation that the former London Free Press building, across the street from the proposed SCF, would become the location of Venture London, a new small business and innovation hub.

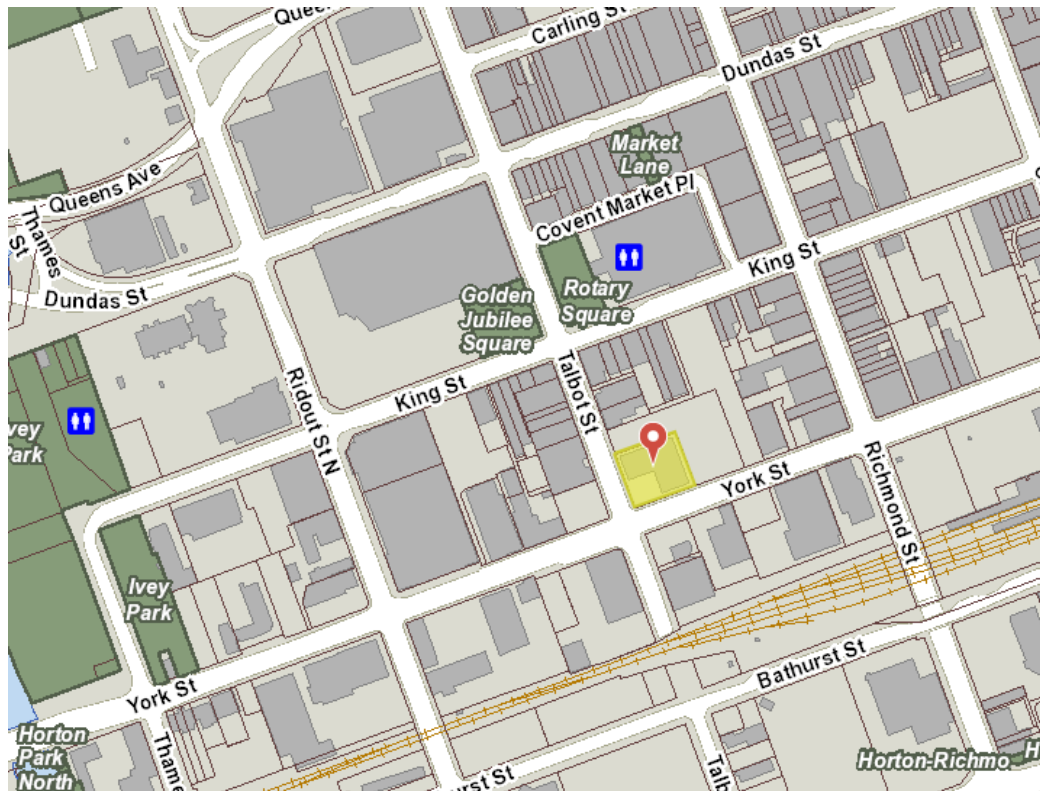


372 York St. map.



372 York St. view from York.

Some stakeholders involved in the Venture London collaborative, including Farhi Holdings Corporation as well as a current tenant of the London Free Press building, expressed concern about the proposed site of the SCF. In response, the proponents of the new hub proposed an alternative location for the SCF at a building located at 120 York St. (north east corner of York St. and Talbot St.), which is owned by Farhi Holdings Corporation. The proposed alternative would also provide the opportunity to co-locate the administrative offices and operations of RHAC. In the opinion of MLHU and RHAC, both locations would be suitable for the operations of a Supervised Consumption Facility.



120 York St. map.



120 York St. view from York.

Planning Considerations

The partners who are leading this work are all committed to respecting neighbourhood needs and concerns. Not only was this a key recommendation from the public consultation process for the SCF application process, but it is a basic principle of good public service to consider the values of the community when planning a new service. To this end, the public consultation input to date and the Council policy on siting of Supervised Consumption Facilities have been top of mind throughout the site selection process.

The Council policy established the following evaluation criteria:

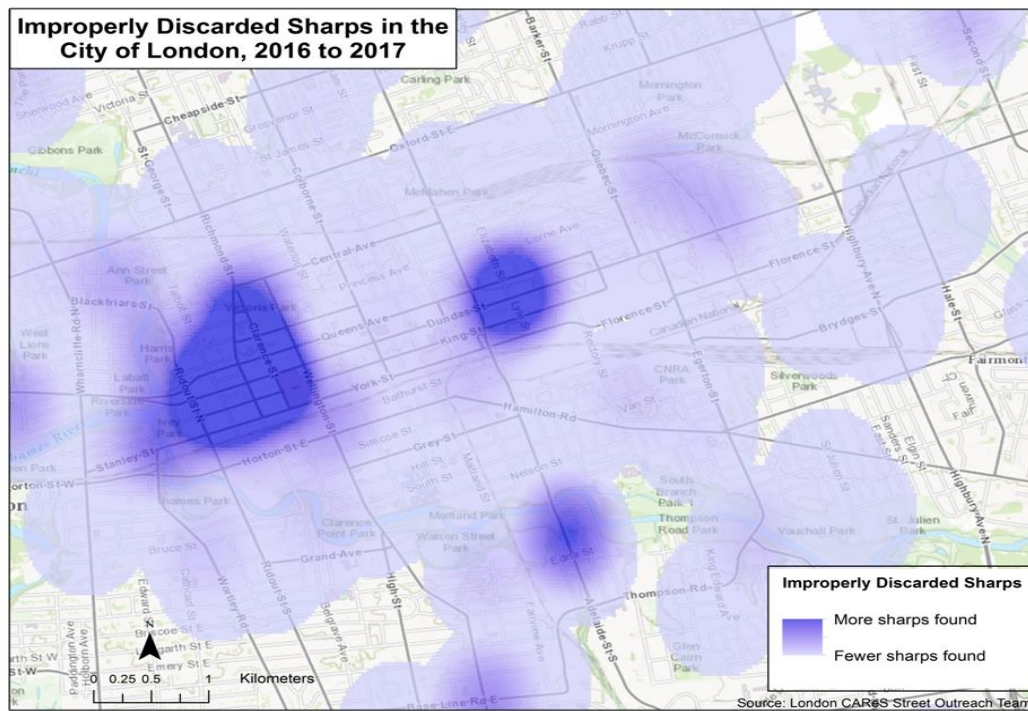
1. Locations that meet the needs of those who they are designed to service
 - i. Within close proximity to, or near, communities where drug consumption is prevalent
 - ii. Well serviced by transit
 - iii. Discrete, allowing for reasonable privacy for those using the facility
 - iv. Separated from busy pedestrian-oriented commercial areas
 - v. Separated from public spaces that generate pedestrian traffic or may generate large crowds from time to time
 - vi. Close to an area with other drug addiction related support services
2. Locations that avoid land use conflicts
 - i. Separated from busy commercial areas or active public spaces that could generate conflicts between the general public and those leaving supervised consumption facilities after consuming
 - ii. Separated from parks
 - iii. Separated from key pedestrian corridors within the Core Area
 - iv. Separated from public elementary or secondary school properties
 - v. Separated from municipal pools, arenas and community centres and the Western Fairgrounds
 - vi. Not within the interior of a residential neighbourhood

Supervised consumption facilities should be designed to:

- Incorporate Crime Prevention Through Environmental Design (CPTED) principles
- Meet provincial regulations, the policies of this plan, and municipal by-laws relating to accessibility
- Orient building entrances to allow for reasonably discrete entry and exit

- Ensure that building waiting areas and vestibules are adequately sized to avoid line-ups or waiting outside of the building
- Allow for easy visual surveillance of the facility and its surrounding site from the street
- Avoid opportunities for loitering, such as the installation of seating areas or landscape features that can be used for seating

Data collected from London Cares Homeless Response Services, Downtown London, RHAC and MLHU has helped to identify where improperly disposed needles are most prevalent. This information can be used as a proxy for identifying where injection drug use occurs in public spaces. Generally, these areas include alleys, behind buildings, and in parking lots in spaces outside of the lines of sight from the street. From this data, it is shown that the area around 120 York St. is currently experiencing a high degree of injection drug use.



The site at 120 York St. is well situated as it is close to an area where there is a need for services for clients at risk. It is served well by transit, it provides reasonable privacy for clients, and lends well to allow for wrap-around supports from community service providers to be offered directly through this site. These services are likely to include addictions and mental health supports, housing and primary medical care referrals, drug safety testing, point-of-care HIV testing, client education in safer injection and harm reduction practices, as well as support for indigenous clients.

The site is not near schools, parks, or community facilities. It's proximity to the King St. commercial corridor, Covent Garden Market and Budweiser Gardens could be advantageous in helping to shift the current drug consumption activity in public spaces away from these areas and into the Supervised Consumption Facility.

For context, clients who attend the Supervised Consumption Facility wait approximately 10-15 minutes in the waiting room prior to entering the supervised consumption room. The average amount of time spent in the consumption area is 15-20 minutes prior to the client then moving to the aftercare room. Clients spend approximately 15 minutes in the aftercare room in order to ensure that help is available during the period of

greatest risk for overdose. With a typical visit averaging 45 minutes, clients remain in the facility during the height of their state of intoxication, which contributes to improved public order.

It is recognized that the 120 York St. location is one block away from the King Street commercial area, and it is anticipated that this location would help to mitigate the concerns of public drug consumption currently occurring nearby as well as help to reduce the amount of improperly discarded paraphernalia in the area.

At the time of writing, residents and property owners within 120 metres of the site at 120 York St. have been invited to a consultation meeting at the Middlesex-London Health Unit to take place on Monday, April 9th. The results of that meeting will be reported at the Planning and Environment Committee meeting on April 16th, 2018.

The site at 372 York St. is also well located to provide service as a Supervised Consumption Facility. Key stakeholders, including the London Convention Centre, the YMCA, Donohue Funeral Home and London Bridges Daycare, have all been informed of the consideration of this site and all are supportive of placing a Supervised Consumption Facility in this location. Situating the SCF between the Salvation Army Centre of Hope and the Mission Services Men's Mission is also seen as an opportunity to locate SCF services close to where they're needed most. A consultation meeting with residents and property owners is also planned for this location, to be held on Thursday, April 12th.

Mobile Facility Also Planned

In addition to the permanent site, a mobile facility is contemplated, and an application will likely be submitted for a federal exemption and provincial funding very soon. A mobile facility would help reach parts of the community that are not within easy walking distance of the fixed site, wherever that may be. Federal policy requires that a community have a fixed SCF in place before establishing a mobile service, in part to ensure that clients are still able to access supervised consumption services in the event of a vehicle breakdown.

Situated Within Broader Strategy

As strongly as the research evidence supports supervised consumption services, there is no illusion that an SCF will solve all of the problems posed by the drug crisis in our community. This work is situated within a broader [Community Drug and Alcohol Strategy](#), which itself links in with several other pieces of work, including the recently released [Community Mental Health and Addictions Strategy for London](#).

The Community Drug and Alcohol Strategy is firmly rooted in Four Pillars approach. This approach, which includes Prevention, Treatment, Enforcement, and Harm Reduction, is the recognized best practice in this area.

Prevention aims to prevent or delay substance use. *Treatment* refers to therapeutic interventions that seek to improve the physical and psychological well-being of people who use or have used substances, and includes therapies such as rehabilitation and opioid maintenance. *Enforcement* strengthens community safety by preventing and responding to crimes and community disorder issues. *Harm Reduction* aims to reduce the health, social and economic harms associated with drug use for those who are not yet able to stop using substances.



The draft recommendations contained in the Community Drug and Alcohol Strategy, which have been developed in consultation with over 80 community partners and agencies, lay a strong foundation for a broad community response to these issues.

Conclusion

The Middlesex-London Health Unit and the Regional HIV/AIDS Connection believe that the conditions as set out in the Council policy for the location of Supervised Consumption Facilities are satisfied in both the 372 York St. and 120 York St. locations, and request Council endorsement of one or both of these addresses as preferred options for the establishment of a permanent SCF site. A commitment from Council is also sought that, when specific zoning is put in place for such facilities, the endorsed location(s) would be deemed zoned for such use.

Christopher Mackie, MD, MHSc, CCFP, FRCPC
Medical Officer of Health / CEO

Review of 372 York St and 120 York Street Siting of Supervised Consumption Facilities (SCF)

The following analysis is based on Council's policy regarding the siting of supervised consumption facilities in London, Ontario. Below is Planning Staff's evaluation of the location criteria and site considerations established in this Council policy. It should be clear that staff are providing this information for your assistance at your request. However, this should only be considered a Planning Staff perspective and not a Municipal Council position.

The following analysis quotes the Council policy (left column of table) and then provides comments relating to the degree to which each site meets that policy in the opinion of Planning Staff.

A. Siting of Supervised Consumption Facilities

It is a policy of the City of London to ask that any proponent of a supervised consumption facility (SCF) implement the following location, design and engagement measures through the process of siting their facility.

1. Location Criteria to Benefit Those Who Use Such Facilities

For the benefit of those who use supervised consumption facilities, they should be sited in a location that is:

	372 York	120 York
<ul style="list-style-type: none"> • Within close proximity to, or near, communities where drug consumption is prevalent 	<ul style="list-style-type: none"> • The location is near the nexus of the Downtown, SoHo, Hamilton Road and Old East Village areas identified through the Health Unit's study as the primary street drug use and unsafe needle disposal locations. It is also located close to the Men's Mission shelter. 	<ul style="list-style-type: none"> • The location is in the southwest portion of the Downtown identified through study as one of the primary street drug use and unsafe needle disposal locations. However, this site does not address the areas identified for service through the Health Unit study, east of the Downtown in the Old East Village or Hamilton Road.
<ul style="list-style-type: none"> • Well serviced by transit 	<ul style="list-style-type: none"> • The site is located in within walking distance of the main hub of the future bus rapid transit system at King Street and Wellington. • The site is within 400m of many LTC routes that provide access throughout the City. • The site itself is served by the #7 bus route. 	<ul style="list-style-type: none"> • The site is located within easy walking distance to the future BRT system stop at King and Richmond. • The site is located close to several bus routes, including #5, 11 and 23.
<ul style="list-style-type: none"> • Discrete, allowing for reasonable privacy for those using the facility 	<ul style="list-style-type: none"> • This site is not located on a busy pedestrian corridor. The building and site layout on this property currently provide good sight lines. There are opportunities for positioning the entry to the facility to allow an appropriate level of privacy while maintaining good visibility within this context. 	<ul style="list-style-type: none"> • The site is located at the intersection of York and Talbot Streets. This location is more central within the Downtown than the site at 372 York, which can be described as more peripheral. York is not a busy pedestrian corridor whereas Talbot Street is a busy pedestrian corridor, across the street just north of this site. The site is also opposite the Greyhound Bus station which is a landing place for visitors to London arriving by bus and presents regular pedestrian, inter-city bus and taxi traffic at all hours.

<ul style="list-style-type: none"> • Separated from busy pedestrian-oriented commercial areas 	<ul style="list-style-type: none"> • This site is not located on a major thoroughfare as identified in “Our Move Forward: London’s Downtown Plan.” • This site is not located within a busy pedestrian-oriented commercial area, but rather is located on the southeast fringe of the Downtown on a relatively automobile-oriented street. • Commercial uses in the immediate vicinity are primarily auto-oriented. • There is a current proposal for Venture London in the former Free Press building across the street, which is proposed to include significant small business incubation and business infrastructure to help entrepreneurship and innovation to succeed, as well as related street-oriented commercial uses onto York Street. 	<ul style="list-style-type: none"> • This site is in close proximity to a number of restaurant and commercial uses on the west side of Talbot Street. The commercial operations along Talbot, north of the site, are pedestrian traffic generators. • York Street at this location does not have significant pedestrian oriented commercial uses. • The site is one block south of the Covent Garden Market and Budweiser Gardens, which generate large volumes of pedestrian traffic when events are running. • The Cube is a large office building to the south of this site, housing high tech uses.
<ul style="list-style-type: none"> • Separated from public spaces that generate pedestrian traffic or may generate crowds from time to time 	<ul style="list-style-type: none"> • The London Convention Centre is 200m to the west of the site. Most pedestrian traffic from the convention centre is directed west and north toward the downtown’s commercial, restaurant and hotel amenities. Most of this traffic would not be directed to the east of the Convention Centre, where this site is located. • York Street, at this location, is not highly pedestrian-oriented and does not include public spaces that generate high volumes of pedestrian traffic or crowds. • Note: Pedestrian primary access for the LFP building is currently located approx. 70m to the west of this site. Site servicing and loading facilities are approx. 55m east of the proposed site. 	<ul style="list-style-type: none"> • The Greyhound Bus station on the opposite corner from this site is identified as an activity generator within “Our Move Forward: London’s Downtown Plan”. This is a primary landing point for those travelling to and from London by inter-city transit and does generate significant volumes of pedestrian traffic. • The site is located less than 150m from the Budweiser Gardens and less than 100m from Rotary Square, significant community gathering spaces within the downtown. Both of these sites generate large volumes of pedestrian traffic and also generate large crowds from time to time. • The site is located within an area of parking lots that are frequently used for downtown events that draw in significant visitors.
<ul style="list-style-type: none"> • Close to an area with other drug addiction related support services 	<ul style="list-style-type: none"> • The site is located in proximity to drug addiction support services located in the Downtown core and the Old East Village. • The site is also located between the two primary mens’ shelters in the city - The Salvation Army and the Men’s Mission. 	<ul style="list-style-type: none"> • The site is located in proximity to drug addiction support services located in the Downtown core • The site is located within close proximity to the Salvation Army Shelter but is approx. 1.1km from the Men’s Mission shelter on York Street.

2. Location Criteria to Avoid Land Use Conflicts

In addition to those criteria listed in Part 1, above, to avoid land use conflicts, supervised consumption facilities should be sited in a location that is:

	372 York	120 York
<ul style="list-style-type: none"> Separated from busy commercial areas or active public spaces that could generate conflicts between the general public and those leaving these facilities after consuming 	<ul style="list-style-type: none"> This site is not located within a busy pedestrian-oriented commercial area, but rather is located on the southern fringe of the Downtown on a relatively automobile-oriented street. Commercial uses in the immediate vicinity are primarily auto-oriented. There are no large parks, arenas, or other recreational facilities that generate high volumes of pedestrian traffic. The London Convention Centre is 200m to the west of the site. Most pedestrian traffic from the Convention Centre would be directed west and north toward the downtown and hotel amenities. Most of this traffic would not be directed to the east of the Convention Centre. There is a current proposal for Venture London in the former Free Press building across the street, which is proposed to include significant small business incubation and business infrastructure to help entrepreneurship and innovation to succeed, and street-oriented commercial uses. 	<ul style="list-style-type: none"> This site is in close proximity to a number of restaurant and commercial uses on the west side of Talbot Street. The commercial operations along Talbot, north of the site are pedestrian traffic generators. The Greyhound Bus Station on the opposite corner from this site is identified as an activity generator within “Our Move Forward: London’s Downtown Plan”. This is a primary landing point for those travelling to and from London by transit. The site is located less than 150m from the Budweiser Gardens and approx. 100m from Rotary Square, significant community gathering spaces within the downtown. These facilities generate large volumes of pedestrian traffic and large crowds, hosting some of London’s largest entertainment events. The site is located within an area of parking lots that are frequently used for downtown events that draw in significant visitors.
<ul style="list-style-type: none"> Separated from parks 	<ul style="list-style-type: none"> Generally, this site is separated from parks spaces that may attract youth populations. The nearest and only proximate park is Campbell Park on Dundas Street, 240m to the north of the site. Campbell Park houses London’s Homeless Memorial. 	<ul style="list-style-type: none"> Ivey Park at the Forks of the Thames which features play equipment and attracts youth is approx. 350m to the west – a substantial distance. Rotary Square and the Golden Jubilee Square are nearby, approximately 100m to the north, and are civic spaces/parks that see significant youth populations and even crowds of children during various events.
<ul style="list-style-type: none"> Separated from key pedestrian corridors in the Core Area 	<ul style="list-style-type: none"> King, York, Waterloo and Colborne Streets, which border the block in which the site is located, do not see significant pedestrian traffic in this location. This site is not located on a major thoroughfare as identified in “Our Move 	<ul style="list-style-type: none"> Of Talbot, King, Richmond and York Streets which border the block in which the site is located, only York does not see significant pedestrian traffic. The other three streets do. In “Our Move Forward: London’s Downtown Plan” Talbot and York Streets are

	Forward: London's Downtown Plan.”	not identified as major thoroughfares at this location; however, King and Richmond Streets are identified as major thoroughfares and are located on the same block as this site
<ul style="list-style-type: none"> Separated from public elementary or secondary school properties 	<ul style="list-style-type: none"> The Catholic Central Secondary School property is 260m away from the site which is less than, but relatively close to, the 300m requested by the School Board in their response to the SCF & TOPS planning amendment application process. The H.B. Beal Secondary School property is 360m away, which exceeds the 300m requested by the School Board. There are no elementary schools in the vicinity of the site. The site is relatively well removed from schools, recognizing the many criteria that are being simultaneously considered for such a facility. 	<ul style="list-style-type: none"> There are no public elementary or secondary school properties near this site. The nearest school is London Central Secondary School at over 800m away.
<ul style="list-style-type: none"> Separated from municipal pools, arenas and community centres and the Western Fairgrounds 	<ul style="list-style-type: none"> The Central Public Library, is located 420m to the northwest, is the nearest City community facility. The Western Fairgrounds are over 1km to the east of the site. 	<ul style="list-style-type: none"> Budweiser Gardens, at 150m away from this site, serves as a municipal arena from time to time Both the Budweiser Gardens and the Covent Garden Market serve as community centres from time to time – being city-owned and offering recreational programming within those spaces. The outdoor pool at Thames Park is approx. 500m away to the south – a considerable distance.
<ul style="list-style-type: none"> Not within the interior of a residential neighbourhood 	<ul style="list-style-type: none"> The uses adjacent to the site to the North, West and South are non-residential in nature. However, there are residential towers in the general vicinity of this site. The residential uses to the east (but not directly abutting the site) are in the form of high rise residential, with some commercial at grade uses, depending on the building. This site's location is not embedded within the interior of a residential neighbourhood, but rather is on the southeastern periphery of the Downtown. 	<ul style="list-style-type: none"> There is currently a proposal (recently approved for a zoning amendment by Municipal Council) to build a young mothers residential building on the northeast corner of York and Richmond, on the same block and to the east of this site (to be delivered by Youth Opportunities Unlimited). Similarly, and to the north of the YOU building, is an Aboriginal women's residential facility. Although there are residential units above ground-level retail within the block, and the block to the west (which also includes 2 residential towers) the site

		<p>is not embedded within a residential neighbourhood.</p> <ul style="list-style-type: none"> It is noteworthy that a new residential tower is proposed to the north and east of the site, on the same block.
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3. Site Design Criteria

In addition to those location criteria listed in Part 1 and Part 2 of this policy, supervised consumption facilities should be designed to:

	372 York	120 York
<ul style="list-style-type: none"> Incorporate Crime Prevention Through Environmental Design (CPTED) principles 	<ul style="list-style-type: none"> Can be achieved through site design 	<ul style="list-style-type: none"> Can be achieved through site design
<ul style="list-style-type: none"> Meet municipal bylaws and provincial regulations for accessibility 	<ul style="list-style-type: none"> Will be achieved through site design 	<ul style="list-style-type: none"> Can be achieved through site design
<ul style="list-style-type: none"> Orient building entrances to allow for reasonably discrete entry and exit 	<ul style="list-style-type: none"> Can be achieved through site design 	<ul style="list-style-type: none"> Can be achieved through site design, provided access is on York Street
<ul style="list-style-type: none"> Ensure that building waiting areas and vestibules are adequately sized to avoid line-ups or waiting outside of the building 	<ul style="list-style-type: none"> Will be achieved through site design 	<ul style="list-style-type: none"> Will be achieved through site design
<ul style="list-style-type: none"> Allow for easy visual surveillance of the facility and its surrounding site from the street 	<ul style="list-style-type: none"> The building on the site is surrounded by surface parking lots which allow for easy visual surveillance 	<ul style="list-style-type: none"> The building is surrounded by parking lots although to the immediate north the configuration offers the potential for an "alley" situation.
<ul style="list-style-type: none"> Avoid opportunities for loitering, such as the installation of seating areas or landscape features that can be used for seating. 	<ul style="list-style-type: none"> There are no pedestrian amenities on the site or adjacent properties. It will be important that seating areas, or landscape features that can be used for seating, are not installed as they could promote loitering. It will be important that security works to avoid loitering on adjacent parking lots. 	<ul style="list-style-type: none"> There are no pedestrian amenities on the site or adjacent properties. It will be important that seating areas, or landscape features that can be used for seating, are not installed as they could promote loitering. It will be important that security works to avoid loitering on adjacent parking lots.

4. Engagement Measures

Consultation processes required by the Federal and Provincial governments must be met. In addition, proponents of supervised consumption facilities should host a meeting with property owners, business owners, and residents within a minimum of 120m of the proposed site to describe the proposal and operational procedures planned for the facility, hear the neighbouring property owners' concerns, allow for consideration of measures that could be taken to mitigate these concerns, and establish a system for ongoing communication with the community.

Planning Staff Opinion

Through this review of the two sites, relative to Council's location and design criteria, Planning Staff believe that the site at 372 York is far superior. The site at 120 York Street is surrounded by activity generators that can create large volumes of pedestrian traffic and crowds – something that isn't a positive locational attribute from the perspective of the users of such facilities or for the purpose of minimizing land use conflicts. These uses include Budweiser Gardens and Jubilee Square, The Covent Garden Market and the Rotary Square, the Greyhound Bus Station, and commercial uses along Talbot Street. It is noteworthy that Youth Opportunities Unlimited drop in centre and the future residential facility for young mothers is half a block away from this site.

We recognize that the site at 372 York has been identified as a challenge for those proposing Venture London in the former Free Press building across the street, which is proposed to include significant small business incubation and business infrastructure to help entrepreneurship and innovation to succeed. Based on the meeting held in our office, and the issues that were raised, we offer the following measures that could be taken into consideration together with the Health Unit and the proposed facility operator with the aim mitigating such issues, should they choose to locate the facility at this location.

372 York Concerns and Potential Mitigation Measures

- Facility size and potential growth
 - Could the facility operator enter into an undertaking that makes commitments to Venture London relating to a size limit for the facility – for example, limit the number of booths that would be located in the facility
 - Would the operator be willing to undergo a zoning amendment that limits the total number of booths and floor space permitted on the site (through long term zoning)
 - Does the application for this facility include limitations on the site of the facility – number of booths, floor area, number of patients, etc. If not, can the application for the facility be amended to do so?
- Quality façade and site improvements
 - Funding should be incorporated into the funding application to provide for high quality façade improvements that will illustrate the positive nature of this use and express a positive built form that is an enhancement to the streetscape and community.
 - Lush tree planting and landscaping should be incorporated to contribute to the image of revitalization and vibrancy in the neighbourhood – this will need to be designed to ensure that site lines remain relatively open and clear.
 - The facility should be designed to provide privacy and discretion for those entering and exiting the facility. Furthermore, the design can help the facility to be “anonymous” to avoid stigma.
 - The location of entrances and exits should be designed in locations that ensure discretion from the street
 - Consideration of landscaping and entrances/exits should be considered collaboratively with Venture London/London Free Press property owner to determine what will work best from their perspective.
 - City of London incentives are available to assist with façade improvement
- Ensure on-site security
 - Build security costs into the business model and funding application
 - Enter into an undertaking that makes commitments to Venture London relating to security resources and their function
 - Require clients enter into agreement with established Code of Conduct to establish client peer pressure to exercise good behaviour
 - Application process requires engagement with local police
- Loitering – on site and neighbouring properties
 - The operator has indicated that security personnel costs have been incorporated into the funding application. This is critical.
 - Security should be used to conduct surveillance of the site and its surrounding sites – to ensure that loitering is not occurring on the property or adjacent properties. It may be necessary to enter into agreements with adjacent property owners to allow security to perform this important function on properties beyond the facility itself.
 - Adequate waiting spaces within the facility are important so that clients are not loitering out front or in the vicinity waiting for use of the facility. This will be important during key times of the day when demand may be higher than other times.

- Aftercare space is important to allow for users to spend time on site after consuming, rather than exiting immediately into public space
- It will be important that seating areas are not provided intentionally, or inadvertently through landscaping features, that may allow for loitering
- Close coordination with the London Police Services COR Unit will be important to ensure that drug trafficking is not occurring in the vicinity of the facility
- Relationship with adjacent neighbourhood and businesses
 - A Community Liaison Committee should be established to maintain community contacts and respond to concerns on an ongoing basis.
 - It will be important to be highly responsive to concerns so that they are addressed immediately
 - Regular meetings should be conducted and a direct point of contact should be provided for neighbouring properties and the community to reach out to
 - While it is expected that the facility will reduce the number of needles dropped in public and private spaces, sweeps of the site and surrounding area in coordination with those services would be important to create “the highest level of this service in the City within this vicinity”.
 - The Code of Conduct that has been used successfully to date in the Temporary Overdose Prevention Site will be critical to create self-policing in the vicinity amongst clients; this region should be seen as a zone where code of conduct expectations are highest in the City.
 - Co-locating support services within the facility will be important to create positive opportunities to assist with problems that currently exist in the neighbourhood
- Social innovation branding
 - There may be an opportunity to brand the facility as a social innovation centre. This could include collaboration with the University, colleges, innovation and tech centre to find new ways to help those who suffer from drug addiction.
 - This could be tied into services at the Men’s Mission, relating to the underpinnings of addiction

April 12, 2018

Planning and Environment Committee
c/o City Clerk, City of London
300 Dufferin Avenue
London, ON N6A 4L9
Fax 519-661-4892

Planning and Environment Committee Members,

On behalf of the London InterCommunity Health Centre, I am writing to support the efforts of the Middlesex London Health Unit (MLHU) and Regional HIV/AIDS Connection (RHAC) to establish a permanent Supervised Consumption Facility (SCF) at either 372 York Street or 120 York Street. We believe that either location would meet the needs of people who would benefit from the service.

We have worked in collaboration with MLHU, RHAC and other health and social service providers to successfully establish the Temporary Overdose Prevention Site. London InterCommunity Health Centre provides health and social services to people who face barriers to accessing care in our community, which includes people who inject drugs. As such, we look forward to working with our partners to establish a permanent site, and to connect clients of the SCF to our programs and services, with the goal of improving their overall health and wellbeing.

We appreciate the important role that you will play in determining where the facility best fits from a community and land-use perspective, and thank you for your leadership in helping to establish this essential healthcare service in our community.

Regards,



Scott Courtice
Executive Director

April 10, 2018

Chair and Members
Planning and Environment Committee

Re: Proposed Supervised Drug-use Facility at 120 or 372 York Street, London, Ontario


Dear Chair and Members,

At Addiction Services of Thames Valley (ADSTV), we see the impact of drug use every day on the individual, family and community. The benefits provided by a Safe Consumption Site are clear to us, the Board of Directors and the community we serve. We applaud the work underway and our Board of Directors has issued a supportive statement about the need in our community. We believe that the SCS must be centrally located as is the current Temporary Overdose Prevention Site.

ADSTV currently supports the TOPS with staff and will continue to do so in the SCS wherever it is located. Many of our clients are seeking the supports of the TOPS because although they are dependent on drugs, they do not want to accidentally die by opiate poisoning. They benefit from the health and social supports they receive while attending TOPS.

ADSTV is a collaborative partner providing addiction related services and supports for the joint application of the Middlesex-London Health Unit and the Regional HIV/AIDS Connection to open a supervised consumption site at either 120 or 372 York Street. Both locations are centrally located and accessible. This community and the people who need the Supervised Consumption Site (including family), require this site to be chosen so that the host agencies can get on with the planning and implementation.

Thank you,



Linda Sibley, B.A., CBS Diploma
Executive Director

V 519-673-3242 ext. 226 F 519-673-1022 E lsibley@adstv.ca



**Southwest Ontario
Aboriginal Health
Access Centre**

□ 77 Anishinaabeg Drive
Muncey, Ontario N0L 1Y0
P 519.289.0352 F 519.289.0355

□ 425-427 William Street
London, Ontario N6B 3E1
P 519.672.4079 F 519.672.6945

soahac.on.ca

April 11, 2018

Dr. Chris Mackie
Medical Officer of Health and CEO
Middlesex-London Health Unit
50 King St.
London, ON N6A 5L7

Dear Dr. Mackie,

I am writing this letter advising of our support of the Middlesex-London Health Unit's efforts in securing a permanent Supervised Consumption Facility.

As you know, SOAHAC presently has a staff member on site at the current Temporary Overdose Prevention Site one day per week; to assist within the aftercare room.

SOAHAC remains committed to providing a SOAHAC staff member on site in a permanent Supervised Consumption Facility wherever your team and the City of London deem an acceptable location for a permanent site.

As an Aboriginal Health Access Centre serving First Nations, Metis and Inuit individuals, families and communities across the Southwest Region of Ontario; this crisis is being felt significantly in our urban, on reserve and off reserve populations.

Having the ability to support this work with our community partners now and in future; allows SOAHAC to provide culturally sensitive care and support to not only the individuals, families and communities we serve; but to all affected by this crisis.

Sincerely,

Brian Dokis,
Chief Executive Officer
SOAHAC
P: 519-914-1858 Ext. 2001
E: bdokis@soahac.on.ca



April 10, 2018

Chair and Members
Planning and Environment Committee

Re: Proposed supervised consumption site at 120 or 372 York St., London ON

Notwithstanding the absence of an official plan and zoning amendment by planning staff, the London Abused Women's Centre (LAWC) supports the joint application of the Middlesex-London Health Unit and the Regional HIV/AIDS Connection to open a supervised consumption site at either 120 or 372 York Street. Both locations are centrally located and accessible.

LAWC delivers its service from evidence-based research showing the link between trauma, mental health and substance use. The agency advocates for well-resourced services to provide individuals with choices about the services that best meet their needs. This includes options to choose attending methadone clinics, abstinence and/or harm reduction counselling agencies, detox and rehabilitation and/or safe consumption sites.

The London Abused Women's Centre believes all individuals have a right to immediate access to accessible, safe and convenient services.

As a caring and compassionate community, we have a responsibility to ensure that the lives of all Londoners are valued. Providing access to a supervised consumption site is an urgent matter that will save lives.

We encourage London City Council to support the application by Middlesex-London Health Unit and the Regional HIV/AIDS Connection and move immediately towards approving a supervised consumption site.

Sincerely,

Megan Walker
Executive Director

London Advisory Committee on Heritage

Report

5th Meeting of the London Advisory Committee on Heritage
April 11, 2018
Committee Rooms #1 and #2

Attendance PRESENT: D. Dudek (Chair), S. Adamsson, D. Brock, J. Cushing, H. Elmslie, H. Garrett, S. Gibson, T. Jenkins, J. Manness, B. Vazquez, K. Waud and M. Whalley and J. Bunn (Secretary)

ALSO PRESENT: J. Dent, L. Dent, K. Gonyou, M. Knieriem, A. Macpherson and L. McNiven

The meeting was called to order at 5:30 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that H. Garrett disclosed a pecuniary interest in clause 5.1 of this report, having to do with a Demolition Request of a Heritage Designated Property located at 660 Sunningdale Road East, by indicating that her employer was the previous agent on the file.

2. Scheduled Items

2.1 Fugitive Slave Chapel Preservation Project – Status Update

That the Heritage Planners BE REQUESTED to prepare a Statement of Cultural Heritage Value or Interest for the Fugitive Slave Chapel at its new location at 432 Grey Street pursuant to direction from the Municipal Council during the repeal of the heritage designating by-law for 275 Thames Street; it being noted that the attached presentation from G. Hodder and a verbal delegation from H. Neary, with respect to this matter, were received.

2.2 Heritage Alteration Permit Application by Stantec Consulting Ltd. - The Green (165 Elmwood Avenue East)

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application by Stantec Consulting Ltd., under Section 4.2 of the *Ontario Heritage Act* to alter The Green located at 165 Elmwood Avenue East, individually designated by By-law No. L.S.P.-2854-377 and within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED; it being noted that the attached presentation from K. Gonyou, Heritage Planner, was received with respect to this matter.

2.3 Conditions on Demolition of Heritage Designated Properties

That the matter of conditions on the demolition of heritage designated properties BE REFERRED to the Planning and Policy Sub-Committee for further research; it being noted that the attached Memo, dated April 11, 2018, from J.M. Fleming, Managing Director, Planning and City Planner and G. Kotsifas, Managing Director, Development and Compliance Services and Chief Building Official, and a verbal delegation from P. Kokkoros, Deputy Chief Building Official were received with respect to this matter.

2.4 Notice of Application - City of London - City-Wide - Low-Density Residential Zones (R1, R2, R3) within the Primary Transit Area

That it BE NOTED that the attached presentation from M. Knieriem, Planner II, with respect to the Notice of Application, dated March 7, 2018, related to City-wide, low-density residential zones (R1, R2, R3) within the Primary Transit Area, was received.

3. Consent

3.1 4th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 4th Report of the London Advisory Committee on Heritage, from its meeting held on March 14, 2018, was received.

3.2 Municipal Council Resolution - 3rd Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution from its meeting held on March 6, 2018, with respect to the 3rd Report of the London Advisory Committee on Heritage, was received.

3.3 Municipal Council Resolution - 4th Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution from its meeting held on March 27, 2018, with respect to the 4th Report of the London Advisory Committee on Heritage, was received.

3.4 Notice of Application - City of London - Old East Village

That C. Parker, Senior Planner, BE REQUESTED to attend the May 9, 2018 London Advisory Committee on Heritage meeting in order to discuss the proposed Old East Village Dundas Street Corridor Secondary Plan outlined in the Notice of Application dated March 12, 2018.

3.5 Ministry of Government and Consumer Services - Land Registry Office

That it BE NOTED that the communication dated March 26, 2018, from D. Blais, Ministry of Government and Consumer Services, with respect to permission to access the Land Registry Office, was received.

3.6 Notice of Project Commencement - Broughdale Dyke Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Project Commencement from A. Spargo, AECOM Canada and P. Adams, AECOM Canada, with respect to the management of the long-term stability of the Broughdale dyke, was received.

3.7 Notice of Project Commencement - Riverview Evergreen Dyke Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Project Commencement from A. Spargo, AECOM Canada and P. Adams, AECOM Canada, with respect to

the management of the long-term stability of the Riverview Evergreen dyke, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That the following actions be taken with respect to the Stewardship Sub-Committee report from the meeting held on March 28, 2018:

a) the following properties BE LISTED on the Register (*Inventory of Heritage Resources*) based on the research and evaluation undertaken by the Western University Public History Program, on file with the Heritage Planners:

- 306 Simcoe Street;
- 397 Wortley Road; and,
- 399 Wortley Road; and

b) it BE NOTED that the remainder of the Stewardship Sub-Committee report was received.

5. Items for Discussion

5.1 Demolition Request of Heritage Designated Property at 660 Sunningdale Road East by Peter Sergautis

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the request by P. Sergautis for the demolition of the heritage designated property located at 660 Sunningdale Road East BE REFUSED; it being noted that the attached presentation from K. Gonyou, Heritage Planner, was received with respect to this matter; it being further noted that a communication dated April 8, 2018, from M. Bloxam, ACO London, was received with respect to this matter.

5.2 Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou and L. Dent, Heritage Planners, with respect to various updates and events, was received.

6. Deferred Matters/Additional Business

6.1 (ADDED) Notice of Public Information Centre 3 Adelaide Street North / Canadian Pacific Railway Grade Separation Municipal Class Environmental Assessment Study

That it BE NOTED that the Notice of Public Information Centre 3, from A. Spahiu, City of London and J. Goldberg, WSP, with respect to the Adelaide North/Canadian Pacific Railway Crossing Grade Separation Municipal Class Environmental Assessment Study, was received.

6.2 (ADDED) Recognitions of Heritage Excellence

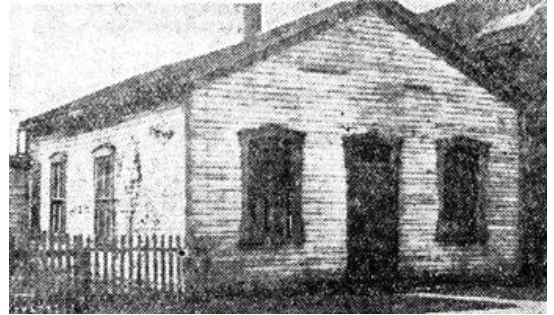
That the matter of the creation of a formal process to recognize excellence in the area of heritage preservation BE REFERRED to the Education Sub-Committee for review.

7. Adjournment

The meeting adjourned at 7:43 PM.

FOR THE RECORD: The Fugitive Slave Chapel Presentation Project

April 11, 2018



Earliest picture of the fugitive slave chapel so far uncovered, from an 1826 issue of the *London Advertiser*

Chapel as a House on Thames Street



Artifacts from Archaeological Assessment
by Timmins Martelle



Mother and Daughter Churches on Grey Street

Moving Day



Drawing architect John Rutledge of the proposed facade of the Chapel restored as a Learning Centre



All hands tearing-back and recording finds



Susan Bentley at FSCPP display



Poster of the play 'My Name is Margaret Harman' by Jason Rip, produced at The ARTS Project in 2017

Visit to Dresden



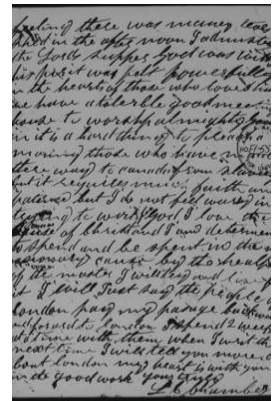
The deed recording the trustees' purchase of the property and their occupations

View

Popular AME/BME Church design in southern Ontario

Built to be strong

Excerpt from letter by
Rev. Lewis Chambers



Early TIME LINE: Fugitive Slave Chapel Building and Project

- 1847 Land on Thames Street purchased by trustees of African Methodist Episcopal (AME) Church, which became the British Methodist Episcopal Church in 1856
- c. 1848 Construction of the chapel building
- c.1848-1869 The AME (later BME) chapel served the Black community in London
- 1869 Chapel at 275 Thames Street, measuring 30' x 110', sold to James Seale, cooper
- c. 1869 Beth Emanuel Church (BEC) at 430 Grey Street opened
- Aug. 11, 1986 Building at 275 Thames Street is plaqued by the Historic Sites Committee
- March 13, 2013 Request for demolition submitted to LACH by James Donnelly for 3 adjacent properties including 275 Thames Street (the FSC)
- May-June 2013 Archaeological Assessment with volunteer labour
- March 22, 2013 FSCPP formed during landmark meeting at BEC, committees are formed
First chair is Shamara Baidobonso 2013; Second chair is George McNeish 2014-15; Third chair is Genet Hodder 2015-January 2018
- November 12, 2014 Chapel building is moved to 432 Grey Street adjacent to Beth Emanuel Church and positioned on a new foundation

FSCPP Committee Membership Active members, aside from Church Trustees, as of 1/27/18

Executive Committee

- Chair :** Genet Hodder
Vice Chair: Joseph O'Neil
Treasurer: No separate FSCPP treasurer at time of dissolution
Secretary: Carolyn Cameron
Ex officio member: Reverend Delta McNeish, Pastor, Beth Emanuel Church
Fund Raising: Norman Steele

Others on Steering Committee with affiliations

- Maggie Whalley: Architectural Conservancy Ontario London, Heritage London Foundation
Janet Hunten: London Middlesex Historical Society, ACO London
Hilary Neary: London Public Library Historic Sites Committee member
Ariel Webster London Heritage Council
Natasha Solomon Oral history project

Professional Help

- Nancy Tausky: Heritage Consultant; James Knight, structural engineer
John Rutledge: Heritage Architect, 406 Queen Street, Blyth, ON N0M 1H0
Counsel and support from Heritage Planners Laura Dent, Kyle Gonyou, and (formerly) Don Menard;
Robin Armistead, City of London Culture Office; historians Stephen Harding and Alice Gibb



Heritage Alteration Permit 165 Elmwood Avenue E. The Green

London Advisory Committee on Heritage
April 11, 2018

london.ca



Normal School

- Built 1898-1900
- Designated under Part IV, *Ontario Heritage Act* (1986)
- Ontario Heritage Trust Easement (1986, 2014)
- Wortley Village-Old South HCD (2015)
- HER Zone



Wortley Village-Old South HCD Plan

- Section 3.1.1: Goals: “maintain and enhance”
- Section 5.11.1: “... ensure retention of The Green for community use” ... “sensitive to heritage attributes...”
- Section 10.3.4: The Green as park/open space
 - Manage mature vegetation
 - Respect original layout and design
 - Conserve spatial organization
 - Conserve The Green

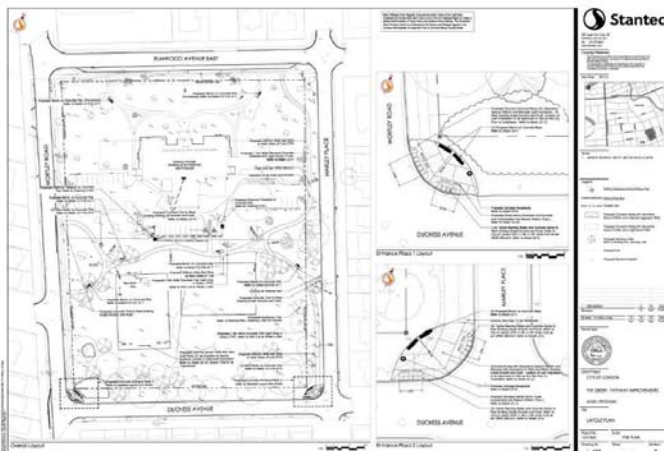


Community Engagement

- Public survey - over 1,000 respondents
- Three public meetings
- Gathering on the Green
- Three additional meetings held with the Old South Community Organization (OSCO)
- LACH: May 11, 2016 & November 8, 2017



Heritage Alteration Permit



Analysis

- Designed to minimize impact on green space
- Echo Victorian design of existing pathways
- Benches and bike racks in recommended style
- 8 trees to be removed; more replacements planted
- Complies with the policies and guidelines of the *Wortley Village-Old South HCD Plan*



Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* to alter The Green located at 165 Elmwood Avenue East, individually designated by By-law No. L.S.P.-2854-377 and within the Wortley Village-Old South Heritage Conservation District, **BE PERMITTED** as submitted.



MEMO

To: Chair & Members, London Advisory Committee on Heritage

From: John Fleming, Managing Director, Planning Services & City Planner
George Kotsifas, Managing Director, Development & Compliance Services & Chief Building Official

Date: April 11, 2018

Re: Conditions on the Demolition of Heritage Designated Properties

At its meeting on September 12, 2012, the London Advisory Committee on Heritage made the following recommendation,

The Civic Administration BE ASKED to provide written interpretation on Section 34(2) of the Ontario Heritage Act, with respect to the types of conditions that can be imposed when Municipal Council consents to a demolition application, including future site plan approval.

And, at its meeting on November 8, 2017, the London Advisory Committee on Heritage (LACH) made the following recommendation,

The Managing Directory, Planning and City Planner, and the Managing Director, Development and Compliance Services and the Chief Building Official BE REQUESTED to provide a response with respect to the feasibility of requiring an approved Building Permit as a pre-condition for the approval of a request demolition of a heritage designated property, it being noted that the London Advisory Committee on Heritage received a communication dated October 12, 2017 from S. Adamsson with respect to this matter.

Applicable Law

There are two pieces of legislation at play when considering a demolition request for a property designated under Part IV and/or Part V of the *Ontario Heritage Act*: the *Ontario Heritage Act* and the *Building Code Act*.

In 2005, the *Ontario Heritage Act* was amended to give greater powers to municipalities to prevent the demolition of properties designated under the *Ontario Heritage Act*. Section 34 of the *Ontario Heritage Act* articulates the process requirements for a demolition request for a building or structure located on an individual property designated under Part IV of the *Ontario Heritage Act*, Section 42 of the *Ontario Heritage*

Act articulates the process requirements for a demolition request of a building or structure located on a property within a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*. Ultimately, Municipal Council may:

- Approve the demolition request
- Approve the demolition request with terms and conditions
- Refuse the demolition request

The approval of the demolition request with terms and conditions and the refusal of the demolition request may be appealed to the Ontario Municipal Board (OMB)/Local Planning Appeal Tribunal (LPAT).

In Part 8(2) of the *Building Code Act*, it states, “the chief building official shall issue a permit referred to in subsection (1) unless, (a) the proposed building, construction or dwelling will contravene this Act, the building code or any other applicable law” [emphasis added].

Specified sections of the *Ontario Heritage Act* are applicable law to the *Building Code Act*. Our existing process in the City of London requires that the *Ontario Heritage Act* process be satisfied before any *Building Code Act* processes can be completed. For example, a Heritage Alteration Permit must be obtained before a Building Permit can be issued. Therefore, requiring a Building Permit be issued as a condition on a demolition request for a heritage designated property is not feasible.

Terms and Conditions for the approval of a Demolition Request of a Heritage Designated Property

Section 34(2) of the *Ontario Heritage Act* enables a municipality to attach terms and conditions to the consent of a demolition request for an individually designated property. Section 42(4) of the *Ontario Heritage Act* enables a municipality to attach terms and conditions to the permit for a demolition request for a property located within a Heritage Conservation District.

A variety of terms and conditions have been attached to the demolition of heritage designated properties in the past. Typical conditions include:

- Photographic documentation
- Measured, scale drawings
- Salvage of general or specific elements
- Approved Heritage Alteration Permit for a replacement building

Successful terms and conditions rely on process within the *Ontario Heritage Act*. For example, the demolition request for 136-138 Wortley Road, located within the Wortley Village-Old South Heritage Conservation District, was approved on the terms and conditions of obtaining a Heritage Alteration Permit. Its resolution read, that the permit to demolish “be granted with the condition that, prior to the initiation of the demolition, the applicant obtain a Heritage Alteration Permit for an approved replacement structure that promotes the goals and objectives of the Wortley Village-Old South Heritage

Conservation District Plan and is in keeping with appropriate City policies.” Said Heritage Alteration Permit application moved forward concurrently with the demolition request to satisfy the terms and conditions for the approval of the demolition request.

Another example would be the demolition request for 345-359 Ridout Street North, located within the Downtown Heritage Conservation District, which was approved with the terms and conditions of providing measured drawings and photographic documentation of the buildings to be removed, as well as a conservation plan to ensure the protection and structural viability of adjacent buildings that may be affected by the demolition activities (secured through a bond/certificate of insurance). These matters were satisfied before the *Building Code Act* demolition permit was issued.

A third example would be the demolition request for 150 Dundas Street, located within the Downtown Heritage Conservation District, which was approved with terms and conditions including the requirement to obtain Site Plan Approval for the property and to submit full Building Permit drawings. This requires the property owner to undertake a substantial investment in the redevelopment of the property prior to being able to obtain a demolition permit, which aims to avoid gaps in the streetscape.

In these examples, the terms and conditions for the approval of the demolition under the *Ontario Heritage Act* must be satisfied first before a demolition permit under the *Building Code Act* may be issued. Therefore terms and conditions under the *Ontario Heritage Act* cannot rely on processes under the *Building Code Act*.

Ensuring that Demolition Permits for Heritage Listed and Designated Properties are not issued?

Since the repeal of the demolition control by-law, Civic Administration, through the Building By-law, has implemented the Required Clearances for Demolition Permit form. This requires the Heritage Planner to sign off on every demolition request within the City of London. This ensures that all properties listed on the Register (*Inventory of Heritage Resources*) and designated under the *Ontario Heritage Act* are flagged and the applicable processes are followed.

In 2017, the Heritage Planner reviewed 96 Required Clearances for Demolition Permit forms.

Limitations

Heritage Listed Properties

The provisions which enables Municipal Council to attach terms and conditions to the approval of a demolition request for a property designated under Parts IV and/or V of the *Ontario Heritage Act* are not afforded to properties listed on the Register (*Inventory of Heritage Resources*). Pursuant to Section 27(3) of the *Ontario Heritage Act*, the only cultural heritage protection for heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Municipal Council may issue its Notice

of Intent to Designate, which would render all permits void per Section 30(1) of the *Ontario Heritage Act*, or allow the demolition to proceed and remove the property from the Register (*Inventory of Heritage Resources*). It is not possible to attach terms and conditions to a demolition request for a heritage listed property.

Occasionally, requests of a property owner may be made during the demolition process for a heritage listed property. For example, if a property is found to not demonstrate sufficient cultural heritage value or interest (per O. Reg. 9/06) to merit designation under the *Ontario Heritage Act*, but there is a building element of some interest (e.g. a stained glass window), Municipal Council could request that a property owner salvage that stained glass window.

How to Compel Construction?

The issuance of a building permit does not guarantee that a building will be constructed. A permit holder may request, in writing, to have their permit revoked (without the need to state a reason) per Section 8(10)(e) of the *Building Code Act*.

Similarly, an approved Heritage Alteration Permit does not guarantee that a building will be constructed. It may be several years before a Heritage Alteration Permit is implemented, and it is possible to amend a Heritage Alteration Permit.

Buildings located on a Farm

A demolition permit is not required to demolish a building located on a farm under the *Ontario Building Code* (including a farm house); however, this does not change the obligations of property owners regarding Section 27(3) of the *Ontario Heritage Act* for heritage listed properties. Section 27(3) of the *Ontario Heritage Act* requires the owner of a heritage listed property to give Municipal Council at least 60-days notice in writing of their intention to demolish or remove the structure or building. During this time, Municipal Council may issue its Notice of Intent to Designate, which would render all permits void per Section 30(1) of the *Ontario Heritage Act*.

Civic Administration is investigating means to ensure that any buildings located on farms that are listed on the Register (*Inventory of Heritage Resources*) receive this interim protection. Demolition of a barn on a heritage designated property could result in fines up to \$1,000,000 or up to one year imprisonment.

“Demolition By Neglect”

An approved demolition with terms and conditions that the building not be demolished until a Heritage Alteration Permit has been approved does not incent a property owner to maintain the building. Terms and conditions cannot address problems of building deterioration or “demolition by neglect,” which are better addressed through the enforcement of the minimum standards for heritage designated properties within the *Property Standards By-law*.

Conclusion

Attaching terms and conditions to the approval of a demolition request is only possible for properties designated under Parts IV and/or V of the *Ontario Heritage Act*. These terms and conditions can help ensure that an archival record of a past building is created, among other objectives.

There is no certainty that any proposed replacement building will be constructed. Care and consideration must be given to ensure that significant cultural heritage resources are conserve. Staff will continue to explore means and measures to ensure the conservation of our significant cultural heritage resources.

Z-8878

Technical amendments to setback requirements for low-rise residential development in the Primary Transit Area

The Corporation of the City of London
April 11, 2018



Where does this apply?



- Applies to development and additions in Residential (R1, R2 and R3) Zones in the Primary Transit Area
- Primary Transit Area is generally bounded by Fanshawe Park Road, Highbury Avenue, Bradley Avenue, and Wonderland Road



Current Provisions

4.23.1 Front and Exterior Side Yard Setback

- a) The Maximum Front and Exterior Side Yard setbacks shall be established as follows:
- the average setback of **the two closest residential buildings** to the subject site oriented to the same street, within the same block, on the same side of the street;
 - where the setbacks of the two (2) closest buildings to the subject site from (i) above differ by 5.0 metres or greater - the average of the **four (4) closest residential buildings** oriented to the same street, within the same block, on the same side of the street;
 - where the subject site is within a block with fewer than the required number of existing residential buildings from (i) or (ii) above, the **average setback of all residential buildings oriented to the same street, within the same block, on the same side of the street;**
- b) The Minimum Front and Exterior Side Yard setbacks shall be established as follows:
- The **smallest Main Building setback** that exists from (i), (ii) or (iii);
 - The minimum setback for a Private Garage shall be 6.0 metres, or the setback of the Main Building, whichever is greater.



Current Provisions

4.23.2 Interior Side Yard Setbacks

- a) 1.2 metres; for any portion of the side yard adjacent to a part of the building not exceeding two storeys in height, plus 0.6 metres for each storey or part thereof above two storeys; except that, where no private garage is attached to the dwelling, one side yard shall be 3.0 metres.
- b) Where parking is provided in the side or rear yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6 metres for any portion of the side yard adjacent to a part of the building not exceeding two storeys in height, plus 0.6m for each storey or part thereof above two storeys.

4.23.3 Building Depth

The maximum building depth shall not exceed 60% of the actual lot depth. Minimum rear yard setbacks outlined in Table 5.3, Table 6.3 and Table 7.3 still apply.

4.23.4 Garage Width

The maximum residential garage width (interior walls) shall not exceed 50% of the building façade width.



Issues

- Application of **minimum and maximum front and exterior side yard setback provisions to additions to existing buildings** means that, at times, applicants need to go to the Committee of Adjustment for existing portions of their property that do not conform with the new zoning by-law maximum setback standards, when the addition would otherwise be as-of-right
- Application of **maximum front and exterior side yard setback provisions to new lots** created on a **new street** where there are **no other residential buildings nearby** (plan of subdivision) would be challenging





London CANADA



Request for Demolition Heritage Designated* Property 660 Sunningdale Road East

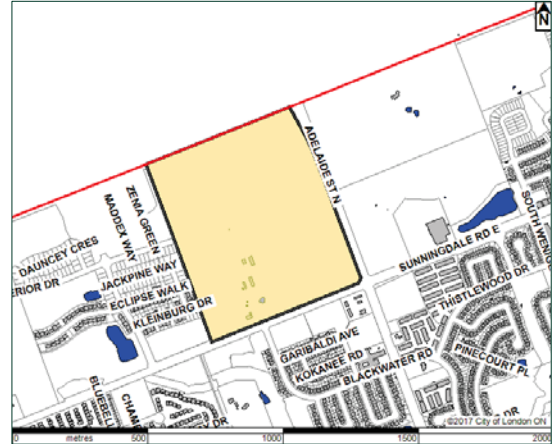
London Advisory Committee on Heritage
Wednesday April 11, 2018

london.ca



London CANADA

Property Location



London CANADA

Barns at 660 Sunningdale Road East



London CANADA

Barn 1



London CANADA

Barn 2



London CANADA

Barn 3





Chronology

- May 2017: demolition activities commence
- June 9, 2017: Demolition Request for all barns
- July 12, 2017: LACH consultation on demolition request
- July 17, 2017: PPM at PEC
- July 25, 2017: Municipal Council resolves to issue Notice of Intent to Designate the property
- August 24, 2017: Notice of Intent to Designate the property (Barn 2 and Barn 3)
- August 31, 2017: Demolition Request for Barn 1
- September 22, 2017: Notice of Intent to Designate the property is appealed to the CRB
- January 23, 2018: Pre-Hearing Conference at CRB
- March 13, 2018: Pre-Hearing Settlement Conference at CRB
- February 14, 2018: Demolition Request for Barn 2 and Barn 3 (90-day timeline: May 15, 2018)



Analysis

- Property evaluated – O. Reg. 9/06
- Barn 2 and Barn 3 were included recommended for designation in July 2017
 - Barn 1 was not included
- No new information
- Proposed Settlement – PEC April 16, 2018, Municipal Council April 24, 2018
- Heritage CIP



Legislative Framework

Ontario Heritage Act

- Section 29: designation of individual property
- Section 30(2):
 - *Sections 33 and 34 apply with necessary modifications to property as of the day notice of intent to designate the property is given under subsection 29 (3) as though the designation process were complete and the property had been designated under section 29. 2005, c. 6, s. 18.*
- Section 34: demolition of individually designated property
 - No mechanism to withdraw a demolition request



Staff Recommendation

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, the request for the demolition of the heritage designated property located at 660 Sunningdale Road East **BE REFUSED.**

Heritage Planners' Report to LACH: April 11, 2018

1. Heritage Alteration Permits processed under Delegated Authority By-law:
 - a. 253 St. James Street (Bishop Hellmuth HCD): rear addition
 - b. 431 Richmond Street (Downtown HCD): signage
 - c. 309-311 Wolfe Street (West Woodfield HCD): slate roof replacement
 - d. 151 Dundas Street (Downtown HCD): signage
 - e. 203-205 Dundas Street (Downtown HCD): signage
 - f. 577 Maitland Street (West Woodfield HCD): windows and porch beam
2. Allocation Committee for the London Endowment for Heritage – Thursday April 26, 2018 at 12:00 noon, London Community Foundation offices (Mezzanine Level, Covent Garden Market, 130 King Street)
3. Thames Valley Regional Heritage Fair – Thursday April 26, 2018 at 9:30-3:30, Fanshawe Pioneer Village (2609 Fanshawe Park Road East). More information: www.ohhfa.ca/-_Thames_Valley.php
4. Notice of Public Meeting – Archaeological Management Plan (2017) (OZ-8771) – PEC on Monday April 30, 2018 not before 4:00pm

Upcoming Heritage Events

- Ontario Heritage Conference – June 7-9, 2018 in Sault Ste. Marie. More information: www.ontarioheritageconference.ca/program
- Eldon House – <http://www.eldonhouse.ca/events/>
 - April 15, 2018 at 2:00pm – Breaking Barriers in Medicine: Doctors Emily Stowe, Jenny Trout, Augusta Stowe, and Elizabeth Bagshaw
- Terrific Tales of London & Area, 2:00pm on Tuesdays at the Central Library (251 Dundas Street):
 - April 17: Arthur McClelland, Storeybook Gardens (1958-2018)
 - April 24: Mike Baker, The Scots of Elgin County
 - May 1: Herman Goodden, Greg Curnoe & Jack Chambers

The British Methodist Episcopal Church
CONFERENCE OF CANADA FOUNDED: 1856 INCORPORATED: 1913
HEAD OFFICE: P.O. BOX 68, STN. E, TORONTO, ONT. M6H 4E1

Beth Emmanuel Church
430 Grey Street
London Ontario
 N6B 1H3

TO:	Chair and Councillor's
FROM:	Beth Emanuel Church (Pastor) Rev. Dr Delta McNeish And Trustees
SUBJECT:	FUGITIVE SLAVE CHAPEL UPDATE MEETING ON Wednesday, April 11 2018

Report: Pertinent to FUGITIVE SLAVE CHAPEL, LACH and Beth Emanuel (BMEC) Church

LACH Mandate; “The London Advisory Committee on Heritage (LACH) reports to the Municipal Council, through the Planning and Environment Committee. The purpose of the London Advisory Committee on Heritage is to lead London in the conservation of its heritage through planning, education and stewardship, and to advise the City of London on the conservation of heritage resources in the community.

Timelines:

March 2013

When an application was applied for by the former owner of the Slave Chapel, the community came together to

1. Preserve the building from demolition

2. Move the building from [275 Thames Street](#) to be placed beside the “Daughter Church” at [432 Grey Street](#). In London Ontario. Building was Moved on Nov 14 2014
 3. Combining efforts to restore the building to be used as a museum and an education place; teaching the public about Slavery, the Underground Railroad and London’s Black History.
-
-
-
-

March 2013- 2017:

Matters that stalled the progress of the Fugitive Slave Chapel

- LACH and others arbitrarily went to the city of London to seek information about a separate charitable status for the Slave Chapel without the Church's knowledge. The Church was/is willing and able to give charitable receipts.
- Documents put forward by the Church to manage the Slave Chapel was refused several times
- Autonomy of the Chapel was requested
- From the projects inception the Slave Chapel has always had its own account. This Bank account was arbitrarily moved from the Church’s bank account to another bank, by Genet Hodder and others.
- LACH agreed to the use of the London Community Foundation for donations to the Chapel.
- Refusal to have the Church’s images on any documentation of the Slave Chapel. Showing a need for a total disconnection from the “Daughter Church”
- Meeting with General Superintendent Rev. Dr Chester Searles on these two occasions May 15th, 2016 and November 8, 2017 highlighted facts that key matters to the peaceful running of the project were still unresolved etc., (1) the mandate from LACH, are they an independent contractor (2) refusal to accept the Church’s volunteer forms and the decision to arbitrarily change those forms, then presenting their own volunteer forms. (3) Attempting to move forward in the project without signed governance and agreements.

Church’s response to presents question about the Slave Chapel’s finances;

- As stated above the Fugitive Slave Chapel’s finances until the 27th of March 2017 has been under the watchful eye of Ms. Genet Hodder. If monies were mismanaged or misappropriated Ms. Hodder would be in full knowledge of such.
- A commitment to the public for transparency, accountability and responsibility.
- Books are open to the public, and accounts of both Beth Emanuel Church and the Fugitive Slave Chapel has always been and will be kept separate.

5) CONTINUITY.

“Over three years, we have explored options for future sustainability by first establishing a governance framework as mentioned earlier, which was passed by the project committee in April of 2015, and with the intent this year to review and improve it.

We adapted, from an existing management agreement for the historic Old St. Thomas Church and proposed a draft agreement that would clarify roles of the FSCPP steering committee vis à vis the Trustees of Beth Emanuel Church. This has not been signed or responded to by the Trustees of Beth Emanuel Church. Planning long term, we had hoped to create a sustainable future through the establishment of a Friends of the Fugitive Slave Chapel group, or other similar organization.”

For the record, every governing document (that is mention here) and others presented by the trustee board of the Church was either received with animosity or ignored.

Please note documentation conflict with Page (1) paragraph (3).

“Our great disappointment was that after many months we were unable to achieve a management agreement between the Board of Trustees and the FSCPP, which would outline the responsibilities of each body similar to other agreements between a property owner and a managing body. We believe this unexpected dissolution was undemocratic because the changes made did not respect the FSCPP governance document and gave no opportunity for the existing committee to respond.”

Model for the future:

Reflecting here is on the Slaves that built the Fugitive Slave Chapel after they ran for their lives to find a safe place in Canada. The Slaves lived and died in horror. Those that made it to Canada through pain carried a legacy of love, peace and respect. They were resilient. It is that type of resilience that has to be used to establish the Fugitive Slave Chapel Preservation Project as a model for change. What

caused a people who lived all their lives as “property” to find enough strength to build an edifice to worship God? Where did they find determination and strength of character to face the “Monsters” of prejudice, discrimination and racism? Are these “Monsters” still with us today? If they are, how do we get rid of them? Do we want to get rid of them? The blood of Slaves that stains the Fugitive Slave Chapel will be on our hands if we are not able to find ways to eliminate them.

More importantly, if these “Monsters” are with us we can bring the Fugitive Slave Chapel to completion but it will never reflect the values of a people who left for us a legacy of love, peace and respect. The legacy of the Slaves can never be portrayed through a flashy well reconstructed building. It must be done through these godly standards of love, peace and respect. Love that says I am “my brother’s keeper.” Peace that says I will hear you when you speak, I will not form conclusions about you and peace that says I will never force my opinions on you. This is the model that will cause the Fugitive Slave Chapel to continue to sing the songs that the Slaves sang; Songs such as” There is a balm in Gilead. “This song echoes hope, freedom and healing. Are we in need of hope freedom and healing from the wounds inflicted on us through prejudice, discrimination and racism? If we are wise we will step away from our own agendas to just rebuild the Fugitive Slave Chapel and come together and pray that the Almighty God who brought the Slaves to this land of Canada will help us to respect them through our determination to honor God and respect one another. Using their type of resilience not only will we honor God but slowly and surely we will change our communities through this well-built tapestry of love, peace and respect.

Community Endeavor:

INVITATION:

An Open House to

Present the finances and activities of the Slave Chapel

Present its past and future plans

Discuss Phase #2

Enjoy a time of refreshments

Venue: 430 Grey Street, London

Date: June 2 2018

Time: 10am - 3pm